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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 25, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Earl F. Palmer, National Presbyterian Church, Washington, D.C., offered the following prayer:

O God, Our Father, we begin this day with gratitude and resolve. We give thanks for those who are privileged to serve in this place of study, deliberation, decisions and history. We are grateful for our Republic of citizens, young and old, their cities and States, farms and villages—a people who by their work and dreams give motivation and energy to what happens here in this House of Representatives.

As we begin this day, we claim, O God, Your gift of truth and grace: for truth that bears the imprint of integrity and honesty and for Your grace that forgives us when harm happens and healing is needed to keep us whole.

We ask for the wisdom, courage and respect that build friendships among these leaders who guide our land. Grant us the hope that encourages through morning, afternoon, and evening hours because of Your love and faithfulness. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. COSTA 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.

WELCOMING REV. EARL F. PALMER

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. THORNBERRY) is recognized for 1 minute.

There was no objection.

Mr. THORNBERRY. Madam Speaker, our guest chaplain today represents a convergence of two Washingtons. Rev. Earl Palmer is from Washington State and recently retired as the senior pastor at University Presbyterian Church in Seattle. Currently, he is the Preaching Pastor in Residence at the National Presbyterian Church here in Washington, D.C., as he also preaches around the country under the nonprofit Earl Palmer Ministries organization.

With degrees from UC-Berkeley and Princeton Theological Seminary, he is the author of 18 books. Rev. Palmer is also one of the leading scholars on the life and works of C.S. Lewis.

Citizens from both Washingtons and many others in the country and in between have benefited from the work of this remarkable man. His love of the Gospel and his enthusiasm for sharing the Gospel are evident in all of his preachings and teachings, as is his basic human kindness.

Shirley, Earl's wife of 50 years, has a Ph.D. from the University of Washington. They have three children and seven grandchildren, some of whom are with us today.

Many lives have been blessed by the life and ministry of Earl Palmer, and it is my honor to help welcome him here today to the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

DROUGHT IN CALIFORNIA

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

Mr. COSTA. Madam Speaker, I rise today to call for immediate response and Federal action to assist California in the drought crisis that we're facing today. Clearly, the entire Nation is feeling a financial meltdown with home foreclosures and many other challenges we face, but in California, beyond that, we have a drought that also involves a dairy meltdown.

We have reservoirs that are low, Federal allocations that are set at zero in the San Joaquin Valley, which I represent, along with many of my colleagues, 20 percent for State water deliveries. As a result, we could lose as many as 80,000 jobs. The economic impact could be as much as $2.2 billion in the San Joaquin Valley that we represent.

Small communities have been crippled. Communities that I represent like Mendota and Firebaugh have 36 to 40 percent unemployment. Delano, with over 50,000 people, has over 34 percent unemployment.

Naming a drought task force is helpful but it is not enough. Plain and simple, we don't need words, we need

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water. Federal and State collaboration is urgently needed and needs to be improved to make stimulus funds available for immediate relief and to relax standards that prevent water supplies from going to those who most need it.

We ask for your help to increase the water supply for California's future.

BROOKS CORLEY ATTAINS A BLACK BELT

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

Mr. FLEMING. Madam Speaker, I rise today to speak of the extraordinary accomplishment recently of one of my constituents, Albert Brooks Corley.

Brooks has been in my karate class affiliated with the Shreveport Karate Club back in my hometown of Minden, Louisiana, since he was just a little guy. Today, he has grown into a tall, strong young man. After years of hard work, he was recently awarded a first-degree black belt in karate by Sensei Mikami, a karate champion and eighth-degree black belt. Having worked for years to obtain my black belt in Japanese karate, I know the hard work and persistence it takes to obtain this level of martial arts expertise.

Apart from developing into a tough, aggressive and coordinated martial artist, Brooks is a fine young man who is now completing his education in order to be gainfully employed.

Brooks is truly a model by which young people should aspire to achieve the potential that each may obtain. Therefore, I heartily commend him in his recent achievement and the many achievements ahead. Furthermore, I commend his parents, Mr. and Mrs. Corley, for raising such a fine man.

COVER THE UNINSURED WEEK

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

Mr. STUPAK. Madam Speaker, I rise this morning to bring attention to Cover the Uninsured Week and to encourage the Congress to enact comprehensive health care reform this year.

Our Nation's health care system—which leaves more than 45 million Americans uninsured and millions more underinsured—is badly in need of reform. Practically $56 billion in uncompensated care for the uninsured is absorbed annually by the health system, driving up the cost of insurance for everyone. Health care costs are consuming more of individuals', families', and businesses' budgets every year and represent the fastest growing piece of the Federal budget.

The economic crisis is also shedding further light on a system that is inefficient, unaffordable and out of reach for too many Americans. Americans cannot simply wait any longer to ensure greater access to quality affordable health care.

I encourage all of my colleagues on both sides of the aisle to come together to enact comprehensive health care reform this year. So during this week, Uninsured Week, when Congress recognizes the plight of those Americans without health insurance, let us strive to provide all Americans with comprehensive, affordable health care now.

THE AMERICAN PEOPLE DESERVE A RESPONSIBLE BUDGET

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

Mr. COFFMAN of Colorado. Madam Speaker, President Barack Obama used a prime time news conference last night to defend his $3.6 trillion budget plan. The nonpartisan Congressional Budget Office says the President's budget would run up a $9.3 trillion debt over the next 10 years. This budget spends too much. Middle class families and small businesses are making sacrifices when it comes to their own budgets, yet Washington continues to spend trillions of taxpayers' dollars on bailouts and other government programs.

The budget taxes too much. It contains the largest tax increase in American history. The budget borrows too much. Unchecked spending will result in borrowing hundreds of billions of dollars from China and the Middle East

Madam Speaker, the American people deserve a responsible budget from their President. This budget will guarantee that our economy will never fully recover.

GROWTH OF GREEN-COLLAR JOBS

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

Mr. INSLEE. Madam Speaker, last night President Obama again reaffirmed his commitment to a clean energy policy for America, a policy that will grow millions of new green-collar jobs in this country. And he did it by, again, reaffirming his commitment to a cap-and-trade bill in this Congress this year which will drive investments into these new jobs for the next century.

The reason he is giving so much hope for Americans is that he realizes that we want Americans building the energy-efficient, partially and fully electric cars so we can sell those cars to China, so we can make the solar cells and sell them to Korea, so we can make wind turbines and sell them to Denmark.

It is this vision of Barack Obama that is going to help grow jobs in this country. And when we pass this cap-and-trade bill, two things are going to happen: money is going to go back to the American consumers to help them buy these energy-efficient products, and we are going to create millions of new jobs.

That is a Barack Obama hope for the future, and it is going to come to pass.

WASHINGTON MUST MAKE SACRIFICES

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

Mr. LEE of New York. Madam Speaker, every day western New Yorkers tell me what sacrifices they are making during these tough economic times. I wish the same could be said for Washington.

This Congress has already missed two opportunities to impose fiscal restraint with the stimulus and the omnibus spending bills. Now the nonpartisan Congressional Budget Office tells us that the administration's budget proposal will produce $9.3 trillion in budget deficits over the next 10 years. As this chart demonstrates, that amount represents more than two-and-a-half times the budget deficits of the prior administration, which in itself was faulted for spending too much.

Taxpayers will be stuck paying more than $1 trillion in interest payments on this excessive borrowing. Today's red ink will bring impossible choices for our children and our grandchildren.

We need to make Washington do more with less, just as western New Yorkers have for many years.

HONORING THE LIVES OF OAKLAND POLICE OFFICERS SERGEANT ERVIN ROMANS AND MARK DUNAKIN

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

Mr. MCNERNEY. Madam Speaker, I rise to honor four police officers who gave their lives in the line of duty in a tragic shooting in Oakland this past weekend.

I join all of Northern California in mourning their loss and honoring their sacrifice.

Two of these brave officers lived in my district. Sergeant Ervin Romans of Danville, California, was a member of the SWAT team and had served with the Oakland Police Department for 13 years. He was a recipient of the department's Medal of Valor for bravery. Erv, as he was known, leaves behind his wife and three children.

Sergeant Mark Dunakin of Tracy served with the Oakland Police Department for 18 years. He was known and respected as a passionate guardian of public safety. Sergeant Dunakin grew up in Pleasanton and is survived by his wife and three children.

These heroic officers dedicated their lives so that we might live in safety. My thoughts and prayers are with their families and their loved ones during this difficult time.

DAWN JOHNSEN

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

Mr. PITTS. Madam Speaker, President Obama's appointment to head the Justice Department's Office of Legal Counsel is truly from the far left radical fringe.

Dawn Johnsen, a former attorney for one of the radical abortion groups, is a step back for a President who has claimed he would like to find common ground on the abortion issue. Ms. Johnsen's own quotes speak for her radical views. She has equated pregnancy to slavery when she said that laws restricting a woman's abortion choice ''are disturbingly suggestive of involuntary servitude.'' She has likened pregnant mothers to ''no more than fetal containers.'' She has likened pro-life advocates to ''terrorists,'' calling them ''remarkably similar to the Ku Klux Klan.''

Her appointment is a slap in the face to all fair-minded persons, not just pro-life Americans. The President should withdraw her nomination or else the Senate should reject it.

□ 1015

WE MUST PASS THIS BUDGET

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

Mr. SIRES. Madam Speaker, today I rise to speak to middle-class families facing job loss or shrinking incomes. They may feel left out of the bailouts. That is why I am happy to report that the President's budget will help them by making the $800 Make Work Pay tax cut permanent; by expanding the child tax credit for millions of families with children; by making college more affordable by making the $2,500 American opportunity tax credit permanent; by permanently protecting millions of middle-class families from being hit by the AMT; by expanding the earned income tax credit; by expanding the current tax credit for saving for retirement and providing for automatic enrollment in IRAs and 401(k)s; and by eliminating capital gains on small businesses.

The President's budget cuts taxes for 95 percent of Americans, while the budget invests in programs that create jobs, makes education affordable, and encourages clean American energy. It helps the middle class, which is why we must pass this budget.

BUDGET

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

Mr. GRAVES. Madam Speaker, the President's budget is going to cost Americans trillions of dollars. How does he want to pay for it? By taxing small businesses, the very people who are responsible for creating 7 out of every 10 jobs.

Many small business owners file their taxes as individuals. So let's be honest about who we're asking to pay for this unprecedented expansion of government. Every dollar we take from small business owners is a dollar that cannot be used to reinvest in their businesses or hire more workers.

The President and his friends in Congress act like they know the needs of small business owners. The President's announcement last Monday to ''help'' small businesses with SBA loans was a clear example of just how out of touch the President is. According to a recent survey of small business owners, 90 percent of owners said they have never even applied for an SBA loan.

Congress must reject the President's budget which spends too much, borrows too much, and taxes our Nation's hard-working small business owners.

Our job here in Congress is to put the American people back to work, not grow government.

HONORING SERGEANT MATTHEW W. ECKERSON

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

Mrs. DAHLKEMPER. Madam Speaker, I rise today to recognize and honor the service of U.S. Army Sergeant Matthew W. Eckerson from my hometown of Erie, Pennsylvania

I have a picture of Sergeant Eckerson. While serving in Sadr City, Iraq, this 24-year-old was injured after a roadside bomb hit his tank on April 24, 2004. Sergeant Eckerson was no stranger to these kinds of attacks. While serving overseas, he has experienced five other roadside bombings while in a tank or Humvee, attacks which left him with traumatic brain injuries from the blasts. His bravery earned him four Army Medals of Commendation, as well as the Purple Heart.

Sergeant Eckerson is now medically retired from the Army after 6 years of active duty, a total of 33 months served in Iraq from 2004 to 2008. He is currently enrolled at the University of Phoenix, seeking a degree in business management with a concentration in politics.

Madam Speaker, I am so grateful to Sergeant Eckerson for his patriotism and service to our country. This war has affected me personally, and I do not take his service for granted.

My nephew and his wife have served four and three tours in Iraq, respectively, and my foster son served in Iraq and came home suffering from PTSD.

Thank you to Sergeant Eckerson, and God bless all the other brave men and women in uniform for their service to our country.

TAXES ON AMERICAN-MADE ENERGY ARE TAXES ON ALL AMERICANS

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

Mr. BOUSTANY. Madam Speaker, last night the President tried to make a case for his $3.6 trillion budget. He suggested that more than $30 billion in new taxes on America's energy producers would not cost American jobs.

I represent a number of America's small energy producers and the support companies, service workers, and others who responsibly provide the energy powering America. The President's budget would force them out of business and send their work and their jobs overseas.

But this is what the President failed to tell those listening last night. His new energy taxes would hit every single American. The new taxes in his carbon program would increase electricity prices, the price at the pump, and home heating oil costs.

Republicans believe we must be good stewards of the environment, and Louisiana workers prove every day that we can produce energy in an environmentally responsible way.

Let's work together to create jobs and keep energy costs down.

The President's plan to hike taxes on Americans who are already struggling with a slow economy is just the wrong way to be going. Let's make America competitive again and get Americans working. That's the kind of stimulus Americans and our economy really need.

TAMPA INTERNATIONAL AIRPORT FUNDING

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

Ms. CASTOR of Florida. Madam Speaker, last month when we worked with President Obama to adopt an economic recovery plan, our intent was to put people back to work. Well, the recovery plan is just now starting to work, and I'm very pleased to report that this week I joined the director of the Tampa International Airport to announce that $8 million from the recovery plan will come to the Tampa Bay area to reconstruct our fabulous airport. In particular, we are going to reconstruct a taxiway and begin construction on a new north terminal.

Now, this is absolutely vital because the unemployment rate in my hometown now is about 10 percent. So when we can put folks back to work, the utilities, especially in the hard-hit construction sector, rebuilding this fabulous economic engine in my community, I know that it is going to have a ripple effect throughout my local economy.

This is what's happening all across America. So as we recover and put people back to work, America will be stronger than ever before.

CAP-AND-TAX

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

Mr. SHIMKUS. Madam Speaker, today's Los Angeles Reuters article states, ''U.S. electricity prices are likely to rise 15 to 30 percent if a national cap on carbon dioxide emissions is instituted, according to a report by Moody's Investors Services.''

You've heard us talk a lot about a cap-and-tax. The burden of this carbon regime will be a tax on carbon use, pushing the cost on us, the middle class, the poor. And the debate here is we, on our side, we do not want to cap our economy and trade away our jobs. And that's what this regime will do.

This was after the 1990 Clean Air Act Amendments. A mine in my district, Peabody No. 10 in Kincaid, Illinois, because of the Clean Air Amendments, well, it was actually 1,200 miners lost their jobs.

This is what will happen if we pursue a cap-and-tax regime that caps our economy and trades away our jobs. We will fight this to the end.

BARRING DALAI LAMA FROM PEACE CONFERENCE IN SOUTH AFRICA

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

Mr. LEWIS of Georgia. Madam Speaker, it is a shame and a disgrace that the Dalai Lama will not be permitted to attend a peace conference in South Africa this week.

How could a nation, once a symbol of the power of reconciliation, be so wrong today? How could the home of Albert Lituli and Nelson Mandela and other men and women of courage deny their brotherhood with one simple man of peace?

Madam Speaker, I am afraid that this says something very troubling about the leadership of South Africa. It says that they are willing to sacrifice the cause of justice on the cross of trade and monetary gain with China.

Today, I stand with former President F.W. de Klerk, Archbishop Desmond Tutu and others around the world who condemn this unnecessary act.

THE BUDGET AND THE PRESIDENT'S NEWS CONFERENCE

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

Mr. PENCE. Yesterday, the President of the United States took to prime time television in defense of a budget proposal that spends too much, taxes too much, and borrows too much, and the American people know it. Our Nation is beginning to understand that the President's proposed the most fiscally irresponsible budget in the history of our Nation.

It comes at such a difficult time for our country. I recently met firsthand with families in my district who are facing these difficult times with courage and sacrifice.

The leaders of Rushville, Indiana, were sitting down around a kitchen table at a farm last week, practicing the kind of fiscal restraint and determination necessary to make it through these difficult times, and the people in all of our Nation want Washington to do likewise. They want us to put our fiscal house in order with fiscal responsibility and a commitment to grow.

The President's budget increases spending and raises taxes on almost every American household and small business, and invites record deficits, and adds roughly $1 trillion to our national debt every year for the next 10 years.

The American people know there's a better way. In the coming hours, Republicans will unveil a better solution to pass a budget bill based on fiscal responsibility and the principles of growth.

TAX CUTS

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

Mr. BOCCIERI. Madam Speaker, to my colleagues here on the floor, give me a break. That's exactly what the American taxpayer has asked for, and that's what this Congress has delivered.

Over the last 3 months that I have been here in the Congress, here in the United States Capitol, we have made permanent the $800 Making Work Pay tax cut for American middle-class families. We've expanded the child tax credit. We've made the investment into alternative energy, the tax cuts that are going to help grow green energy jobs here in the United States and in my district in Ohio. We've made those part of our package that we've rolled out.

This stimulus package and economic recovery bill that was passed by this Congress provides the largest tax cut for American middle-class families and for small businesses in this country. This was the right step. We can already begin to see the signs of economic recovery on the horizon.

We've got a long way to go, but the package we introduced and passed in this Congress is going to be the right track, and we need to put our country back on track. That's what the American taxpayers have asked for, and that's what we're giving them, a break.

THREAT FROM IRAN IS REAL

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

Mr. OLSON. Madam Speaker, the threat from Iran is real. It endangers Israel, our greatest ally in the Middle East, many of our NATO allies in Europe, and indeed, the United States of America herself.

The President has said that Iran with nuclear weapons would be a ''game changer,'' and last week he sent a video message to the people of Iran. What was contained in the message was not as striking as what was left out.

The President did not call on the Iranian Government to give up uranium enrichment. He did not insist that the Iranian Government stop arming Hezbollah in Lebanon and Hamas in Gaza. He did not insist that the Iranian Government stop threatening Israel.

What he did do was call for a ''new beginning,'' without saying much more. Israeli President Shimon Perez also appealed to the people of Iran before making clear that the country would be run by religious fanatics.

I urge the President to rely more on our friends in the Middle East, who deal with Iran on a daily basis, and less on Youtube and sports metaphors.

The United States must make clear that we support Israel, their President, and their new prime minister in their continuing struggle with Iran and its misguided leaders.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 146, OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 280 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 280

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table 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, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Natural Resources or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

□ 1030

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Thank you, Madam Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the

gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Ms. PINGREE of Maine. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 280.

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

There was no objection.

Ms. PINGREE of Maine. Madam Speaker, House Resolution 280 provides for consideration of the Senate amendments to H.R. 146, the Omnibus Public Land Management Act of 2009. The rule makes in order a motion by the chairman of the Committee on Natural Resources to concur in the Senate amendments to H.R. 146, the Omnibus Public Land Management Act of 2009. The rule provides 1 hour of debate on the motion controlled by the Committee on Natural Resources.

Madam Speaker, today, people across the country are looking to this body to pass this important bill. We have an historic opportunity to protect and preserve land across the country for future generations. Our grandchildren and their grandchildren will be able to enjoy national parks around the country.

In Maine, my district, like so many other areas around the country, we cherish the natural beauty that surrounds us, and we have worked hard to preserve it. When I was the Senate majority leader in the State of Maine, I sponsored the biggest land bond bill in State history to preserve our open spaces for the public.

Time and again, the people of my State have voted to invest in public land that will be protected for generations to come, and we value the full variety of uses of that land, whether it be hiking, camping, kayaking, hunting, or fishing.

We are here today to consider the Senate amendments to H.R. 146, the Omnibus Public Land Management Act of 2009. These amendments provide us with the opportunity to strengthen our National Park System, improve forest health, facilitate better management of our public lands, and increase the quantity and quality of the water supply in numerous local communities.

This is not the first time this body has voted on this legislation. On March 11, a bipartisan majority of the House voted in favor of the Omnibus Lands Management Act. Unfortunately, it narrowly failed to obtain the two-thirds vote to pass the House. Last year, the majority of the bills that make up this package were passed out of the House but were held up in the Senate by a threatened filibuster.

Finally, this year the Senate voted twice—each time overwhelmingly in favor of this package. Our time to send this legislation to the President's desk is long overdue.

This package will provide protection to historic and cultural resources that include the sacred ground of American battlefields. In addition, it will protect our forests, our water, our network of trails. It will add to our National Park System and provide land that we can all enjoy.

By finally passing this legislation today, we will designate over 2 million acres of land as wilderness. This means that when our grandchildren want to take their families to see what America looked like in its wild state, they will be able to. And they will be able to explore these lands because we are not closing off or preventing access to land.

Instead, the wilderness designation helps manage the various uses, and this legislation recognizes that some areas are better suited for some kinds of recreation than others.

This act also provides protection to historic sites like the Harriet Beecher Stowe House in my State of Maine, where this courageous abolitionist wrote ''Uncle Tom's Cabin.'' Future generations will be able to see and use this site and others protected by this legislation.

This legislation before us is a product of bipartisan efforts that recognize how critical it is to conserve our land and ensure that the American people have access to that land. Land is one of our most precious resources and we must do our part, not only for our use but for future generations.

This legislation protects areas for outdoor recreation. It preserves land for hunting, fishing, and other recreational activities. Not only does this package protect some of the most environmentally significant and scenic land in the country, it also provides protection for our Nation's water resources and keeps our Wild and Scenic Rivers undammed and free flowing.

Taken as a whole, this package is truly landmark legislation. The amendments incorporate bipartisan bills introduced by the last Congress—39 by Democrats and 36 by Republican Members of the House.

Finally, as good a piece of legislation as I think this is, the debate before us is simply on the rule to debate the underlying bill. My colleagues on the other side of the aisle may argue that this did not go through regular order, or this limits second amendment rights, or that it somehow excludes our honored returning vets from accessing public lands, but all of those arguments are simply untrue.

Mr. HASTINGS of Washington. Will the gentlelady yield?

Ms. PINGREE of Maine. No, I won't.

I urge my colleagues on both sides of the aisle to support this very important public lands bill.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, the best thing about what has been happening in this session of Congress, I think, is that the American people are paying close attention to what is going on here, and I certainly hope that they are paying close attention to the debate on this rule today because it's an important rule that we are debating and it's an important bill that is going to be voted on.

Process is important, I think, although people say most folks don't pay attention to it. But what the majority has done, it's taken a very, very bad bill and used every possible maneuver to it to keep us from really debating this bill, from voting on amendments, and from dealing with this bill in an open way.

I want to say that I am a big supporter of national parks. I often say that I think the Federal Government's number one job is national defense, but I think there is an important role in this country for preserving land for all people to use.

So I am a supporter of national parks. When I travel around the country, those are the places that I like to go.

We are debating the rule, but the underlying bill, I think, is going to harm our country and harm Americans in many ways. We are going to be restricting Americans' right to the second amendment in this country. We are going to be restricting people with disabilities from using the very lands that they think they should be able to use. We are going to be restricting our disabled veterans from being able to use the parks and areas that are being set aside. We are going to be trampling on the important issue of eminent domain.

Many people are opposed to this bill. We even have the ACLU along with several other groups saying that they are opposed to this bill and have serious reservations about it.

But it's going to be rammed through, like so many other things have been rammed through in this session of Congress, and it's setting the tone for how the majority is operating in this Congress at this time.

We are even told that even though 100 of these bills—there are 160 bills in this one bill—even though 100 of them have never been debated by either body, because the Senate okayed this, then it's okay with us.

I suspect that later on in this session I'm going to hear my colleagues who made that comment make a very, very different kind of comment.

So I am very concerned about this rule. I think it is a bad underlying bill. I think the rule is bad because it cuts off debate. But this is the modus operandi of the majority in this session.

With that, Madam Speaker, I would like to yield 8 minutes to a former member of the Rules Committee, the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Madam Speaker, I rise in strong opposition to this rule and the total blockade erected by House Democrat leaders to any amendments being offered on this over 1,200-page bill, this $10 billion omnibus lands package.

This bill is a monster bill created by the Senate, stacking together more than 170 pieces of different legislation. Over 100 of these bills have never been voted on in the House.

The legislative strategy behind the creation of this omnibus bill was to make a bill—apparently like AIG—that is too big to fail.

Of course, the bill does contain some worthwhile provisions, including a few that I offered. But if we were wise, if we were wise in this House, our recent experiences with TARP and the stimulus package would serve as a cautionary tale about the need for deliberation before passing gargantuan bills.

Last week, for example, Congress loudly expressed indignation about the Wall Street bonuses. But now we learn that restrictions on bonuses were in the original legislation but they were stripped out in the final bill by someone in Congress, specifically in the Senate.

And yet here we are again, about to ensure that another far-reaching bill will move through the House, unexamined, and it with no opportunity for amendment.

However, there are many areas in this bill that need improvement. I filed, Madam Speaker, just 10 amendments with the Rules Committee on the most serious areas of concern.

Let me highlight just a few of them: Ensuring protection of our border security; producing American-made energy that will create new jobs; ensuring public access to Federal lands—and I will talk about that more in a moment—and restoring Americans' second amendment rights while on Federal lands. This was struck down last Thursday by a judge here in D.C.

On the need to protect our borders, do we know what effect the enhanced environmental restrictions under this bill will have on border security? No, we do not.

The Senate has stricken out an amendment by Mr. GRIJALVA of Arizona to the National Landscape Conservation System bill that was adopted in this House last April, 414–0. This unanimously approved House amendment stated, ''Nothing in this act shall impede any efforts by the Department of Homeland Security to secure the borders of the United States.'' The Senate stripped this provision from the bill and now that protection is gone.

I filed an amendment with the Rules Committee to restore this provision as it reflects the unanimous House position, as well as another amendment to apply this border security protection language to the entire omnibus bill.

We must ensure that provisions in this bill do not ban the use of vehicles and other technology to patrol and secure our border. But this rule we are debating doesn't allow any amendments to be debated or voted on by this House.

The force behind denying any amendment to the omnibus bill is so great, so great, that the House is apparently willing to fall over and play dead on border security. We don't even know who is responsible for deleting this amendment in the Senate.

If this bill becomes law without fixing this border security loophole, I fear we will likely look back in the future and say, Well, we really should have kept that safeguard in and not let the Senate strip it out, just like the Senate stripped out the AIG provision that we railed against last week.

The price Americans pay to fill up their cars is starting to go up again, yet H.R. 146 prohibits American-made energy production on Federal lands—production that would create new jobs in these difficult economic times. Our Nation can't afford to shut down the creation of jobs and we can't afford to become even more dependent on foreign oil.

The omnibus bill even locks up Federal lands from renewable energy production, including wind and solar. Again, amendments that I filed to address these issues were rejected by the Rules Committee.

As written, Madam Speaker, the omnibus bill prevents and bans public access to Federal lands in many ways. The recreational riding of bicycles and motorbikes is prohibited in over 2 million acres of public land. Wheelchair access to wilderness areas is effectively banned as well.

Madam Speaker, let me explain. Federal law does not ensure that wheelchairs capable of use in outdoor natural areas are allowed. It only permits wheelchairs that are ''suitable for use in an indoor pedestrian area.''

Madam Speaker, I know there's a great deal that politicians disagree on, but I hope that we can agree on this fundamental fact: Nature is outdoors. Wilderness areas and national parks are located outside, and wheelchairs and similar devices that allow the disabled access to outdoor natural areas is not allowed under existing law or this omnibus bill.

Furthermore, current law expressly says that accommodation for wheelchairs or the disabled in wilderness areas is not required. Therefore, the disabled act reigns.

Public lands should be available for public enjoyment. That includes disabled. Yet access for disabled veterans and all disabled Americans is not protected by this omnibus.

I proposed several amendments to address these shortcomings, including explicit protections for bicycle access, existing motorized recreational vehicle access, as well as an amendment for access for disabled and disabled veterans on lands covered in this bill.

Mr. DREIER. Will the gentleman yield?

Mr. HASTINGS of Washington. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, I want to congratulate our friend from Pasco, the ranking member of the Resources Committee, for his very hard work on this issue, and to report to the House, unfortunately, the fact that the Rules Committee last night, after a very, very contentious debate, on a party-line vote, decided not to allow the very thoughtful amendments that Mr. HASTINGS has brought forward to be considered.

It's interesting to note, if my friend would continue to further yield, that we in the last week or two have been dealing with the aftermath of the 1,100-page stimulus bill that was brought before us.

□ 1045

We know that last week we spent all of our time trying to figure out a way around the $167 million in bonuses that were provided to AIG executives. Everyone was up in arms about this, and people are still pointing fingers to determine how it is that that measure got into the stimulus bill.

Well, one of the things that we found is that unintended consequences continue to come forward and we, thanks to Mr. HASTINGS' efforts, found an unintended consequence. I have to say, Madam Speaker, for many, many years we, as Republicans, have been maligned, maligned regularly by our friends on the other side of the aisle for trying to pull the rug out from under seniors, starving children, and the disabled. I would not dream of standing here arguing that there is any Member of this House, Democrat or Republican, who would want to deny the disabled access to wilderness areas. But I know this, a problem was raised.

The SPEAKER pro tempore. The gentleman from Washington's time has expired.

Ms. FOXX. I yield an additional 2 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Let me say, and I thank both of my colleagues for their kindness, but let me say, Madam Speaker, as we look at this challenge which has been such a great one, there is no one, as I said, who would want to deny any disabled person access, Democrat or Republican, even though we are regularly accused of such heinous acts and have been for many, many years.

But Mr. HASTINGS found the unintended consequence here, and last night in the Rules Committee we came forward and said here is a way to deal with this challenge. We want to ensure that people who are disabled have access to our wilderness areas. And again, Mr. HASTINGS had two amendments. We offered them, and on a party-line vote he was denied an opportunity to offer those amendments.

Again this gets to this point, Madam Speaker, we are in this era of bipartisanship as put forward by Speaker PELOSI, a great desire to listen to the input provided by Members regardless

of political party; and here we have a commonsense package of amendments that will deal with something that no one wants to allow happen, and yet Members of the Republican Party were in fact shut out from having a chance to offer those amendments whatsoever. And I believe it is a very sad day for this institution and the Committee on Rules that such action would take place.

I thank my friend for yielding and thank him again for his very hard work on this important issue.

Mr. HASTINGS of Washington. I appreciate the gentleman's remarks.

Madam Speaker, there is another issue. I offered an amendment with Mr. BISHOP of Utah dealing with the second amendment rights, and he will speak to that. But I want to tell the House that this is an issue to correct a Federal judge's decision from last week that bans the use of firearms under State law on certain Federal lands. We can rectify that without slowing this bill down at all.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. FOXX. I yield the gentleman an additional minute.

Mr. HASTINGS of Washington. We can rectify this, Madam Speaker, by defeating the previous question. If we defeat the previous question and allow a motion to amend the rule to take up the amendment that I offered dealing with the second amendment, then we can add that to the package and this House will have an opportunity to vote on that.

The reason I bring this up, while 2 weeks ago the House put in the Altmire amendment, at that time the nonrestriction on gun ownership on Federal lands was in place until the judge struck it down. This corrects that, and it needs to be corrected. We can correct it today by defeating the previous question and allowing us to amend the rule to take up my amendment on the second amendment.

I urge Members when we get to that point to vote ''no'' on the previous question so we can amend the rule to take up this issue on gun rights that Mr. BISHOP will talk about later.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentlelady's courtesy in permitting me to speak on the rule and support for the underlying bill.

This morning marks hopefully the culmination of 7 years of work that I have been involved with in the State of Oregon to preserve one of our special places, the Mount Hood wilderness. It has been a bipartisan effort. Indeed, I hiked around Mount Hood with my good friend and colleague, GREG WALDEN, 5 years ago now, with our staff. We have had countless meetings with stakeholders, with Native Americans, with cyclists, with all of the special interests that care about this icon of Oregon, Mount Hood. And it took us a lot of hard work to reach the sweet spot where we had bipartisan support. We actually got it through the House once, and it stumbled in the Senate.

Madam Speaker, it is too important for us to start down this trail of starting to tweak the legislation now, because I have watched the Mount Hood wilderness be tied up in Senate politics and procedural activities for a half-dozen years now. I strongly urge that we support this underlying bill and be able to bring in millions of acres of America's special places to give them wilderness designation.

I want to thank my friend, GREG WALDEN; the dean of our delegation, PETER DEFAZIO; and in the other body, Senator WYDEN; former Republican Senator Smith; and new Senator MERKLEY. All of us have joined together on this landmark legislation for Mount Hood. I see my good friend and colleague Congressman MINNICK from Idaho here. This is a journey in Idaho that Representative SIMPSON has been working on for years as well. Members should come together and pass this legislation.

The rule does matter. We have watched one single Member of the other body tie up critical wilderness legislation for years. We have got it through the Senate, finally. We have broad bipartisan support for special places all across America. I strongly urge that we resist the temptation to tinker with this bill now. I would like to think that my colleague on the other side of the aisle is offering this from the purest of motives, but the fact is that we have watched delay and amendment foul up the wilderness legislation procedurally for a half-dozen years.

By approving this rule, approving this legislation, we can move forward with these protections for special places all across America. And then we can go back and deal with any unresolved issues. Heaven knows, I want to make sure that we take care of issues that relate to cyclists, for instance. Vote for the rule, vote for the bill, and get on with business.

Ms. FOXX. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Madam Speaker, yesterday I went to the Rules Committee and offered an amendment to the Omnibus Public Lands bill that would have saved 80,000 jobs and over $2.2 billion worth of income in my district by ending the regulatory drought that currently plagues the San Joaquin Valley. Surprisingly, the Rules Committee said ''no'' to saving 80,000 jobs despite bipartisan support.

My amendment would have temporarily removed the restrictions the Endangered Species Act places on Federal and State water pumps in the California Bay-Delta, allowing water to be moved from northern and central California to farming families in my district and to millions of urban Californians in the southern portion of the State. Pumping and storing more water is necessary if we want to relieve the devastating drought in California. Yet, the Rules Committee didn't consider the billions of dollars and jobs it would save to be worthwhile.

The way this legislation has been put together and shuttled through Congress is atrocious. The majority has sprinkled a few meritorious provisions in an effort to buy votes around what is otherwise damaging legislation.

This bill blocks millions of acres from new oil and gas leasing and all other business activity. Further, the bill designates more than 2 million acres as wilderness acres, permanently restricting public access. The Federal Government already owns 30 percent of the total land area of the United States. It doesn't need any more.

Though I will not vote for the Omnibus Public Lands bill for the serious reasons previously stated, there are some supportable measures in the bill. The Tuolumne Me-Wuk Land Transfer Act, the Madera Water Supply Enhancement Act, and the San Joaquin River Restoration Settlement are three examples.

The Madera Water Supply Enhancement Act creates an underground water bank in my district which is desperately needed in the San Joaquin Valley to mitigate the effects of drought and the onerous Endangered Species Act regulations.

I also support the San Joaquin River Restoration Settlement, resolving a 20-year lawsuit that threatened the water supply for farmers in the San Joaquin Valley. The San Joaquin River Restoration Settlement gave my agricultural constituents something they did not previously have: a seat at the negotiating table. Before the settlement, a Federal judge was going to decide how much water farmers would lose in order to restore a salmon fishery. By giving farmers a voice in the solution, the settlement prevents an agricultural disaster and gives the agricultural community some control over their water future. Additionally, all 22 water districts of the Friant Water Users Authority have consistently voted in support of the settlement. The settlement is a product of hardworking folks who simply want to continue growing food to feed this great Nation with a safe, reliable, and efficient water supply. I believe we have accomplished that goal in this settlement.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. FOXX. I yield another 30 seconds to the gentleman from California.

Mr. RADANOVICH. Madam Speaker, I support these portions of the Omnibus Public Lands Act, and believe that they should be passed on their own merit. However, for reasons stated above, I cannot support the overall package and urge my colleagues to vote again this rule that did not allow

a vote to save 80,000 jobs and over $2 million in income in California at no cost to the taxpayers.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Madam Speaker, I rise today in strong support of the Omnibus Public Lands bill under consideration, as well as the rule.

This bipartisan and bicameral effort has taken a lot of work, and it has been a long and twisting road. But we have before us today a widely supported piece of legislation that benefits our Nation from Florida to Alaska, Texas to Minnesota, and, indeed, my district in Colorado.

I was lucky enough to grow up in Boulder, Colorado, hiking in Mount Sanitas, the Flat Irons, and Flagstaff Mountain—all areas under public management. This bill will protect and defend some of America's truly great public lands so that children all across the country can grow up enjoying our environment and interacting with our ecosystems, just like I did when I was a kid.

It will also finally give Rocky Mountain National Park, a prized jewel in Colorado, the wilderness designation it deserves. The Rockies, rising high above Denver and our surrounding communities, are visited by local residents and international adventurers who come to be surrounded by our awe-inspiring landscapes and diverse ecosystem.

These visitors sustain Colorado communities like Estes Park and Grand Lake, communities that rely on tourism and recreation jobs, and will be well served by this bill.

Furthermore, the National Landscape Conservation System, the wild and scenic rivers and national heritage areas that this bill codifies, will enrich our country many times over. Just as Rocky Mountain National Park and the Indian Peaks Wilderness have enriched the culture and history of Colorado, the National Landscape Conservation System will enrich our country.

This bill's passage is long overdue. It will preserve landscapes, educate generations, enrich lives and support local communities. We have addressed any reasonable concerns that have been posed, and at long last it is time for this bill to become law.

Madam Speaker, I urge my colleagues to join me in support of this important piece of legislation. I thank Chairman RAHALL for his leadership on this bill, Representative PINGREE for her leadership on the rule, and I look forward to sending this bill to the President.

Ms. FOXX. Madam Speaker, I now would like to yield 4 minutes to my distinguished colleague, the gentleman from Utah (Mr. BISHOP).

□ 1100

Mr. BISHOP of Utah. Madam Speaker, this new bill and the amendments to the bill cover 177 different issues, 100 of which were obviously never discussed in the House before. I think it is important to note that the chairman of this committee, Mr. RAHALL, the Democrat chairman, would not have done this. On each of the issues we actually did discuss, he went through regular order. There were hearings. There was a markup. They brought them individually to the floor for debate.

This bill is in this condition not because there were Senate filibusters, for indeed some of these provisions have sat over in the Senate for as long as 2 years. This bill—this concoction—is here simply because the Senate failed to do their job. They did not hold hearings. They did not hold markups. They did not bring these issues to the floor in a regular manner. They lumped them all together.

And now it is almost humorous to watch the contortions that the Democratic Party is going to go through to try and stifle any kind of debate or change in this bill. Originally it came to us as a suspension in a situation in which it could not be amended, could not have a motion to recommit, even though it did somehow get an amendment on it. Now it is coming back to us in a version of amendments to another Revolutionary War bill. They actually had a Civil War monument battlefield bill over there with a Republican sponsor. They could have at least made those amendments to that bill and appeared bipartisan. But nonetheless it is now here to us as the form of amendments with a closed rule so we can't talk about them again.

Now one of the amendments that got into this bill, even though it wasn't actually supposed to get into the bill, dealt with hunting rights. Mr. HASTINGS of Washington talked about that issue very briefly. Hunting is not the same thing as the second amendment. And we have special interests that went before a maverick judge who ruled that 8 months of study is not the same thing as a quick review. It is not long enough. And therefore that judge, in her own right, changed National Park Service policy that was designed to create consistency and created instead chaos.

If the Park Service rule had been left in place without this judge playing around with it, all public lands under the Department of the Interior would be treated the same way. The Bureau of Land Management does not prohibit against lawful concealed carry anywhere that it is allowed by States. The Forest Service doesn't do it either. Only the Park Service. And the Park Service changed their rule to make it in compliance with everything else and bring consistency. This judge changed it to chaos.

Now when we think about national parks, we think about Yellowstone, Grand Canyon, Zion and Bryce. But the National Park Service controls lands, they control roads and walkways. It is impossible to drive or jog without going in and out of Park Service land which is never signed or notified, so no one really knows whether you are actually legally carrying a concealed weapon or not. We have had people who have been arrested, entrapped, on Park Service land for carrying a concealed weapon where if they had gone a couple of blocks further, they would be in Virginia territory where it was legal. That is ridiculous. That is silly.

Yet this provision is now done by judicial fiat, which means that the hunting amendment that was put in by the Democrats in the contortion of trying to get this bill through is now meaningless and it is insignificant, which is why Representative HASTINGS of Washington has an amendment to reverse that decision and bring consistency back to the Department of the Interior.

This is the proper time. It is the proper venue. It should have been made in order. It would have solved the problem.

I introduced another amendment in there to simply take four amendments that were passed by this House on the floor, bipartisan amendments, Republican and Democrat, that were voted in a bipartisan way and rejected by the Senate simply because the Senate said they didn't have the time to review what the House did. These were short amendments. If you wrote small, you could put them all on one page. It is wrong that the Senate rejects the work of this floor. This side of the Capitol is just as important as that side of the Capitol.

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

Ms. FOXX. I yield the gentleman 30 additional seconds.

Mr. BISHOP of Utah. It is just as important as that side of the Capitol. And what we do should be respected. That amendment should have been put in order so that what the House passed and what the House said should be part of this particular bill if indeed it is going to pass. There is no reason why we should have our amendments taken out and let the Senate simply do what it wants to because the Senate failed to work in an orderly process while they had these bills for years and years.

Ms. PINGREE of Maine. Madam Speaker, I yield 1 minute to the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. Madam Speaker, this legislation protects public lands in my home State of Idaho within the vast Owyhee Canyonlands. It is contained within one county in my district which is larger than five States and has only 12,000 hardscrabble residents, fewer people per square mile than any county in the continental United States.

Last summer, I had the privilege of spending several days floating a rarely visited upper stretch of the Owyhee River within the area this bill will protect. If passed, this bill will permanently protect as wilderness 517,000 stunning, unspoiled acres of my home State's landscape and would provide Wild and Scenic status to nearly 315

miles of its free flowing rivers. It will also guarantee that the ranching families who have protected this land for generations will continue on, with their grazing rights protected from the free-ranging ORVs which will be restricted to designated roads and trails.

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

Ms. PINGREE of Maine. I yield the gentleman 15 additional seconds.

Mr. MINNICK. I salute my colleague in the Senate, MIKE CRAPO, who fostered a bipartisan collaborative process of ranchers, public officials, community leaders and conservationists to preserve our cherished Owyhees.

I urge my colleagues to support this historic legislation. I support the rule.

Ms. FOXX. Madam Speaker, I now would like to yield 1 minute to my colleague from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Madam Speaker, I thank the gentlelady for yielding.

A couple of minutes ago, our friend from the other side of the aisle, the gentleman from Oregon said, and I wrote it down, ''We need to resist the temptation to tinker with this.'' Wow. I don't really have a category for that. Think about the experience that we're coming off of where this body failed to properly vet the stimulus package that ends up passing with an 1,100-page thud and all of a sudden people are unable to answer the simple question, did you read it or did you not read it? And we have an AIG debacle that has completely confused and created a great deal of consternation across the country.

Nearly half the bills that are being contemplated in this omnibus, Madam Speaker, have not been contemplated by the House, and that is considered ''tinkering''? I think that this is acting as a coequal branch of government. And we ought not to give up this authority, we ought not to give up this responsibility, and we need to vote against this rule so that this House can do the right thing.

Ms. PINGREE of Maine. I reserve my time.

Ms. FOXX. Madam Speaker, I would now like to yield 2 minutes to our colleague, Mr. FLEMING, from Louisiana.

Mr. FLEMING. I thank the gentlelady from North Carolina.

I want to speak out on this rule and certainly the underlying legislation for the omnibus public land bill. The Constitution of the United States has long been a thorn in the side of many activist judges in this country. Last week we witnessed another act of hostility towards the Constitution when a U.S. district judge single-handedly decided to recede one of our basic constitutional rights. The ruling by Judge Colleen Kollar-Kotelly eliminating a law-abiding citizen's right to carry a concealed weapon on Federal lands is a direct assault on the second amendment.

The right to bear arms was a founding principle of our democracy, and the second amendment spells out this principle in clear, unambiguous language that requires no clarification or translation: ''The right of the People to keep and bear arms shall not be infringed.'' Citizens should not lose this right just because they are standing or driving on Federal lands.

It is our responsibility in Congress to craft legislation that is in accordance with the Constitution. And we should not see cede this responsibility to an agenda-driven activist judge.

I urge my colleagues to join me in upholding and protecting this country's founding document by voting to restore Americans' second amendment rights on public lands.

''A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.''

Let us never forget the second amendment and its importance.

Ms. PINGREE of Maine. Madam Speaker, I reserve my time.

Ms. FOXX. Madam Speaker, I would like to yield 2 minutes to Mr. NUNES, the distinguished gentleman from California.

Mr. NUNES. Madam Speaker, around the world today, more than 1 billion people do not have access to water. Conflict rages among populations on every continent for the control of this vital resource. In the undeveloped world, violence and bloodshed often determine winners and losers. And, indeed, brutal dictators like Robert Mugabe have taken water from their own people as a means of control.

Most Americans would never believe our government is capable of such an act, the intentional drying up of entire communities. That is what the San Joaquin River Settlement does to central California.

Madam Speaker, the Democrat leadership in Congress clearly has no interest in the economic prosperity of the San Joaquin Valley and no compassion for those suffering due to manmade water shortages.

This legislation will ensure higher unemployment in a region nearing 20 percent unemployment. The poverty you are creating is unprecedented. This body's cruelty in the face of suffering is beyond belief.

If this Congress isn't capable of delivering water to people, perhaps we can ask the United Nations for help. Maybe they would be willing to deliver water, distribute humanitarian aid and rebuild the San Joaquin Valley you seem so committed to destroying.

Madam Speaker, I urge my colleagues to vote ''no'' on this rule and vote ''no'' on this bill.

Ms. PINGREE of Maine. I continue to reserve my time.

Ms. FOXX. Madam Speaker, I would like to ask the gentlewoman from Maine if she is prepared to close.

Ms. PINGREE of Maine. Yes. I am the last speaker for this side. I will reserve my time until the gentlewoman has closed for her side and yielded back her time.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentlewoman is recognized for 4 minutes.

Ms. FOXX. I must urge my colleagues to vote ''no'' on the previous question so that we can amend this rule to restore Americans' second amendment rights on public lands and wildlife refuges. In January, with overwhelming support from both sides of the aisle, the Federal Government announced a commonsense policy to allow citizens legally to carry concealed firearms in national parks and wildlife refuges in accordance with State law.

Last week, House and Senate leaders added an amendment, sponsored by Representative JASON ALTMIRE, to the Omnibus Public Lands Management Act that protects hunting and fishing on certain parts of Federal land. It clarified that the States have the authority to manage fish and wildlife. In short, the Altmire amendment made certain that Americans kept their second amendment right to carry concealed firearms on public land.

However, in an arbitrary reversal of sound policy on March 19, a U.S. district judge single-handedly decided to block this commonsense policy to allow citizens to carry concealed firearms in national parks and wildlife refuges in accordance with State laws. As Ranking Member HASTINGS said, ''There is now a giant hole in the Altmire language.'' Americans' constitutional second amendment rights are again in jeopardy, and I call on the Democrats in charge to amend this rule so Congress can protect these rights as we were sent here by our constituents to do.

For months, Democrats in the House and Senate have done everything in their power to block the House from voting on any amendments to this enormous 1,200-page, $10 billion bill which combines over 160 land bills, most of which have never had hearings in either the House or the Senate.

This bill contains hundreds of millions of taxpayer dollars in new spending and locks up additional public land which may have energy resource potential. Many of the bills rolled into this package are controversial and ambiguous, yet in a series of hasty maneuvers to silence dissent, the Democrats have worked to marginalize rather than engage the healthy debate our constituents deserve on these bills.

With this new court ruling, Americans' second amendment rights would be in jeopardy on all Federal land, including 2 million new acres of land designated as ''wilderness areas'' under this bill. Today, there are 708 federally imposed ''wilderness areas'' totaling 107 million acres of land in 44 States. If this bill is enacted, the amount of Federal wilderness areas will exceed the amount of all developed land in the United States. If Congress does not take action to protect every American's constitutional rights now, it won't be long before these rights are in jeopardy on even more land.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material into the RECORD.

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

There was no objection.

Ms. FOXX. Madam Speaker, I call on the Democrats in charge to fulfill their obligation to the American people by restoring their second amendment right to carry concealed firearms on public lands in accordance with State law.

I urge my colleagues to defeat the previous question and defeat the rule.

I yield back the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, let me be clear on two things. Nothing in this bill in any way limits or restricts access as defined by the ADA. Nothing in H.R. 146 changes the status quo in regards to regulation of hunting, fishing and recreational activities in designated areas.

I would like to enter into the RECORD a letter from the National Rifle Association supporting the Altmire amendment to the omnibus public land management bill.

□ 1115

I will also submit for the RECORD a full editorial in today's New York Times, and I would like to read briefly from that editorial.

''This bill establishes three new national park units and protects more than 1,000 miles of wild and scenic rivers and streams from development. But what makes it a memorial piece of legislation are provisions giving permanent wilderness status, the highest layer of protection the law can confer, to 2 million acres of public land in nine States ranging from California and Oregon to Virginia. This would be the largest addition to the nation's store of protected wilderness, now about 107 million acres, since 1994.

''The bill has broad bipartisan support in Congress and the country at large. But after surviving a threatened filibuster in the Senate in January, it failed by two votes in the House, partly for complex parliamentary reasons and partly because some House Members felt that not all the measure's moving parts (the bill is really 160 smaller bills wrapped into one big one) had been properly vetted in committee.

''This is a defect that afflicts many omnibus bills. It is also true, however, that every single provision in the bill is a product of long and intense negotiations stretching back years on the State and local level, and the product, that is, of consensus.

''The measure is now back in the House after a second trip through the Senate. It has been approved each step of the way. Its most controversial provision for a road through a wildlife refuge in Alaska has been revised for the better. It now gives the Secretary of the Interior the power to veto the road if he feels it would cause excessive environmental damage.''

The New York Times closes by saying, ''The House should honor all of this work, as well as the country's need for protected open space, by approving this worthy measure.''

This legislation has been through the House and the Senate numerous times in one form or another. The items in the bill have been thoroughly vetted. Most, if not all the House provisions have had extensive hearings, committee markups and been passed by the full House. The bill is a bipartisan product that contains language sought by Members on both sides of the aisle. That was reflected in the last week's suspension vote of 282–144 here in the House. The Senate vote was 77–20. Any changes at this point would require that the bill goes back to the Senate, where further action is very unlikely. It is time to pass this widely supported bipartisan legislation and send it to the White House for the President's signature. I urge a ''yes'' vote on the previous question and on the rule.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,

Fairfax, VA, March 10, 2009.

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

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the National Rifle Association, I am writing to express our support for the Altmire amendment to S. 22, the Omnibus Public Land Management Act of 2009. The Altmire amendment would ensure that the provisions of S. 22 will not be used to close lands that are currently open to hunting, fishing, trapping, target shooting and other forms of traditional recreation. In addition, the amendment clarifies that the states retain the authority to manage resident fish and wildlife.

Encroaching development and the increasing population demand for open space has resulted the closure of federal lands that were once open to traditional forms of recreation, such as hunting and target shooting. Whether it is the closure of a trail that served as the access point for a generations-old hunting camp or the closure of large areas to target shooting, the sportsman's way of life has been under attack. There are those who would exacerbate this situation by attempting to use land designations to further close federal lands to sportsmen. This is why the Altmire amendment is necessary.

The Altmire amendment has already been applied to the National Landscape Conservation System Act within S. 22. It is critical to extend this protection for sportsmen to other areas of the bill, specifically Titles V and VIII pertaining to Rivers and Trails and National Heritage Areas, respectively. This is precisely what the Altmire amendment would do.

While the NRA takes no position on S. 22 as a whole, the meaningful protections provided by the Altmire amendment are critical to preserve access for sportsmen and the authority of the states to manage resident wildlife populations. For these reasons, we support its inclusion in S. 22.

Should you have any questions or need additional information, please do not hesitate to contact me directly.

Sincerely,

CHRIS W. COX,
Executive Director,
NRA–ILA.

[From the New York Times, Mar. 25, 2009]

A BILL WHOSE TIME HAS COME

Maybe, just maybe, with a little nudge from Speaker NANCY PELOSI and other House Democrats, Congress will at last push a historic omnibus public lands bill over the finish line, perhaps as early as Wednesday.

The bill establishes three new national park units and protects more than 1,000 miles of ''wild and scenic'' rivers and streams from development. But what makes it a memorable piece of legislation are provisions giving permanent wilderness status—the highest layer of protection the law can confer—to two million acres of public land in nine states ranging from California and Oregon to Virginia.

This would be the largest addition to the nation's store of protected wilderness—now about 107 million acres—since 1994.

The bill has broad bipartisan support in Congress and the country at large. But after surviving a threatened filibuster in the Senate in January, it failed by two votes in the House—partly for complex parliamentary reasons and partly because some House members felt that not all of the measure's moving parts (the bill is really 160 smaller bills wrapped into one big one) had been properly vetted in committee.

This is a defect that afflicts many omnibus bills. It is also true, however, that every single provision in the bill is the product of long and intense negotiations stretching back years on the state and local level—the product, that is, of consensus.

The measure is now back in the House after a second trip through the Senate. It has been improved each step of the way. Its most controversial provision—for a road through a wildlife refuge in Alaska—has been revised for the better; it now gives the secretary of the interior the power to veto the road if he feels it would cause excessive environmental damage.

The House should honor all this work, as well as the country's need for protected open space, by approving this worthy measure.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 280 OFFERED BY MS. FOXX OF NORTH CAROLINA

After ''concur in the Senate'' strike ''amendments'' and insert ''amendment to the title and concur in the Senate amendment to the text with the amendment specified in section 2''.

At the end of the resolution, insert the following:

SEC. 2. The amendment to the text referred to in section 1 is as follows: At the end of title XIII, add the following new section (and conform the table of contents accordingly):

''SEC. 13007. FIREARMS IN NATIONAL PARKS AND NATIONAL WILDLIFE REFUGES.

''Except as provided in section 930 of title 18, United States Code, a person may possess, carry, and transport firearms within a national park area or national wildlife refuge area in accordance with the laws of the State in which the national park area or national wildlife refuge are, or that portion thereof, is located''.

The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It

is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 25, 2009.

Chairwoman LOUISE SLAUGHTER,
House Rules Committee,
Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: It is with deep personal regret that I learned of comments you made about my truthfulness at yesterday's Rules Committee hearing in describing the lack of access that disabled Americans and disabled veterans will have on federal lands covered under H.R. 146, the Omnibus Public Lands Management Act of 2009.

Having served on the Rules Committee for twelve years, I take particular exception to the fact you chose to direct your comments at me only after I departed the hearing following my appearing before you as a witness for an hour. If there were doubts about the accuracy of what I stated, courtesy and fair play would mean allowing me the opportunity to rebut your accusations with the facts.

The facts show that my amendments to ensure access for the disabled and disabled veterans on federal lands in this bill are very much needed. As written, the Omnibus Lands Bill prevents and bans public access to federal lands in many ways. The recreational riding of bicycles and motor bikes is prohibited on over 2 million acres of public land. Wheelchair access to wilderness areas is effectively banned as well. Federal law does not ensure that wheelchairs capable of use in outdoor, natural areas are allowed—it only permits wheelchairs that are ''suitable for use in an indoor pedestrian area.'' Wilderness areas and national parks are located outdoors, not indoors. Wheelchairs and similar devices that allow the disabled access to outdoor, natural areas are not ensured under existing law or this Omnibus bill. Furthermore, current federal law expressly says that accommodations for wheelchairs or the disabled in Wilderness areas are not required.

Public lands should be available for public enjoyment, and that includes for the disabled. Yet, true access for disabled veterans and all disabled Americans is not protected in this Omnibus. I proposed two amendments to explicitly ensure access for the disabled and disabled veterans to lands covered in the Omnibus bill. As you know, these amendments were blocked by you and Democrat Members of the Rules Committee.

I regret the inaccurate, false statements made about my truthfulness, and that such comments were made only after I left the hearing room. But what I most seriously regret is that the Rules Committee under your leadership refused to ensure true access for the disabled and disabled veterans for public lands in the Omnibus bill.

Sincerely,

DOC HASTINGS,
Ranking Republican Member,
House Natural Resources Committee.

Ms. PINGREE of Maine. Madam Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. PINGREE of Maine. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM ACT OF 2009

Mr. MOORE of Kansas. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 383) to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 383

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 ''Special Inspector General for the Troubled Asset Relief Program Act of 2009''.

SEC. 2. AUDIT AND INVESTIGATION AUTHORITIES.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) is amended—

(1) in subsection (c), by adding at the end the following:

''(4)(A) Except as provided under subparagraph (B) and in addition to the duties specified in paragraphs (1), (2), and (3), the Special Inspector General shall have the authority to conduct, supervise, and coordinate an audit or investigation of any action taken under this title as the Special Inspector General determines appropriate.

''(B) Subparagraph (A) shall not apply to any action taken under section 115, 116, 117, or 125.''; and

(2) in subsection (d)—

(A) in paragraph (2), by striking ''subsection (c)(1)'' and inserting ''subsection (c)(1) and (4)''; and

(B) by adding at the end the following:

''(3) The Office of the Special Inspector General for the Troubled Asset Relief Program shall be treated as an office included under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) relating to the exemption from the initial determination of eligibility by the Attorney General.''.

SEC. 3. PERSONNEL AUTHORITIES.

Section 121(e) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)''; and

(B) by adding at the end the following:

''(B)(i) Subject to clause (ii), the Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

''(ii) In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

''(I) the Special Inspector General may not make any appointment on and after the date occurring 6 months after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009;

''(II) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

''(III) no period of appointment may exceed the date on which the Office of the Special Inspector General terminates under subsection (k).''; and

(2) by adding at the end the following:

''(5)(A) Except as provided under subparagraph (B), if an annuitant receiving an annuity from the Civil Service Retirement and

Disability Fund becomes employed in a position within the Office of the Special Inspector General for the Troubled Asset Relief Program, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

''(B) Subparagraph (A) shall apply to—

''(i) not more than 25 employees at any time as designated by the Special Inspector General; and

''(ii) pay periods beginning after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009.''.

SEC. 4. RESPONSE TO AUDITS AND COOPERATION AND COORDINATION WITH OTHER ENTITIES.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) is amended—

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

(2) by inserting after subsection (e) the following:

''(f) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Secretary shall—

''(1) take action to address deficiencies identified by a report or investigation of the Special Inspector General or other auditor engaged by the TARP; or

''(2) certify to appropriate committees of Congress that no action is necessary or appropriate.

''(g) COOPERATION AND COORDINATION WITH OTHER ENTITIES.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this section, the Special Inspector General shall work with each of the following entities, with a view toward avoiding duplication of effort and ensuring comprehensive oversight of the Troubled Asset Relief Program through effective cooperation and coordination:

''(1) The Inspector General of the Department of Treasury.

''(2) The Inspector General of the Federal Deposit Insurance Corporation.

''(3) The Inspector General of the Securities and Exchange Commission.

''(4) The Inspector General of the Federal Reserve Board.

''(5) The Inspector General of the Federal Housing Finance Board.

''(6) The Inspector General of any other entity as appropriate.

''(h) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—The Special Inspector General shall be a member of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General for the Troubled Asset Relief Program.''.

SEC. 5. REPORTING REQUIREMENTS.

Section 121(i) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343), as redesignated by this Act, is amended—

(1) in paragraph (1), by striking the first sentence and inserting ''Not later than 60 days after the confirmation of the Special Inspector General, and not later than 30 days following the end of each fiscal quarter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during that fiscal quarter.'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

''(2) Not later than September 1, 2009, the Special Inspector General shall submit a report to Congress assessing use of any funds, to the extent practical, received by a financial institution under the TARP and make the report available to the public, including posting the report on the home page of the website of the Special Inspector General within 24 hours after the submission of the report.''; and

(4) by adding at the end the following:

''(5) Except as provided under paragraph (3), all reports submitted under this subsection shall be available to the public.''.

SEC. 6. FUNDING OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL.

Section 121(j)(1) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343), as redesignated by this Act, is amended by inserting before the period at the end the following: '', not later than 7 days after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009''.

SEC. 7. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

The Special Inspector General for Iraq Reconstruction and the Special Inspector General for Afghanistan Reconstruction shall be a members of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General for Iraq Reconstruction and the Office of the Special Inspector General for Afghanistan Reconstruction, respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes. The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material.

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

There was no objection.

Mr. MOORE of Kansas. Madam Speaker, I yield myself as much time as I may consume.

We are in a deep and painful economic downturn, the likes of which we haven't seen in decades. Just last month our economy lost over 650,000 jobs for the third straight month, bringing the total number of jobs lost since December 2007 to 4.4 million. That's more than 1½ times the entire population of my home State of Kansas.

But something we should remember, Madam Speaker, is our financial sector must be stabilized and confidence restored before we see any economic recovery.

My constituents, like most Americans, are anxious and frustrated, and they deserve the strongest oversight and accountability of how their taxpayer dollars are spent.

When Congress enacted the Emergency Economic Stabilization Act last October, the new law not only created the Troubled Assets Relief Program, or TARP, we made sure to include strong oversight protections for United States taxpayers, such as the creation of the Special Inspector General for TARP or SIGTARP.

Last month, Mr. Neal Barofsky, the newly appointed SIGTARP, testified before the House Financial Services Oversight and Investigation Subcommittee. He said that after adding up all the Federal programs utilizing TARP funds, the total amount of money potentially at risk was approximately $2.875 trillion.

Mr. Barofsky went on to say, ''We stand on the precipice of the largest infusion of government funds over the shortest period of time in our Nation's history. History teaches us that an outlay of so much money in such a short period of time will inevitably draw those seeking to profit criminally. We are looking at the potential exposure of tens if not hundreds of billions of dollars in taxpayer money lost to fraud. We must be vigilant.''

As chairman of the Oversight and Investigations Subcommittee, I couldn't agree more. We must be vigilant to protect the United States taxpayers.

I worked with my friend, Ranking Member JUDY BIGGERT, as well as Congressmen STEVE DRIEHAUS and ERIC PAULSEN, and we introduced H.R. 1341, a companion bill to the Senate bill, S. 383 we are considering today. The Senate has already unanimously approved this bill twice. Most recently, Senator CLAIRE MCCASKILL introduced this legislation last month, and the Senate approved the bill the same day. This bipartisan legislation equips the SIGTARP with the tools he needs by, No. 1, making clear the SIGTARP has the audit and investigative authority over any taxes taken by the TARP program; No. 2, giving the SIGTARP the authority to hire auditors and staff quickly by granting him temporary hiring authority; No. 3, requiring the Treasury Secretary to explain why any SIGTARP recommendation is not implemented; and, No. 4, mandating that the SIGTARP issue a report no later than September analyzing how TARP funds have been spent to date.

Gene Dodaro from GAO and Professor Elizabeth Warren from Congressional Oversight Panel testified they supported S. 383, and Mr. Barofsky testified that he ''desperately needs more hiring flexibility, the type of which is contained in S. 383.''

He said, ''Quick passage of this important and essential legislation will allow me to hire rapidly the essential personnel to meet the challenges of providing effective oversight. I believe that this bill will help provide the necessary resources for us to meet our obligation to help protect the U.S. taxpayers' investments.''

There are additional issues we should consider, such as CO's request to hire retired annuitants, and other suggestions made at our committee markup that we will continue to monitor. I will note the amendments offered were well-intended, but they did little other than give special emphasis to activities

already authorized by SIGTARP's mandate in current law or as expressed in S. 383.

Conversely, if we included those amendments it would have had the effects of substantially slowing down the bill because it would require further action by the Senate.

Most importantly, I think it's telling that not one Financial Services Committee member, Republican or Democrat, voted against this bill at the markup. And not one Senator, Republican or Democrat, voted against this bill. Protecting taxpayer money should be a nonpartisan effort, and I believe this bill keeps with that spirit.

In light of the SIGTARP's testimony and the urgency of his request, and with legitimate public outrage over the AIG bonuses and other misbehavior by TARP recipients, it's important now more than ever that we approve this bipartisan bill today so we can send it straight to the President's desk for signature.

I urge my colleagues to support S. 383, and I reserve the balance of my time.

Mr. PAULSEN. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in strong support of Senate bill 383, the Special Inspector General for the Troubled Asset Relief Program Act.

It is clear that both the Bush and Obama administrations, as well as Congress, have failed to include adequate oversight of taxpayer dollars being spent through the Troubled Asset Relief Program, the TARP bill.

The lack of oversight and transparency are why one of my first votes in Congress as a freshman Member was against the release of the additional $350 billion in TARP bailout spending that companies like AIG are currently receiving.

When Congress is literally spending billions and billions of taxpayer dollars, it is critical that we have the most stringent oversight and transparency possible. The good news is that we have a chance to act on this important issue today.

The legislation before us gives broad authority for a Special Inspector General to oversee any remaining spending of TARP funds. This bill will provide the Special Inspector General with the authority to conduct, to supervise and to coordinate an audit or any investigation of any action taken with regard to TARP funds. It also will require the Special Inspector General to submit quarterly reports to Congress, while also requiring the Secretary of the Treasury to take action, or certify that no action is necessary, when any problems or deficiencies are identified by the inspector. And of course the bill also requires that the reports on institutions who receive TARP funding be posted on the Special Inspector General's Web site within 24 hours after being submitted to Congress so the public has access to this information as well. Simply put, this bill represents a major break from the past.

Madam Speaker, the American people deserve to know when Washington is spending taxpayer dollars, and we are making every effort with this legislation to ensure that those dollars are being spent wisely. And while some of us, including me, continue to have serious concerns about the sweeping and the expanding role of government involvement in the private sector, I do believe that we can all agree today that increasing oversight of the money that's currently being spent is the right thing to do.

As a new Member, I came to Washington hoping to fix broken policies that have plagued Congress for far too long. We have the ability to make that change, and this bill is a move and a step in the right direction. It will take a bipartisan effort from Congress and the administration, but we must make it.

And along those lines, I want to thank especially the chairman of the Oversight and Investigation Subcommittee, Congressman MOORE, for his leadership on this issue and bringing this effort forward in a bipartisan basis.

I also want to commend the ranking member, Ms. JUDY BIGGERT, for her efforts and leadership as well. I appreciate their efforts to work together in a bipartisan way in crafting this legislation.

And I, of course, want to thank the committee staff for their tireless work that they have put on behind the scenes. They have been an extremely valuable resource.

So, Madam Speaker, the bill we have before us today will help us bring accountability to a program that spends hundreds and hundreds of billions of dollars of taxpayer money, and I urge my colleagues support. American taxpayers deserve no less.

Madam Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. Madam Speaker, I would like to thank Congressman PAULSEN for his work as well on this legislation. I think he is exactly right. We need to pass this on a bipartisan basis.

At this time, Madam Speaker, I yield 2 minutes to the gentlelady from California, Congresswoman SPEIER.

Ms. SPEIER. Thank you, Mr. Chairman, for your leadership.

I rise today in support of S. 383 to authorize the Special Inspector General to hire the essential staff needed to follow the money and provide accountability for the billions of dollars taxpayers have invested in financial institutions.

I must say, Madam Speaker, that this particular function is among the most critical in government today. Aggressive and competent oversight is absolutely necessary for any of these government programs to operate effectively.

Last year, when the House voted for the Emergency Economic Stabilization Act, I raised concerns about potential problems that could hamper TARP. Among them, conflicts of interest and a lack of transparency were the most serious. I was encouraged that leadership was committed to keep a close watch on taxpayer money. This bill honors that commitment.

Within weeks of the passage of the Stabilization Act I had an opportunity to speak with Gene Dodaro from the Government Accountability Office and Dr. Elizabeth Warren, Chair of the Congressional Oversight Panel. Their reports to Congress have been illuminating in what banks have and have not done with the TARP funds. And both of these individuals have stressed the need for competent and knowledgeable staff to provide proper oversight.

I first met Mr. Neal Barofsky, the Special Inspector General, at a hearing of the Oversight Investigation Subcommittee of the Financial Services Committee, and found his testimony and answers to questions to be frank and extremely well thought out.

Now, he may ruffle some feathers in this city that doesn't like having its feathers ruffled, but he is precisely the kind of person we need to do that job.

□ 1130

I was disappointed to hear that Mr. Barofsky lacked the staff he needed to oversee such a massive outlay of taxpayer money. This bill allows the Special Inspector General to hire 25 retired annuitants. These are people who are retired from Federal service but who have the know-how, who have the ability and who, frankly, will cost us less money because we are not paying for the retirement benefits. These employees are desperately needed, as the article in yesterday's Washington Post provided.

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

Mr. MOORE of Kansas. I yield an additional minute to the gentlewoman.

Ms. SPEIER. Madam Speaker, I have spoken with our subcommittee Chair, Mr. MOORE, about the need to give similar hiring powers to Dr. Warren at the Congressional Oversight Panel, and soon will introduce legislation authorizing that.

We ask the American people to take a huge leap of faith with us when we pass the Emergency Economic Stabilization Act. It is imperative that we protect the taxpayers' investment by providing adequate staffing to conduct the vital oversight and accountability functions.

Mr. PAULSEN. Madam Speaker, I would like to now yield 5 minutes to the distinguished ranking member of the Domestic Policy Subcommittee of the Oversight and Government Reform Committee, the gentleman from California (Mr. ISSA), who takes the role of being a taxpayer watchdog very seriously and works very hard at that effort.

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

Mr. ISSA. Madam Speaker, a good bill is, in fact, not necessarily the democratic process at work. I am disappointed that the majority chose to forego oversight committee responsibilities on this TARP IG.

In an exchange of letters with the chairman, whom I respect a great deal, we have failed to reconcile that. Although this piece of legislation arrived in the House on February 9, it never got a hearing or a markup in the committee of primary jurisdiction on all of the IGs. This is not a bad piece of legislation, Madam Speaker. It could be better. It would be better if the majority did not choose to, in their own words, say that there was not time to consider these other items. Madam Speaker, something cannot arrive from the Senate on February 9 and yet have to be passed on March 25 because there was no time. We have had far greater time than we had to do it wrong in the TARP. The speakers on both sides of the aisle have made the very valid point that ''ready, shoot aim'' was the mistake of the TARP.

I don't believe that this will be an impossible situation. What I do believe is that the democratic process here in the House has been violated once again. Perfectly good, by their own statement, amendments were suggested by the Republican minority on the Financial Services Committee. Yet they were rejected, not based on their merit but based on that it would have taken more time. They would have had to send it back to the Senate. The Senate would have had to have a deliberative process.

Madam Speaker, we are not allowed here in the House to speak ill of the Senate—of the other body—or of the President and the Vice President, but I think we certainly can speak that, if we can be told there is not time to get it right, the Senate should be asked, couldn't they, in fact, be given the time—a day or two or three—to look at amendments that we have considered and that have been rejected on time. I know that is not going to happen. I know that this bill will pass either unanimously or with substantial approval, but this is yet another example of a body who has not recognized that a crisis is not an excuse to move legislation, no matter how well-intended, prematurely or as less than what it should be.

I enjoy working with the chairman of the committee. I believe he is a good man who wants to increase transparency and oversight. I believe we have missed an opportunity here today to do that little bit better that we both promised to do when we were elevated to these positions. So, Madam Speaker, I will vote for this bill. I will vote for this bill because it is more good than bad, but it could have been better.

Mr. MOORE of Kansas. Madam Speaker, I yield 5 minutes to the chairman of the Committee on Oversight and Government Reform, Chairman TOWNS of New York.

Mr. TOWNS. Madam Speaker, as chairman of the Committee on Oversight and Government Reform, I rise in support of S. 383, the Special Inspector General for the Troubled Asset Relief Program Act of 2009.

It has been over 5 months since Congress approved the $700 billion rescue plan for the financial industry. During this time, the oversight committee has documented the accountability and transparency shortcomings of the program. I have asked before and I will ask again:

What did the American people get or what can they expect to get from the $700 billion rescue plan?

It is my goal to make sure that the taxpayers receive meaningful answers to these questions to make certain that the money is spent wisely and to ensure that waste, fraud and mismanagement is avoided. I am pleased to support this legislation because I have no doubt that such oversight of the TARP program will greatly benefit from these measures to strengthen the TARP Special Inspector General.

As Special Inspector General Barofsky told our Domestic Policy Subcommittee earlier this month, more than $300 billion has already been expended. The spending program is up and running, but the office designed to oversee this spending has not yet been provided with all of the authority it needs to do this job effectively. These are his words.

We should not wait a moment longer. S. 383 provides this authority. It allows the SIGTARP to conduct oversight over all aspects of the TARP program. It also grants the SIGTARP the temporary hiring authority needed to quickly put in place the staff that the IG needs to conduct critical audits of the program. Under normal circumstances, I would not advocate any deviation from the normal civil service hiring process. I would say that is what we should follow, but these are anything but normal circumstances. These critical audits and investigation positions should be filled right away. I should note that, even with its current modest staff, the SIGTARP has demonstrated its effectiveness in overseeing the TARP program.

Last month, I wrote to Treasury Secretary Geithner, urging him to adopt the recommendations made by Mr. Barofsky in his initial report to Congress. I asked that all TARP agreements include language requiring funding recipients to provide information to the SIGTARP and other inspectors general to establish internal controls and to clarify compliance. Importantly, S. 383 would require the Treasury Secretary to report back to Congress if any recommendations made by the SIGTARP are not adopted.

I look forward to working together with Mr. Barofsky and with Secretary Geithner to ensure transparency in the TARP program. I believe this legislation is an important step in restoring our economy. It will provide greater accountability to the taxpayers who are funding the TARP program, and I urge its adoption.

Let me just say that I want to thank all who have worked on this because I think this is legislation that is very, very important, and I think this is legislation that is going to help us eliminate waste, fraud and abuse.

Mr. PAULSEN. Madam Speaker, I would now like to yield 2 minutes to the distinguished gentleman from the 10th Congressional District from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Madam Speaker, I rise today because we are, once again, considering another legislative cover-up from mistakes that have already been made.

Last week, Democratic leadership here in Congress drove their steamroll of socialism right over this legislative body, forcing through an unconstitutional 90 percent tax targeting AIG employees, but it serves no other purpose than to divert attention from the truth, the truth that congressional leaders made these bonus payments possible through a lack of transparency.

Today, we are hastily considering another bill with the intention of correcting a mistake that should not have been made in the first place. Today's bill to expand the powers of the TARP Inspector General is akin to locking the door on the henhouse after the fox has already snuck in, and now the chickens are dead.

Congress has irresponsibly wasted $700 billion of the taxpayers' money on TARP, selling this plan to the American people as a way to free up credit markets. But they are not freed up. They are still frozen. We were sold a bill of goods, and now we know that the taxpayer-funded TARP program lacks transparency and accountability.

Madam Speaker, by now, we should anticipate the sly fox's arrival and start locking—in fact, deadbolting—the henhouse door before it gets in, not after. We have to demand transparency. We have to demand accountability. We are not getting it. The American people should demand that. We are spending too much. We are taxing too much. We are borrowing too much money from the TARP all the way to this new budget that has been proposed that we are going to be considering in the very near future. We have got to stop the steamroll of socialism.

Mr. MOORE of Kansas. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Madam Speaker, I just want to say a few words in favor of what is attempting to be done here in the context of this bill.

The TARP situation, which, as we remember, was set up last fall and, in effect, was rammed through here by the then-Secretary of the Treasury, authorized the expenditure of $700 billion, and under the last administration, about $380 billion had already been

spent. So what we are trying to do here now is to make sure that the rest of this money is spent in appropriate ways.

We have already set up the Special Inspector General, establishing that piece of responsibility here, and now what we are doing in the context of this bill is putting into effect all of the measures that are going to ensure the effectiveness of that Special Inspector General to make sure that he has the ability to carry out his responsibilities—to oversee the way in which this money is being allocated, how it is being used, what the impact of its use is. None of that was included in that TARP bill which the previous Secretary of the Treasury came here and, in effect, forced through the Congress.

So this is an essential element here. This legislation is critically important. We need to make certain that these economic circumstances are dealt with but that they are dealt with responsibly and effectively, and that is what this legislation is going to do. I cannot see any reason why anyone would object to it, why anyone would put any opposition to it, why anyone would try to slow it down in getting effect. All of this is absolutely essential on behalf of the people of this country.

We heard some statements being made just a couple of minutes ago about money being spent and allegations about how that money is too much. Well, $380 billion, yes, spent by the previous Secretary of the Treasury is much too much. We need to make sure that this is done in the proper way, and that is why this legislation needs to be adopted.

Mr. MOORE of Kansas. Madam Speaker, we have no more speakers, and we reserve the remainder of our time.

Mr. PAULSEN. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, again, I came to Washington with the goal of increasing transparency and accountability in the way that taxpayer dollars are being spent. I know many of us share that goal. Certainly, the subcommittee chairman does. Unfortunately, it is abundantly clear that the initial TARP bailout funding is being spent without proper oversight. There is no doubt.

When the Federal Government is literally spending hundreds of billions of dollars, it is critical that we have the most stringent oversight of that spending. That is our obligation to the taxpayer, especially now when our constituents are being forced to do much more with much less. They have the absolute right to know that their money—it is their money—is being spent properly and wisely. This legislation will give additional tools to help ensure that there is proper tracking, proper accounting and proper oversight for all the spending of taxpayer dollars going forward.

As the subcommittee chairman knows, in committee, we heard testimony about the potential for additional waste, additional fraud, additional abuse. This ensures we will have protection from that. So I ask my colleagues to vote in support of this legislation.

I yield back the balance of my time.

□ 1145

Mr. MOORE of Kansas. Madam Speaker, I yield myself such time as I may consume.

I want to thank Representative PAULSEN for his contributions here and his work on this legislation.

Let me close by urging my colleagues to support S. 383. I don't know how anyone can argue with the fact that the United States taxpayers we represent deserve strong oversight of how their funds are used, and this bill will do just that. Support this bipartisan bill so we can equip the Special Inspector General for TARP with the staff and authority he needs to track the use of TARP funds and limit any waste, fraud and abuse in the program.

Mr. ISSA. Madam Speaker, I am disappointed that the Majority has unilaterally elected to forgo Oversight and Government Reform Committee consideration of this legislation, which will affect the billions of dollars disbursed under the troubled asset relief program (TARP). Despite the Majority's pledge of openness and transparency, they have chosen to discharge this legislation from our Committee and deny the Members of our Committee, and the citizens they represent, a voice in this important legislation.

The TARP suffers from a serious lack of transparency and accountability. As of February 6th of this year, the Treasury Department has committed $300 billion in taxpayer funds to our nation's financial institutions in the form of preferred shares and warrants, loans and insurance against losses. While the Treasury Department currently monitors aggregate monthly levels of some banking activities, it does not require any recipient of TARP funds to disclose the details of any individual transaction that the recipient would not have entered into but for the receipt of TARP money. In other words, we do not know whether $300 billion of taxpayer money has changed anyone's behavior. As a result, neither the Treasury Department, nor Congress, nor the general public truly knows the outcome achieved by the injection of taxpayer funds.

Given the magnitude of the TARP program and the critical importance of focused oversight of this program, avoiding consideration of this legislation in an open, bipartisan process, goes against our shared desire to bring transparency to this massive expenditure of taxpayer funds.

The House received this legislation on February 9, 2009. Since that time, the Oversight Committee has had the benefit of hearings, testimony, policy developments, and institutional action, all of which could improve this legislation. For example, at our hearing on March 11, "Peeling Back the TARP: Exposing Treasury's Failure to Monitor the Ways Financial Institutions are Using Taxpayer Funds Provided under the Troubled Assets Relief Program", Special Inspector General Barofsky agreed with the need for greater transparency in the TARP program, and Democrats and Republicans had suggestions that could have improved this bill.

For example, if given the opportunity, I would have offered an amendment to this legislation to deliver true transparency in the TARP program, by requiring all data disclosed by TARP recipients to be disclosed in a standard, consistent, and structured format. This is essential to ensure transparency and accountability for TARP funds. Without this amendment, TARP recipients will be able to continue reporting data on how they have used taxpayer money received under TARP in any data format they choose, obscuring important information.

During a hearing before the Domestic Policy Subcommittee of the House Oversight Committee, Mr. KUCINICH and I pressed the SIGTARP on his ability to sift through the survey responses he has received from TARP recipients. We pointed out to him that merely relying on "narrative responses" in a non-standard format from banks would not deliver the kind of transparency and accountability the American people demand. Rather, we have to insist on access to the raw data in order to achieve complete transparency. Mr. Barofsky said that he doesn't have the resources to sift through such data. I agree. However, putting the data in a standardized and machine-readable format would allow investors, regulators, and the public to use innovative technology solutions to sift through these mountains of data.

In addition, I would have offered an amendment to this legislation that would increase the SIGTARP's hiring flexibility so that he would have sufficient latitude to hire the qualified experts he needs. These changes would have enabled SIGTARP to more effectively executive its responsibilities in oversight of the program. Unfortunately, due to the Majority's stifling of debate on this legislation, we will not have the chance to discuss these important ideas.

One conclusion we have learned from the rush to legislate on the TARP, the stimulus bill, appropriations bills, and various bailouts, is that citizens want expedient, but well considered, solutions before we act. Unfortunately, yet again, it appears that transparency, oversight, and Member participation have taken a back seat to political expediency.

Mr. MOORE of Kansas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the Senate bill, S. 383.

The question was taken.

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

Mr. MOORE of Kansas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on H. Res. 280, by the yeas and nays;

adoption of H. Res. 280, if ordered;

motion to suspend on S. 383, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 146, OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 280, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 242, nays 180, not voting 9, as follows:

[Roll No. 150]

YEAS—242

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—180

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Castle
Chaffetz
Coble
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Cassidy
Coffman (CO)
Engel
Gohmert
Larson (CT)
Miller, Gary
Sarbanes
Sullivan
Westmoreland

□ 1210

Messrs. WITTMAN, POSEY, BARRETT of South Carolina and YOUNG of Alaska changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. COFFMAN. Madam Speaker, I was unavoidably detained. If I voted, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 177, not voting 7, as follows:

[Roll No. 151]

AYES—247

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar

Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—177

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Childers
Engel
Miller, Gary
Price (GA)
Sarbanes
Westmoreland
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PRICE of Georgia. Mr. Speaker, on rollcall No. 151, had I been present, I would have voted "no."

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 383, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the Senate bill, S. 383.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 8, as follows:

[Roll No. 152]

YEAS—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—8

Engel
Eshoo
Miller, Gary
Price (GA)
Rohrabacher
Sarbanes
Westmoreland
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1225

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 152, had I been present, I would have voted "yea."

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 280, I move to take from the Speaker's table 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, with the Senate amendments thereto, and I have a motion at the desk.

The SPEAKER pro tempore (Mr. SALAZAR). The Clerk will report the title of the bill, designate the Senate amendments and designate the motion.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate 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.
Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
Sec. 1003. Monongahela National Forest boundary confirmation.
Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.
Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest as wilderness or a wilderness study area.
Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
Sec. 1105. Trail plan and development.
Sec. 1106. Maps and boundary descriptions.
Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.
Sec. 1202. Designation of wilderness areas.
Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.
Sec. 1204. Mount Hood National Recreation Area.
Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
Sec. 1206. Land exchanges.
Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.
Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.
Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec. 1401. Definitions.
Sec. 1402. Voluntary grazing lease donation program.
Sec. 1403. Box R Ranch land exchange.
Sec. 1404. Deerfield land exchange.
Sec. 1405. Soda Mountain Wilderness.
Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

Sec. 1501. Definitions.
Sec. 1502. Owyhee Science Review and Conservation Center.
Sec. 1503. Wilderness areas.
Sec. 1504. Designation of wild and scenic rivers.
Sec. 1505. Land identified for disposal.
Sec. 1506. Tribal cultural resources.
Sec. 1507. Recreational travel management plans.
Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

Sec. 1601. Definitions.
Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec. 1651. Definitions.
Sec. 1652. Designation of Beaver Basin Wilderness.
Sec. 1653. Administration.
Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

Sec. 1701. Definitions.
Sec. 1702. Oregon Badlands Wilderness.
Sec. 1703. Release.
Sec. 1704. Land exchanges.
Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

Sec. 1751. Definitions.
Sec. 1752. Spring Basin Wilderness.
Sec. 1753. Release.
Sec. 1754. Land exchanges.
Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

Sec. 1801. Definitions.
Sec. 1802. Designation of wilderness areas.
Sec. 1803. Administration of wilderness areas.
Sec. 1804. Release of wilderness study areas.
Sec. 1805. Designation of wild and scenic rivers.
Sec. 1806. Bridgeport Winter Recreation Area.
Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.
Sec. 1808. Ancient Bristlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

Sec. 1851. Wilderness designation.
Sec. 1852. Wild and scenic river designations, Riverside County, California.
Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

Sec. 1901. Definitions.
Sec. 1902. Designation of wilderness areas.
Sec. 1903. Administration of wilderness areas.
Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

Sec. 1951. Definitions.
Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.
Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.
Sec. 1954. East Shore Trail Area.
Sec. 1955. National forest area boundary adjustments.
Sec. 1956. Authority to lease Leiffer tract.

Subtitle O—Washington County, Utah

Sec. 1971. Definitions.
Sec. 1972. Wilderness areas.
Sec. 1973. Zion National Park wilderness.
Sec. 1974. Red Cliffs National Conservation Area.
Sec. 1975. Beaver Dam Wash National Conservation Area.
Sec. 1976. Zion National Park wild and scenic river designation.
Sec. 1977. Washington County comprehensive travel and transportation management plan.
Sec. 1978. Land disposal and acquisition.
Sec. 1979. Management of priority biological areas.
Sec. 1980. Public purpose conveyances.
Sec. 1981. Conveyance of Dixie National Forest land.
Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.
Sec. 1983. Authorization of appropriations.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

Sec. 2001. Definitions.
Sec. 2002. Establishment of the National Landscape Conservation System.
Sec. 2003. Authorization of appropriations.

Subtitle B—Prehistoric Trackways National Monument

Sec. 2101. Findings.
Sec. 2102. Definitions.
Sec. 2103. Establishment.
Sec. 2104. Administration.
Sec. 2105. Authorization of appropriations.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

Sec. 2201. Definitions.
Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
Sec. 2203. Management of the Conservation Area.
Sec. 2204. Authorization of appropriations.

Subtitle D—Snake River Birds of Prey National Conservation Area

Sec. 2301. Snake River Birds of Prey National Conservation Area.

Subtitle E—Dominguez-Escalante National Conservation Area

Sec. 2401. Definitions.
Sec. 2402. Dominguez-Escalante National Conservation Area.
Sec. 2403. Dominguez Canyon Wilderness Area.
Sec. 2404. Maps and legal descriptions.
Sec. 2405. Management of Conservation Area and Wilderness.
Sec. 2406. Management plan.
Sec. 2407. Advisory council.
Sec. 2408. Authorization of appropriations.

Subtitle F—Rio Puerco Watershed Management Program

Sec. 2501. Rio Puerco Watershed Management Program.

Subtitle G—Land Conveyances and Exchanges

Sec. 2601. Carson City, Nevada, land conveyances.
Sec. 2602. Southern Nevada limited transition area conveyance.
Sec. 2603. Nevada Cancer Institute land conveyance.
Sec. 2604. Turnabout Ranch land conveyance, Utah.

Sec. 2605. Boy Scouts land exchange, Utah.
Sec. 2606. Douglas County, Washington, land conveyance.
Sec. 2607. Twin Falls, Idaho, land conveyance.
Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
Sec. 2609. Park City, Utah, land conveyance.
Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

Sec. 3201. Definitions.
Sec. 3202. Withdrawal of certain land in the Wyoming range.
Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.

Subtitle D—Land Conveyances and Exchanges

Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.
Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.
Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.
Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.
Sec. 3305. Kittitas County, Washington, land conveyance.
Sec. 3306. Mammoth Community Water District use restrictions.
Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.
Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.
Sec. 3309. Sandia pueblo land exchange technical amendment.

Subtitle E—Colorado Northern Front Range Study

Sec. 3401. Purpose.
Sec. 3402. Definitions.
Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.

TITLE IV—FOREST LANDSCAPE RESTORATION

Sec. 4001. Purpose.
Sec. 4002. Definitions.
Sec. 4003. Collaborative Forest Landscape Restoration Program.
Sec. 4004. Authorization of appropriations.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

Sec. 5001. Fossil Creek, Arizona.
Sec. 5002. Snake River Headwaters, Wyoming.
Sec. 5003. Taunton River, Massachusetts.

Subtitle B—Wild and Scenic Rivers Studies

Sec. 5101. Missisquoi and Trout Rivers Study.

Subtitle C—Additions to the National Trails System

Sec. 5201. Arizona National Scenic Trail.
Sec. 5202. New England National Scenic Trail.
Sec. 5203. Ice Age Floods National Geologic Trail.
Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.
Sec. 5205. Pacific Northwest National Scenic Trail.
Sec. 5206. Trail of Tears National Historic Trail.

Subtitle D—National Trail System Amendments

Sec. 5301. National Trails System willing seller authority.
Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.
Sec. 5303. Chisholm Trail and Great Western Trails Studies.

Subtitle E—Effect of Title

Sec. 5401. Effect.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

Sec. 6001. Definitions.
Sec. 6002. Program.
Sec. 6003. Effect of subtitle.

Subtitle B—Competitive Status for Federal Employees in Alaska

Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.

Subtitle C—Wolf Livestock Loss Demonstration Project

Sec. 6201. Definitions.
Sec. 6202. Wolf compensation and prevention program.
Sec. 6203. Authorization of appropriations.

Subtitle D—Paleontological Resources Preservation

Sec. 6301. Definitions.
Sec. 6302. Management.
Sec. 6303. Public awareness and education program.
Sec. 6304. Collection of paleontological resources.
Sec. 6305. Curation of resources.
Sec. 6306. Prohibited acts; criminal penalties.
Sec. 6307. Civil penalties.
Sec. 6308. Rewards and forfeiture.
Sec. 6309. Confidentiality.
Sec. 6310. Regulations.
Sec. 6311. Savings provisions.
Sec. 6312. Authorization of appropriations.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

Sec. 6401. Definitions.
Sec. 6402. Land exchange.
Sec. 6403. King Cove Road.
Sec. 6404. Administration of conveyed lands.
Sec. 6405. Failure to begin road construction.
Sec. 6406. Expiration of legislative authority.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

Sec. 7001. Paterson Great Falls National Historical Park, New Jersey.
Sec. 7002. William Jefferson Clinton Birthplace Home National Historic Site.
Sec. 7003. River Raisin National Battlefield Park.

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

Sec. 7101. Funding for Keweenaw National Historical Park.
Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.
Sec. 7103. Little River Canyon National Preserve boundary expansion.
Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
Sec. 7106. Minute Man National Historical Park.
Sec. 7107. Everglades National Park.
Sec. 7108. Kalaupapa National Historical Park.
Sec. 7109. Boston Harbor Islands National Recreation Area.
Sec. 7110. Thomas Edison National Historical Park, New Jersey.
Sec. 7111. Women's Rights National Historical Park.
Sec. 7112. Martin Van Buren National Historic Site.
Sec. 7113. Palo Alto Battlefield National Historical Park.
Sec. 7114. Abraham Lincoln Birthplace National Historical Park.
Sec. 7115. New River Gorge National River.
Sec. 7116. Technical corrections.
Sec. 7117. Dayton Aviation Heritage National Historical Park, Ohio.
Sec. 7118. Fort Davis National Historic Site.

Subtitle C—Special Resource Studies

Sec. 7201. Walnut Canyon study.
Sec. 7202. Tule Lake Segregation Center, California.
Sec. 7203. Estate Grange, St. Croix.
Sec. 7204. Harriet Beecher Stowe House, Maine.
Sec. 7205. Shepherdstown battlefield, West Virginia.
Sec. 7206. Green McAdoo School, Tennessee.
Sec. 7207. Harry S Truman Birthplace, Missouri.
Sec. 7208. Battle of Matewan special resource study.
Sec. 7209. Butterfield Overland Trail.
Sec. 7210. Cold War sites theme study.
Sec. 7211. Battle of Camden, South Carolina.
Sec. 7212. Fort San Gerónimo, Puerto Rico.

Subtitle D—Program Authorizations

Sec. 7301. American Battlefield Protection Program.
Sec. 7302. Preserve America Program.
Sec. 7303. Save America's Treasures Program.
Sec. 7304. Route 66 Corridor Preservation Program.
Sec. 7305. National Cave and Karst Research Institute.

Subtitle E—Advisory Commissions

Sec. 7401. Na Hoa Pili O Kaloko-Honokohau Advisory Commission.
Sec. 7402. Cape Cod National Seashore Advisory Commission.
Sec. 7403. Concessions Management Advisory Board.
Sec. 7404. St. Augustine 450th Commemoration Commission.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
Sec. 8002. Cache La Poudre River National Heritage Area, Colorado.
Sec. 8003. South Park National Heritage Area, Colorado.
Sec. 8004. Northern Plains National Heritage Area, North Dakota.
Sec. 8005. Baltimore National Heritage Area, Maryland.
Sec. 8006. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.
Sec. 8007. Mississippi Hills National Heritage Area.
Sec. 8008. Mississippi Delta National Heritage Area.
Sec. 8009. Muscle Shoals National Heritage Area, Alabama.
Sec. 8010. Kenai Mountains-Turnagain Arm National Heritage Area, Alaska.

Subtitle B—Studies

Sec. 8101. Chattahoochee Trace, Alabama and Georgia.
Sec. 8102. Northern Neck, Virginia.

Subtitle C—Amendments Relating to National Heritage Corridors

Sec. 8201. Quinebaug and Shetucket Rivers Valley National Heritage Corridor.
Sec. 8202. Delaware And Lehigh National Heritage Corridor.
Sec. 8203. Erie Canalway National Heritage Corridor.
Sec. 8204. John H. Chafee Blackstone River Valley National Heritage Corridor.

Subtitle D—Effect of Title

Sec. 8301. Effect on access for recreational activities.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

Sec. 9001. Snake, Boise, and Payette River systems, Idaho.
Sec. 9002. Sierra Vista Subwatershed, Arizona.
Sec. 9003. San Diego Intertie, California.

Subtitle B—Project Authorizations

Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.
Sec. 9102. Madera Water Supply Enhancement Project, California.
Sec. 9103. Eastern New Mexico Rural Water System project, New Mexico.
Sec. 9104. Rancho California Water District project, California.
Sec. 9105. Jackson Gulch Rehabilitation Project, Colorado.
Sec. 9106. Rio Grande Pueblos, New Mexico.
Sec. 9107. Upper Colorado River endangered fish programs.
Sec. 9108. Santa Margarita River, California.
Sec. 9109. Elsinore Valley Municipal Water District.
Sec. 9110. North Bay Water Reuse Authority.
Sec. 9111. Prado Basin Natural Treatment System Project, California.
Sec. 9112. Bunker Hill Groundwater Basin, California.
Sec. 9113. GREAT Project, California.
Sec. 9114. Yucaipa Valley Water District, California.
Sec. 9115. Arkansas Valley Conduit, Colorado.

Subtitle C—Title Transfers and Clarifications

Sec. 9201. Transfer of McGee Creek pipeline and facilities.
Sec. 9202. Albuquerque Biological Park, New Mexico, title clarification.
Sec. 9203. Goleta Water District Water Distribution System, California.

Subtitle D—San Gabriel Basin Restoration Fund

Sec. 9301. Restoration Fund.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

Sec. 9401. Definitions.
Sec. 9402. Implementation and water accounting.
Sec. 9403. Enforceability of program documents.
Sec. 9404. Authorization of appropriations.

Subtitle F—Secure Water

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Sec. 9502. Definitions.
Sec. 9503. Reclamation climate change and water program.
Sec. 9504. Water management improvement.
Sec. 9505. Hydroelectric power assessment.
Sec. 9506. Climate change and water intragovernmental panel.
Sec. 9507. Water data enhancement by United States Geological Survey.
Sec. 9508. National water availability and use assessment program.
Sec. 9509. Research agreement authority.
Sec. 9510. Effect.

Subtitle G—Aging Infrastructure

Sec. 9601 Definitions.
Sec. 9602. Guidelines and inspection of project facilities and technical assistance to transferred works operating entities.
Sec. 9603. Extraordinary operation and maintenance work performed by the Secretary.
Sec. 9604. Relationship to Twenty-First Century Water Works Act.
Sec. 9605. Authorization of appropriations.

TITLE X—WATER SETTLEMENTS

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Sec. 10001. Short title.
Sec. 10002. Purpose.
Sec. 10003. Definitions.
Sec. 10004. Implementation of settlement.
Sec. 10005. Acquisition and disposal of property; title to facilities.
Sec. 10006. Compliance with applicable law.
Sec. 10007. Compliance with Central Valley Project Improvement Act.
Sec. 10008. No private right of action.
Sec. 10009. Appropriations; Settlement Fund.
Sec. 10010. Repayment contracts and acceleration of repayment of construction costs.
Sec. 10011. California Central Valley Spring Run Chinook salmon.

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

Sec. 10101. Study to develop water plan; report.

PART III—FRIANT DIVISION IMPROVEMENTS

Sec. 10201. Federal facility improvements.
Sec. 10202. Financial assistance for local projects.
Sec. 10203. Authorization of appropriations.

Subtitle B—Northwestern New Mexico Rural Water Projects

Sec. 10301. Short title.
Sec. 10302. Definitions.
Sec. 10303. Compliance with environmental laws.
Sec. 10304. No reallocation of costs.
Sec. 10305. Interest rate.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

Sec. 10401. Amendments to the Colorado River Storage Project Act.
Sec. 10402. Amendments to Public Law 87–483.
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PART II—RECLAMATION WATER SETTLEMENTS FUND

Sec. 10501. Reclamation Water Settlements Fund.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

Sec. 10601. Purposes.
Sec. 10602. Authorization of Navajo-Gallup Water Supply Project.
Sec. 10603. Delivery and use of Navajo-Gallup Water Supply Project water.
Sec. 10604. Project contracts.
Sec. 10605. Navajo Nation Municipal Pipeline.
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Sec. 10607. San Juan River Navajo Irrigation Projects.
Sec. 10608. Other irrigation projects.
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PART IV—NAVAJO NATION WATER RIGHTS

Sec. 10701. Agreement.
Sec. 10702. Trust Fund.
Sec. 10703. Waivers and releases.
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Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

Sec. 10801. Findings.
Sec. 10802. Purposes.
Sec. 10803. Definitions.
Sec. 10804. Approval, ratification, and confirmation of agreement; authorization.
Sec. 10805. Tribal water rights.
Sec. 10806. Duck Valley Indian Irrigation Project.
Sec. 10807. Development and Maintenance Funds.
Sec. 10808. Tribal waiver and release of claims.
Sec. 10809. Miscellaneous.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

Sec. 11001. Reauthorization of the National Geologic Mapping Act of 1992.
Sec. 11002. New Mexico water resources study.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

Sec. 12001. Purpose.
Sec. 12002. Program established.
Sec. 12003. Powers and duties of the Administrator.
Sec. 12004. Ocean exploration and undersea research technology and infrastructure task force.
Sec. 12005. Ocean Exploration Advisory Board.
Sec. 12006. Authorization of appropriations.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

Sec. 12101. Short title.
Sec. 12102. Program established.
Sec. 12103. Powers of program director.
Sec. 12104. Administrative structure.
Sec. 12105. Research, exploration, education, and technology programs.
Sec. 12106. Competitiveness.
Sec. 12107. Authorization of appropriations.

Subtitle B—Ocean and Coastal Mapping Integration Act

Sec. 12201. Short title.
Sec. 12202. Establishment of program.
Sec. 12203. Interagency committee on ocean and coastal mapping.
Sec. 12204. Biannual reports.
Sec. 12205. Plan.
Sec. 12206. Effect on other laws.
Sec. 12207. Authorization of appropriations.
Sec. 12208. Definitions.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

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Sec. 12302. Purposes.
Sec. 12303. Definitions.
Sec. 12304. Integrated coastal and ocean observing system.
Sec. 12305. Interagency financing and agreements.
Sec. 12306. Application with other laws.
Sec. 12307. Report to Congress.
Sec. 12308. Public-private use policy.
Sec. 12309. Independent cost estimate.
Sec. 12310. Intent of Congress.
Sec. 12311. Authorization of appropriations.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

Sec. 12401. Short title.
Sec. 12402. Purposes.
Sec. 12403. Definitions.
Sec. 12404. Interagency subcommittee.
Sec. 12405. Strategic research plan.
Sec. 12406. NOAA ocean acidification activities.
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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 N½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) WITHDRAWAL.—Subject to valid existing rights, the land generally depicted on the map as ''Lands Withdrawn From Mineral Entry'' and ''Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry'' is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

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

(3) operation of the mineral materials and geothermal leasing laws.

(e) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) LINE OF DEMARCATION.—The term ''line of demarcation'' means the point on the bank or

shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) MAP.—The term ''map'' means the map entitled ''Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary'', numbered 625/80,051, and dated April 16, 2007.

(3) NATIONAL LAKESHORE.—The term ''National Lakeshore'' means the Pictured Rocks National Lakeshore.

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

(5) WILDERNESS.—The term ''Wilderness'' means the Beaver Basin Wilderness designated by section 1652(a).

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Beaver Basin Wilderness''.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) BOUNDARY.—

(1) LINE OF DEMARCATION.—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) SURFACE WATER.—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) FORCE AND EFFECT.—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1653. ADMINISTRATION.

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

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

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

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

SEC. 1654. EFFECT.

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

(1) DISTRICT.—The term ''District'' means the Central Oregon Irrigation District.

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

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

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

SEC. 1702. OREGON BADLANDS WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Oregon Badlands Wilderness''.

(b) ADMINISTRATION OF WILDERNESS.—

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

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

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

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

(A) become part of the Oregon Badlands Wilderness; and

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

(3) GRAZING.—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

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

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

(4) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(c) POTENTIAL WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of 25 feet, as generally depicted on the wilderness map as ''Potential Wilderness'', is designated as potential wilderness.

(2) INTERIM MANAGEMENT.—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be—

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

(B) incorporated into the Oregon Badlands Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Badlands Wilderness with—

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

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

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

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

SEC. 1703. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

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

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

SEC. 1704. LAND EXCHANGES.

(a) CLARNO LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 239 acres of non-Federal land identified on the wilderness map as ''Clarno to Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 209 acres of Federal land identified on the wilderness map as ''Federal Government to Clarno''.

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

(b) DISTRICT EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 527 acres of non-Federal land identified on the wilderness map as ''COID to Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on

the wilderness map as ''Federal Government to COID''.

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

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

(d) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

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

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

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(f) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

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

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

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

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

(3) TRIBES.—The term ''Tribes'' means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) WILDERNESS MAP.—The term ''wilderness map'' means the map entitled ''Spring Basin Wilderness with Land Exchange Proposals'' and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Spring Basin Wilderness''.

(b) ADMINISTRATION OF WILDERNESS.—

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

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

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

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

(A) become part of the Spring Basin Wilderness; and

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

(3) GRAZING.—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—

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

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

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Spring Basin Wilderness with—

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

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

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

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

SEC. 1753. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE ¼, W ½.

(2) T. 8 S., R.19 E., sec. 25, SE ¼, SE ¼.

(3) T. 8 S., R. 20 E., sec. 19, SE ¼, S ½ of the S ½.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

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

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

SEC. 1754. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from the CTWSIR to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to CTWSIR''.

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

(4) WITHDRAWAL.—Subject to valid existing rights, the land acquired by the Secretary under this subsection is withdrawn from all forms of—

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

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

(C) disposition under any law relating to mineral and geothermal leasing or mineral materials.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from McGreer to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to McGreer''.

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

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Keys to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Keys''.

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

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Bowerman to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Bowerman''.

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

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

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

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

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

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(h) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

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

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term ''Forest'' means the Ancient Bristlecone Pine Forest designated by section 1808(a).

(2) RECREATION AREA.—The term ''Recreation Area'' means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of California.

(5) TRAIL.—The term ''Trail'' means the Pacific Crest National Scenic Trail.

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

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

(1) HOOVER WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as ''Hoover East Wilderness Addition,'' ''Hoover West Wilderness Addition'', and ''Bighorn Proposed Wilderness Addition'', as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008; and

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

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

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled ''Owens River Headwaters Proposed Wilderness'' and dated September 16, 2008, which shall be known as the ''Owens River Headwaters Wilderness''.

(3) JOHN MUIR WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''John Muir Proposed Wilderness Addition (1 of 5)'' and dated September 23, 2008;

(ii) the map entitled ''John Muir Proposed Wilderness Addition (2 of 5)'' and dated September 23, 2008;

(iii) the map entitled ''John Muir Proposed Wilderness Addition (3 of 5)'' and dated October 31, 2008;

(iv) the map entitled ''John Muir Proposed Wilderness Addition (4 of 5)'' and dated September 16, 2008; and

(v) the map entitled ''John Muir Proposed Wilderness Addition (5 of 5)'' and dated September 16, 2008.

(C) BOUNDARY REVISION.—The boundary of the John Muir Wilderness is revised as depicted on the map entitled ''John Muir Wilderness—Revised'' and dated September 16, 2008.

(4) ANSEL ADAMS WILDERNESS ADDITION.—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled ''Ansel Adams Proposed Wilderness Addition'' and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) WHITE MOUNTAINS WILDERNESS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), which shall be known as the ''White Mountains Wilderness''.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled ''White Mountains Proposed Wilderness-Map 1 of 2 (North)'' and dated September 16, 2008; and

(ii) the map entitled ''White Mountains Proposed Wilderness-Map 2 of 2 (South)'' and dated September 16, 2008.

(6) GRANITE MOUNTAIN WILDERNESS.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled ''Granite Mountain Wilderness'' and dated September 19, 2008, which shall be known as the ''Granite Mountain Wilderness''.

(7) MAGIC MOUNTAIN WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled ''Magic Mountain Proposed Wilderness'' and dated December 16, 2008, which shall be known as the ''Magic Mountain Wilderness''.

(8) PLEASANT VIEW RIDGE WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled ''Pleasant View Ridge Proposed Wilderness'' and dated December 16, 2008, which shall be known as the ''Pleasant View Ridge Wilderness''.

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

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

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

(b) MAP AND LEGAL DESCRIPTION.—

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

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

(B) the Committee on Energy and Natural Resources of the Senate.

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

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

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

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

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

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle is withdrawn from—

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

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

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

(e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

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

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) ACCESS TO PRIVATE PROPERTY.—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(g) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

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

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

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

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

(i) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(j) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

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

(k) OUTFITTER AND GUIDE USE.—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(l) TRANSFER TO THE FOREST SERVICE.—

(1) WHITE MOUNTAINS WILDERNESS.—Administrative jurisdiction over the approximately 946 acres of land identified as ''Transfer of Administrative Jurisdiction from BLM to FS'' on the maps described in section 1802(5)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 143 acres of land identified as ''Transfer of Administrative Jurisdiction from BLM to FS'' on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) TRANSFER TO THE BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the approximately 3,010 acres of land identified as ''Land from FS to BLM'' on the maps described in section 1802(6) is transferred from the Forest Service to the Bureau of Land Management to be managed as part of the Granite Mountain Wilderness.

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

''(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

''(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

''(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

''(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

''(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

''(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

''(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

''(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

''(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

''(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

''(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

''(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R.27 E., as a wild river.

''(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

''(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

''(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

''(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

''(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T.4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

''(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

''(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.''.

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest identified as the ''Bridgeport Winter Recreation Area'', as generally depicted on the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

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

(B) the Committee on Energy and Natural Resources of the Senate.

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

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

(c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

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

(d) MANAGEMENT PLAN.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with nonmotorized recreation on the Trail; and

(3) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Trail in the area identified as ''Pacific Crest Trail Proposed Crossing Area'' on the map entitled ''Humboldt-Toiyable National Forest Proposed Management'' and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as ''Pickel Hill Management Area'', as generally depicted on the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled ''Ancient Bristlecone Pine Forest—Proposed'' and dated July 16, 2008, is designated as the ''Ancient Bristlecone Pine Forest''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

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

(B) the Committee on Energy and Natural Resources of the Senate.

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

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

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

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

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

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

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

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

Subtitle L—Riverside County Wilderness, California

SEC. 1851. WILDERNESS DESIGNATION.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

(1) DESIGNATIONS.—

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled ''Proposed Addition to Agua Tibia Wilderness'', and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled ''Cahuilla Mountain Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Cahuilla Mountain Wilderness''.

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled ''South Fork San Jacinto Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation

System, which shall be known as the ''South Fork San Jacinto Wilderness''.

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled ''Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition'', and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled ''Beauty Mountain Proposed Wilderness'', and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Beauty Mountain Wilderness''.

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled ''Orocopia Mountains Proposed Wilderness Addition'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled ''Palen-McCoy Proposed Wilderness Additions'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled ''Pinto Mountains Proposed Wilderness'', and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Pinto Mountains Wilderness''.

(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled ''Chuckwalla Mountains Proposed Wilderness Addition'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

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

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

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

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

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

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

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

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

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

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

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

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

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

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

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

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

''(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

''(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

''(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

''(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

''(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

''(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

''(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

''(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

''(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.''.

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

''(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled 'Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition', and dated March 12, 2008:

''(1) The 'Santa Rosa Peak Area Monument Expansion'.

''(2) The 'Snow Creek Area Monument Expansion'.

''(3) The 'Tahquitz Peak Area Monument Expansion'.

''(4) The 'Southeast Area Monument Expansion', which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.''.

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking ''eight'' and inserting ''a majority of the appointed''.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

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

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

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

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

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled ''John Krebs Wilderness'', and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as ''Silver City'' and ''Kaweah Han''.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled ''Sequoia-Kings Canyon Wilderness Addition'', numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

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

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

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

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

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

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

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

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

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''map'' means the map entitled ''Rocky Mountain National Park Wilderness Act of 2007'' and dated September 2006.

(2) PARK.—The term ''Park'' means Rocky Mountain National Park located in the State of Colorado.

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

(4) TRAIL.—The term ''Trail'' means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term ''Wilderness'' means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

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

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a ''Potential Wilderness Area'', the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the ''East Shore Trail Area''.

(e) ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) LIMITATION.—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101–337 (16 U.S.C. 19jj et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(1) IN GENERAL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado–Big Thompson Project facilities located within the Park.

(2) ALVA B. ADAMS TUNNEL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) RIGHT-OF-WAY.—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

(f) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the ''East Shore Trail'', to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

(1) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95–450) is amended—

(1) by striking ''seventy thousand acres'' and inserting ''74,195 acres''; and

(2) by striking '', dated July 1978'' and inserting ''and dated May 2007''.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking ''thirty-six thousand two hundred thirty-five acres'' and inserting ''35,235 acres''; and

(2) by striking '', dated July 1978'' and inserting ''and dated May 2007''.

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the ''Leiffer tract'' that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

Subtitle O—Washington County, Utah

SEC. 1971. DEFINITIONS.

In this subtitle:

(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.—The term ''Beaver Dam Wash National Conservation Area Map'' means the map entitled ''Beaver Dam Wash National Conservation Area'' and dated December 18, 2008.

(2) CANAAN MOUNTAIN WILDERNESS MAP.—The term ''Canaan Mountain Wilderness Map'' means the map entitled ''Canaan Mountain Wilderness'' and dated June 21, 2008.

(3) COUNTY.—The term ''County'' means Washington County, Utah.

(4) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northeastern Washington County Wilderness Map'' means the map entitled ''Northeastern Washington County Wilderness'' and dated November 12, 2008.

(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northwestern Washington County Wilderness Map'' means the map entitled ''Northwestern Washington County Wilderness'' and dated June 21, 2008.

(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term ''Red Cliffs National Conservation Area Map'' means the map entitled ''Red Cliffs National Conservation Area'' and dated November 12, 2008.

(7) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of Utah.

(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term ''Washington County Growth and Conservation Act Map'' means the map entitled ''Washington County Growth and Conservation Act Map'' and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Beartrap Canyon Wilderness''.

(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Blackridge Wilderness''.

(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the ''Canaan Mountain Wilderness''.

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Canyon Wilderness''.

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Forest Wilderness''.

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Cougar Canyon Wilderness''.

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Deep Creek Wilderness''.

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Deep Creek North Wilderness''.

(I) DOC'S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Doc's Pass Wilderness''.

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Goose Creek Wilderness''.

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''LaVerkin Creek Wilderness''.

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Red Butte Wilderness''.

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Red Mountain Wilderness''.

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

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Taylor Creek Wilderness''.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

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

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

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

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

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

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

(2) LIVESTOCK.—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

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

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

(H.Rep. 101–405) and H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(3) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

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

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

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(A) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(9) WATER RIGHTS.—

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

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

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

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

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) FISH AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) AUTHORITY OF SECRETARY.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101–405.

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) RELEASE OF WILDERNESS STUDY AREAS.—

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

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

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

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) WILDERNESS AREA.—The term ''Wilderness Area'' means the Zion Wilderness designated by subsection (b)(1).

(3) ZION NATIONAL PARK WILDERNESS MAP.—The term ''Zion National Park Wilderness Map'' means the map entitled ''Zion National Park Wilderness'' and dated April 2008.

(b) ZION NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Zion Wilderness''.

(2) INCORPORATION OF ACQUIRED LAND.—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) MAP AND LEGAL DESCRIPTION.—

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

(B) FORCE AND EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) PURPOSES.—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term ''habitat conservation plan'' means the conservation plan entitled ''Washington County Habitat Conservation Plan'' and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) NATIONAL CONSERVATION AREA.—The term ''National Conservation Area'' means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) PUBLIC USE PLAN.—The term ''public use plan'' means the use plan entitled ''Red Cliffs Desert Reserve Public Use Plan'' and dated June 12, 2000, as amended.

(5) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means the management plan entitled ''St. George Field Office Resource Management Plan'' and dated March 15, 1999, as amended.

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

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

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

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

(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

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

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

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

(ii) applicable law; and

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

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

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

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

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

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

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

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

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.

(a) PURPOSE.—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) NATIONAL CONSERVATION AREA.—The term ''National Conservation Area'' means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

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

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

(B) members of the public.

(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

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

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as ''Designated Road Areas'', motorized vehicles shall be permitted only on the roads identified on such map.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

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

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

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

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

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

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

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

''(204) ZION NATIONAL PARK, UTAH.—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled 'Wild and Scenic River Segments Zion National Park and Bureau of Land Management' and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

''(A) TAYLOR CREEK.—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

''(B) NORTH FORK OF TAYLOR CREEK.—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(C) MIDDLE FORK OF TAYLOR CREEK.—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

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

''(E) TIMBER CREEK AND TRIBUTARIES.—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(F) LAVERKIN CREEK.—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

''(G) WILLIS CREEK.—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

''(H) BEARTRAP CANYON.—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(I) HOP VALLEY CREEK.—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(J) CURRENT CREEK.—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(K) CANE CREEK.—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(L) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(M) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

''(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

''(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

''(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

''(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

''(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

''(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

''(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

''(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

''(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

''(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

''(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

''(JJ) PINE CREEK .—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

''(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

''(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

''(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.''.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled ''Zion National Park Water Rights Settlement Agreement'' and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

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

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term ''trail'' means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term ''travel management plan'' means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the ''High Desert Off-Highway Vehicle Trail''.

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may

designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

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

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the ''Washington County, Utah Land Acquisition Account''.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as ''Temple Quarry'' as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel B'', to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel C'', to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel D'', to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel E'', to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel F'', to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ''covered Federal land'' means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) MAP.—The term ''map'' means the map entitled ''Conveyance of Dixie National Forest Land'' and dated December 18, 2008.

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

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—

(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

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

(ii) the Uniform Standards of Professional Appraisal Practice; and

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

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

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

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

(a) DEFINITIONS.—In this section:

(1) PARCEL A.—The term ''Parcel A'' means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled ''Washington County Growth and Conservation Act Map''.

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

(3) TRIBE.—The term ''Tribe'' means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.—

(1) IN GENERAL.—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) SURVEY; LEGAL DESCRIPTION.—

(A) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) LEGAL DESCRIPTION OF PARCEL A.—

(i) IN GENERAL.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) EFFECT.—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) LAND TO BE MADE A PART OF THE RESERVATION.—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

SEC. 2001. DEFINITIONS.

In this subtitle:

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

(2) SYSTEM.—The term ''system'' means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) EFFECT.—

(1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) FISH AND WILDLIFE.—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Prehistoric Trackways National Monument

SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing ''the most scientifically significant Early Permian tracksites'' in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) MONUMENT.—The term ''Monument'' means the Prehistoric Trackways National Monument established by section 2103(a).

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

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

SEC. 2103. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled ''Prehistoric Trackways National Monument'' and dated December 17, 2008.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity

plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

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

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

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

SEC. 2201. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed for the Conservation Area under section 2203(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled ''Fort Stanton-Snowy River Cave National Conservation Area'' and dated December 15, 2008.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

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

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

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

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

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

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

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii–1(2)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''; and

(2) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by striking ''(hereafter referred to as the 'conservation area')''; and

(2) in section 4 (16 U.S.C. 460iii–3)—

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

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

Subtitle E—Dominguez-Escalante National Conservation Area

SEC. 2401. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) COUNCIL.—The term ''Council'' means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 2406.

(4) MAP.—The term ''Map'' means the map entitled ''Dominguez-Escalante National Conservation Area'' and dated September 15, 2008.

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

(6) STATE.—The term ''State'' means the State of Colorado.

(7) WILDERNESS.—The term ''Wilderness'' means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Dominguez Canyon Wilderness Area''.

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

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

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

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

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

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

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

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

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

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

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) GRAZING.—

(1) GRAZING IN CONSERVATION AREA.—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

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

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

(c) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) FIRE, INSECTS, AND DISEASES.—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) ACCESS.—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) WATER RIGHTS.—

(1) EFFECT.—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) WILDERNESS WATER RIGHTS.—

(A) IN GENERAL.—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(i) PROCEDURAL REQUIREMENTS.—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) ESTABLISHMENT OF WATER RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) COOPERATIVE ENFORCEMENT.—

(i) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) WATER RESOURCE FACILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

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

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

(4) CONSERVATION AREA WATER RIGHTS.—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.—

(A) IN GENERAL.—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) EXCLUSION FROM WILDERNESS.—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) EFFECT.—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) VALID EXISTING RIGHTS.—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) PURPOSES.—The management plan shall—

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

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the ''Dominguez-Escalante National Conservation Area Advisory Council''.

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

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

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

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

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

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

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

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

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

''(I) the Environmental Protection Agency;''; and

(2) in paragraph (4), by striking ''enactment of this Act'' and inserting ''enactment of the Omnibus Public Land Management Act of 2009''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4148) is amended by striking ''enactment of this Act'' and inserting ''enactment of the Omnibus Public Land Management Act of 2009''.

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Carson City, Nevada Area'', dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) TRIBE.—The term ''Tribe'' means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) CONVEYANCES OF FEDERAL LAND AND CITY LAND.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as ''To U.S. Forest Service''.

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

(i) the approximately 935 acres of Forest Service land identified on the Map as ''To Carson City for Natural Areas'';

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as ''Silver Saddle Ranch and Carson River Area'';

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as ''To Carson City for Parks and Public Purposes''; and

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as ''Reversionary Interest of the United States Released''.

(3) CONDITIONS.—

(A) CONSIDERATION.—Before the conveyance of the 62–acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation

with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NONPROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

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

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

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

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as ''To Bureau of Land Management''.

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

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as ''Parcel #1'' is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

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

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

(A) the approximately 108 acres of Bureau of Land Management land identified as ''Lands for Disposal'' on the Map; and

(B) the approximately 50 acres of land identified as ''Parcel #1'' on the Map.

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

(A) City zoning ordinances; and

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

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

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

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

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

(i) all forms of entry and appropriation under the public land laws;

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

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

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

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(i) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

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

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the ''Carson City Special Account'', and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

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

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the ''Silver Saddle Endowment Account'', consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

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

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as ''Urban Interface Withdrawal''.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))'' and inserting ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))'';

(2) in paragraph (3)(A)(v), by striking ''Clark, Lincoln, and White Pine Counties'' and inserting ''Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))'';

(3) in paragraph (4), by striking ''2011'' and inserting ''2015''; and

(4) by adding at the end the following:

''(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

''(A) adjacent to the Carson River; or

''(B) within the floodplain of the Carson River.''.

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as ''To Washoe Tribe''.

(3) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) USE OF LAND.—

(A) GAMING.—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200′ elevation contour, the Tribe—

(i) shall limit the use of the land to—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200′ elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii)(I) residential or recreational development; or

(II) commercial use.

(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—

(1) PURPOSE.—The purpose of this subsection is to amend Public Law 108–67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) TECHNICAL CORRECTION.—Section 2 of Public Law 108–67 (117 Stat. 880) is amended—

(A) by striking ''Subject to'' and inserting the following:

''(a) IN GENERAL.—Subject to'';

(B) in subsection (a) (as designated by paragraph (1)), by striking ''the parcel'' and all that follows through the period at the end and inserting the following: ''and to approximately 23 acres of land identified as 'Parcel A' on the map entitled 'Skunk Harbor Conveyance Correction' and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0′ (Lake Tahoe Datum).''; and

(C) by adding at the end the following:

''(b) SURVEY AND LEGAL DESCRIPTION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

''(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

''(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.''.

(3) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108–67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as ''Parcel B'' on the map entitled ''Skunk Harbor Conveyance Correction'' and dated September 12, 2008.

(j) AGREEMENT WITH FOREST SERVICE.—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) ARTIFACT COLLECTION.—

(1) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as ''Parcel #2'' on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) AUTHORIZED ACTIVITIES.—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as ''Parcel #2'' on the Map.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Henderson, Nevada.

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

(3) STATE.—The term ''State'' means the State of Nevada.

(4) TRANSITION AREA.—The term ''Transition Area'' means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as ''Limited Transition Area'' on the map entitled ''Southern Nevada Limited Transition Area Act'' and dated March 20, 2006.

(b) SOUTHERN NEVADA LIMITED TRANSITION AREA.—

(1) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(A) IN GENERAL.—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) METHOD OF SALE.—

(i) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) COMPLIANCE WITH CHARTER.—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(4) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) REVERSION.—

(A) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after

the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ALTA-HUALAPAI SITE.—The term ''Alta-Hualapai Site'' means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.); and

(B) identified on the map as the ''Alta-Hualapai Site''.

(2) CITY.—The term ''City'' means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term ''Institute'' means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term ''map'' means the map titled ''Nevada Cancer Institute Expansion Act'' and dated July 17, 2006.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term ''Water District'' means the Las Vegas Valley Water District.

(b) LAND CONVEYANCE.—

(1) SURVEY AND LEGAL DESCRIPTION.—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) ACCEPTANCE.—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute.

(5) APPLICABLE LAW.—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2345).

(6) TRANSACTION COSTS.—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2345).

(c) RIGHTS-OF-WAY.—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) REVERSION.—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 25 acres of Bureau of Land Management land identified on the map as ''Lands to be conveyed to Turnabout Ranch''.

(2) MAP.—The term ''map'' means the map entitled ''Turnabout Ranch Conveyance'' dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) MONUMENT.—The term ''Monument'' means the Grand Staircase-Escalante National Monument located in southern Utah.

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

(5) TURNABOUT RANCH.—The term ''Turnabout Ranch'' means the Turnabout Ranch in Escalante, Utah, owned by Aspen Education Group.

(b) CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) APPRAISAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''. All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) PAYMENT OF CONSIDERATION.—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) COSTS OF CONVEYANCE.—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

(c) MODIFICATION OF MONUMENT BOUNDARY.—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) DEFINITIONS.—In this section:

(1) BOY SCOUTS.—The term ''Boy Scouts'' means the Utah National Parks Council of the Boy Scouts of America.

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

(b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) REVERSIONARY INTEREST.—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

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

(3) CONDITIONS.—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43–75–0010.

(4) MODIFICATION OF PATENT.—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) numbered 43–75–0010 to take into account the exchange under paragraph (1)(A).

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) PUBLIC LAND.—The term ''public land'' means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled ''Douglas County Public Utility District Proposal'' and dated March 2, 2006.

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

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

(4) WELLS HYDROELECTRIC PROJECT.—The term ''Wells Hydroelectric Project'' means Federal Energy Regulatory Commission Project No. 2149.

(b) CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.—

(1) CONVEYANCE REQUIRED.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required

under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''.

(3) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) SEGREGATION OF LANDS.—

(1) WITHDRAWAL.—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

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

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) DURATION.—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) RETAINED AUTHORITY.—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as ''Land to be conveyed to Twin Falls'' on the map titled ''Twin Falls Land Conveyance'' and dated July 28, 2008.

(c) MAP ON FILE.—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LANDS.—

(1) PURPOSE.—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) RESTRICTION.—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

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

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled ''Sunrise Mountain ISA Release Areas'' and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.—

(1) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) CONSIDERATION.—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.—

(1) SALE OF LAND.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) METHOD OF SALE.—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) DISPOSITION OF LAND SALES PROCEEDS.—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) RAILROAD LANDS DEFINED.—For the purposes of this section, the term ''railroad lands'' means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) IN GENERAL.—

(1) FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(2) TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(b) FEDERAL LANDS DESCRIBED.—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

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

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

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking ''each of fiscal years 2006 through 2011'' and inserting ''fiscal year 2006 and each fiscal year thereafter'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

''(1) a watershed restoration and enhancement agreement entered into under this section; or

''(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).''.

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) WILDLAND FIREFIGHTER.—The term ''wildland firefighter'' means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

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

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

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

(2) WYOMING RANGE WITHDRAWAL AREA.—The term ''Wyoming Range Withdrawal Area'' means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled ''Wyoming Range Withdrawal Area'' and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

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

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

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

(b) EXISTING RIGHTS.—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) BUFFERS.—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) LAND AND RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) CONFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) EXCEPTION.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.

(a) NOTIFICATION OF LEASEHOLDERS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) REQUEST FOR LEASE RETIREMENT.—

(1) IN GENERAL.—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) LIST OF INTERESTED HOLDERS.—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) PROHIBITION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) DONATION AUTHORITY.—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exchanges

SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the city of Coffman Cove, Alaska.

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

(b) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled ''Subdivision of U.S. Survey No. 10099'' and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) EXCLUDED LAND.—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(3) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under paragraph (1)—

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Jefferson County, Montana.

(2) MAP.—The term ''map'' means the map that is—

(A) entitled ''Elkhorn Cemetery'';

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

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

(b) CONVEYANCE TO JEFFERSON COUNTY, MONTANA.—

(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the ''Elkhorn Cemetery'', as generally depicted on the map.

(3) USE OF LAND.—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) EASEMENT.—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means the 1 or more owners of the non-Federal land.

(3) MAP.—The term ''map'' means the map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term ''Park'' means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

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

(b) LAND EXCHANGE.—

(1) IN GENERAL.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) EASEMENT.—

(A) IN GENERAL.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

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

(B) APPRAISALS.—

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

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

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

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired

under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the ''National Park Service Organic Act'') (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) CLAIM.—The term ''Claim'' means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) CLAIMANTS.—The term ''Claimants'' means Ramona Lawson and Boyd Lawson.

(3) FEDERAL LAND.—The term ''Federal land'' means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) SURVEY.—The term ''survey'' means the survey plat entitled ''Boundary Survey and Conservation Easement Plat'', prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) SANTA FE NATIONAL FOREST LAND CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) SURVEY.—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

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

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the ''Mammoth Community Water District'') by Patent No. 04–87–0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term ''Federal land'' means the land under the jurisdiction of the Secretary identified on the map as ''Shooting Range Special Use Permit Area''.

(3) MAP.—The term ''map'' means the map entitled ''Bountiful City Land Consolidation Act'' and dated October 15, 2007.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

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

(b) EXCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

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

(A) shall be equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) EQUALIZATION.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

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

(e) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) CONDITIONS.—

(1) LIABILITY.—

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

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

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

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) LIMITATION.—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

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

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

(h) EASEMENTS; RIGHTS-OF-WAY.—

(1) BONNEVILLE SHORELINE TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) DISPOSAL OF REMAINING FEDERAL LAND.—

(1) IN GENERAL.—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

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

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) CONSIDERATION.—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.

(4) RELATION TO OTHER LAWS.—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) DISPOSITION OF PROCEEDS.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) ADDITIONAL TERMS AND CONDITIONS.—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.

(a) PURPOSES.—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) DEFINITIONS.—In this section:

(1) LAND DESIGNATED FOR EXCLUSION.—The term ''land designated for exclusion'' means the parcel of land that is—

(A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled ''Proposed Boundary Change FCRONRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho'' and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) LAND DESIGNATED FOR INCLUSION.—The term ''land designated for inclusion'' means the parcel of National Forest System land that is—

(A) comprised of approximately 10.2 acres of land;

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

(C) generally depicted on the map entitled ''Challis National Forest, T.14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCRONRW'' and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

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

(4) WILDERNESS AREA.—The term ''wilderness area'' means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) BOUNDARY ADJUSTMENT.—

(1) ADJUSTMENT TO WILDERNESS AREA.—

(A) INCLUSION.—The wilderness area shall include the land designated for inclusion.

(B) EXCLUSION.—The wilderness area shall not include the land designated for exclusion.

(2) CORRECTIONS TO LEGAL DESCRIPTIONS.—The Secretary may make corrections to the legal descriptions.

(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.—

(1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

(A) the land designated for exclusion; and

(B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) CONDITIONS.—The sale of land under paragraph (1) shall be subject to the conditions that—

(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay—

(i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) AVAILABILITY AND USE.—Amounts deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T'uf Shur Bien Preservation Trust Area Act (16 U.S.C. 539m–11) is amended—

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

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

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3402. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

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

(3) STUDY AREA.—

(A) IN GENERAL.—The term ''study area'' means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled ''Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area'' and dated August 27, 2008.

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

(4) UNDEVELOPED LAND.—The term ''undeveloped land'' means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY; REPORT.—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) REQUIREMENTS.—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) LIMITATION.—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) EFFECT.—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.

In this title:

(1) FUND.—The term ''Fund'' means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

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

(3) PROPOSAL.—The term ''proposal'' means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

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

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

(3) any other applicable law.

(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the ''10 Year Comprehensive Strategy Implementation Plan'' and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and 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 640/20,0381, 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—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and nongovernmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary

shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

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

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

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Muscle Shoals National Heritage Area'', numbered T08/80,000, and dated October 2007.

(5) STATE.—The term ''State'' means the State of Alabama.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) AVAILABILITY MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating

to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

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

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

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) MAP.—The term ''map'' means the map entitled ''Proposed Kenai Mountains-Turnagain Arm NHA'' and dated August 7, 2007.

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

(b) DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) MANAGEMENT PLAN.—

(1) LOCAL COORDINATING ENTITY.—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of $10,000,000 may be made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term ''Corridor'' means the Chattahoochee Trace National Heritage Corridor.

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

(3) STUDY AREA.—The term ''study area'' means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled ''Chattahoochee Trace National Heritage Corridor, Alabama/Georgia'', numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the 3rd fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) PROPOSED HERITAGE AREA.—The term ''proposed Heritage Area'' means the proposed Northern Neck National Heritage Area.

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

(3) STUDY AREA.—The term ''study area'' means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

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

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

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2015''.

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by adding at the end the following:

''(c) EVALUATION; REPORT.—

''(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

''(A) conduct an evaluation of the accomplishments of the Corridor; and

''(B) prepare a report in accordance with paragraph (3).

''(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

''(A) assess the progress of the management entity with respect to—

''(i) accomplishing the purposes of this title for the Corridor; and

''(ii) achieving the goals and objectives of the management plan for the Corridor;

''(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

''(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

''(3) REPORT.—

''(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

''(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

''(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

''(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

''(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–692) is amended—

(1) in section 9—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—The Commission''; and

(B) by adding at the end the following:

''(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

''(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

''(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—

''(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

''(2) to hire, train, and compensate staff; and

''(3) to enter into contracts for goods and services.

''(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.'';

(2) in section 10—

(A) in the first sentence of subsection (c), by striking ''shall assist the Commission'' and inserting ''shall, on the request of the Corporation, assist'';

(B) in subsection (d)—

(i) by striking ''Commission'' each place it appears and inserting ''Corporation'';

(ii) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(iii) by adding at the end the following:

''(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

''(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

''(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

''(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.''; and

(C) by adding at the end the following:

''(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

''(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

''(2) coordination regarding the implementation of the Plan.'';

(3) in section 11, in the matter preceding paragraph (1), by striking ''directly affecting'';

(4) in section 12—

(A) in subsection (a), by striking ''Commission'' each place it appears and inserting ''Corporation'';

(B) in subsection (c)(1), by striking ''2007'' and inserting ''2012''; and

(C) by adding at the end the following:

''(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.''; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) the term 'Corporation' means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;''.

SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''27'' and inserting ''at least 21 members, but not more than 27'';

(ii) in paragraph (2), by striking ''Environment'' and inserting ''Environmental''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''19'';

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

''(C) The remaining members shall be—

''(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

''(ii) persons that are residents of, or employed within, the applicable congressional districts.'';

(B) in subsection (f), by striking ''Fourteen members of the Commission'' and inserting ''A majority of the serving Commissioners'';

(C) in subsection (g), by striking ''14 of its members'' and inserting ''a majority of the serving Commissioners'';

(D) in subsection (h), by striking paragraph (4) and inserting the following:

''(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

''(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;''; and

(E) in subsection (j), by striking ''10 years'' and inserting ''15 years'';

(2) in section 807—

(A) in subsection (e), by striking ''with regard to the preparation and approval of the Canalway Plan''; and

(B) by adding at the end the following:

''(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.''; and

(3) in section 810(a)(1), in the first sentence, by striking ''any fiscal year'' and inserting ''any fiscal year, to remain available until expended''.

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99–647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking ''shall be the the'' and inserting ''shall be the''; and

(2) by striking ''Directors from Massachusetts and Rhode Island;'' and inserting ''Directors from Massachusetts and Rhode Island, ex officio, or their delegates;''.

Subtitle D—Effect of Title

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term ''appraisal report'' means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term ''principles and guidelines'' means the report entitled ''Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies'' issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

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

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as ''Secretary''), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term ''Project'' means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

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

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term ''Project'' means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

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

(4) TOTAL COST.—The term ''total cost'' means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) PROJECT FEASIBILITY.—

(1) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) COOPERATIVE AGREEMENT.—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.—

(1) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed $90,000,000.

(3) COST SHARE.—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this subsection $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) AUTHORITY.—The term ''Authority'' means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term ''engineering report'' means the report entitled ''Eastern New Mexico Rural Water System Preliminary Engineering Report'' and dated October 2006.

(3) PLAN.—The term ''plan'' means the operation, maintenance, and replacement plan required by subsection (c)(2).

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

(5) STATE.—The term ''State'' means the State of New Mexico.

(6) SYSTEM.—

(A) IN GENERAL.—The term ''System'' means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term ''System'' includes the major components and associated infrastructure identified as the ''Best Technical Alternative'' in the engineering report.

(7) UTE RESERVOIR.—The term ''Ute Reservoir'' means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) EASTERN NEW MEXICO RURAL WATER SYSTEM.—

(1) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) USE.—

(i) IN GENERAL.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) LIMITATIONS.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) ADMINISTRATIVE PROVISIONS.—

(1) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority

to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) REQUIREMENTS.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than $327,000,000.

(2) ADJUSTMENT.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO 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 non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be 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.''.

MOTION OFFERED BY MR. RAHALL

The text of the motion is as follows:

Mr. Rahall moves that the House concur in the amendments of the Senate.

The SPEAKER pro tempore. Pursuant to House Resolution 280, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on Natural Resources.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the road leading us here today has been a long one and it has contained a few twists and turns along the way. As my colleagues are well aware, a series of procedural hurdles in both the House and the Senate has delayed enactment of this legislation. It would truly be a shame, however, to allow those difficulties to overshadow just how important this bill is.

The Omnibus Public Lands Management Act of 2009 is landmark legislation. It combines measures that will strengthen the National Park System, restore our national forests, preserve our Wild and Scenic Rivers, protect our sacred battlefields, and restore balance to the management of our public lands.

After nearly a decade during which our parks were taken for granted and our rangelands were scarred by a spider web of roads and well pads—after nearly a decade during which responsible stewardship was abandoned—this omnibus package represents a new dawn. A new dawn for America's heritage and America's values.

□ 1230

It will preserve pristine wilderness, such as in my home State of West Virginia, protect our national monuments and conservation areas, conserve our free-flowing rivers, establish new park units, guarantee abundant clean water for thousands of families, and more.

At a time when so much of the news is bad, when so much about our future seems uncertain, enactment of this public lands bill will serve as a reminder that our Nation is truly blessed; and that, no matter what happens, if we pass those blessings on to our children, our Nation will survive and endure.

One advantage of having considered this package before is that we have heard all the arguments. We have heard all the arguments against it, and we know that they have been proven wrong.

For example, we were told that this package costs a great deal of money. The Congressional Budget Office has made it clear; it does not. We were told that this is a big Federal land grab; but Members now understand that this package contains no condemnation nor taking of land of any kind. We were told this package contained a provision that would put children in jail for collecting fossils. We know now that only large commercial companies who take public resources and sell them for private profit will be penalized.

The truth is, this package of bills will make small but meaningful improvements in the quality of life for millions of Americans across our great country. The arguments made by opponents are petty by comparison. That is why an overwhelming and bipartisan majority of 77 members of the other body and 282 Members of this House have already voted for this bill.

We have all heard the saying: That which does not kill us makes us stronger. Attempts to kill this important package have failed, making our commitment to getting it enacted that much stronger.

The road leading us here has indeed had some twists and turns, but today we arrive at the end. I urge my colleagues to support H.R. 146 and, finally, send this bill to the President for his signature.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has gone through quite a process. And although this bill contains several meritorious separate pieces of legislation, and three parts of this omnibus bill are mine, I might add, the negatives in this bill and the failure to consider it under regular order of any kind of open, inclusive process outweigh any reason, in my mind, to go forward.

By now, it is well known that Republicans have tried to amend this bill to restore needed House provisions, to remove egregious provisions, and add protections for Americans' second amendment rights.

If we had been allowed to offer these amendments, we might have produced legislation almost all Members of the House could support; however, we have been blocked at every opportunity from participating in this process.

This package is largely a product of closed-door deal-making. It is designed to ensure that just enough congressional districts receive something to induce support for very controversial measures that underwent no public hearing.

The Democrat leadership likes to argue that the full House has acted on more than 70 provisions in this bill. What they don't say is that at least 100 provisions have not been considered by the full House.

Mr. Speaker, this may look familiar to some people. It is a large, large bill. Of that, only this amount has been considered by the House. It seems like we haven't learned from what past experience has taught us about trying to put massive bills through the House without having somewhat of an open process.

Every motion, procedure, and action of this body has been used to deny the House Republicans any meaningful participation in this bill. The House's failure to study these 100 provisions will have serious consequences, in my view, for an ailing economy.

Before the House rejected this package under suspension of the rules, our friends on the other side of the aisle argued that this bill is just what America needs in difficult times. Well, it seems to me the discussion in this new Congress has been around the economy and the need for American jobs. And I think that we can all agree that Americans need jobs. Although H.R. 146 might create a few jobs, these jobs will be mostly limited to bureaucrats putting up ''Do Not Enter and No Access'' signs all over America's public lands. And these few jobs will be far outnumbered by the jobs that would be killed by this bill.

Are our memories so short that we have forgotten the energy crisis of just last summer and the role that it played in the economic downturn that we experienced in the second half of last year? Evidently, the Democrat leadership's answer to this is to close off energy-rich public lands forever.

This package contains 19 provisions to block American-made energy production, locking away hundreds of millions of barrels of oil and trillions of cubic feet of natural gas. More than 3 million acres of public land are permanently locked away from energy development. Now, these are public lands, in a time when our economy is slowing, in a time when we need to try to get the economy going, and no sector could be better I think than the energy sector, especially the American energy sector; yet, this bill goes the opposite way of what I just cited.

It is ironic, while Democrat leaders accuse industry of stockpiling Federal oil and gas leases, the truth is that the Federal Government, through the actions of the Democrat majority in this Congress, is stockpiling lands to block energy production.

H.R. 146 has many other problems. It could—and I say ''could''—result in a ban on the use of vehicles and other technology to patrol the U.S. border. It bans recreational access to millions of acres of public lands. Even worse, it denies those dependent on wheelchairs, including disabled veterans, from fully enjoying public lands like everyone else. It fails to address a Federal judge's decision of only last week, when we could have acted on this, that overturned the Bush administration's regulations to protect second amendment rights in parks and wildlife refuges. In other words, to make consistent our laws on public lands. H.R. 146 even hurts civil liberties. It could mean jail time and asset forfeiture for several innocent actions by Americans.

Yesterday, we received a letter from a coalition of civil rights groups, including the American Civil Liberties Union, the Competitive Enterprise Institute, the National Association of Criminal Defense Lawyers, and others, who have grave concerns. And I will quote, ''The bill creates many new Federal crimes using language that is so broad that the provisions could cover innocent human error.''

These organizations also say, and, again, I am quoting, ''Above all, we are concerned that a bill containing new Federal crimes, fines and imprisonment and forfeiture provisions may come to the House floor without first being marked up by the House Judiciary Committee.''

Mr. Speaker, this bill was not even marked up by the House Natural Resources Committee. This bill was not marked up by any committee in the House. This is a bill that came over, again, over 1,100 pages, from the Senate. So this wasn't even marked up, and it has these provisions in it.

I just have to ask you, Mr. Speaker, does this sound familiar? None of the several committees with jurisdiction over this bill had any hearing on the troubling provisions within this bill.

So, Mr. Speaker, that is not how the people's House ought to work. This House is the House wherein no Member has ever served that was not elected. It

is the closest to the people. And when we have concerns, then let's debate those concerns, and let's have a vote. And I understand how that works. We have three buttons, but I generally only press two, yes and no; and, whoever has the most votes prevails. But we have been denied even that basic opportunity in the people's House on this bill.

The amendments I offered, for example, last night in the Rules Committee that were rejected, all on a party-line vote, I might add, were bills that only address the most egregious parts. We had a discussion with some of the members of the Rules Committee where they were talking about some of the provisions they worked on were carefully crafted. In fact, the distinguished chairman mentioned that. And I totally agree; I know there are provisions that have been crafted. But for those provisions in the bill that have some dissension, some difference of opinion, then let's discuss that, and then we can have a vote and whichever side prevails, prevails. That is the way the people's House ought to work. But, once again, that process is being denied with this huge bill that is slightly larger, I think, than the stimulus bill, if you want to make some sort of a comparison. But here we are again, today, going through that same procedure.

So with that, Mr. Speaker, while there are three provisions in this bill that I have worked several Congresses on, I have to say that this bill on the whole is not worthy of my support, and I urge my colleagues to vote ''no.''

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE) who has helped us craft some language in the bill that is supported by the National Rifle Association.

Mr. ALTMIRE. I thank the gentleman, and I rise today in support of the public lands bill which includes my amendment to protect the rights of our Nation's sportsmen. The language that I worked to include in today's bill is a hard-fought victory for sportsmen and the preservation of their access to public lands.

Within the three main sections of this bill, those related to the National landscape conservation system, rivers, and trails, and heritage areas, protections are included to ensure sportsmen are able to hunt, fish, and trap on millions of acres of public lands. These protections and my amendment are strongly supported by the National Rifle Association.

And as an unwavering supporter of the second amendment, I share the concerns of Mr. HASTINGS, Mr. BISHOP, and others, about the recent district court decision limiting the ability of citizens to carry concealed weapons in national parks. However, that decision does not in any way relate to my amendment, and it certainly doesn't create a loophole. I agree that the right-to-carry issue is vitally important, but it is a separate issue based on a court ruling that took place after this bill was finalized. I look forward to working closely with Mr. HASTINGS and Mr. BISHOP to address this important issue through a more appropriate legislative vehicle.

Today's action by the House protects the rights of our Nation's sportsmen and their ability to hunt, fish, and trap on millions of acres of public land. The language that I worked to include makes it clear that the fundamental rights are protected, and I ask my colleagues to support this bill.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to the gentleman from California, I yield myself 15 seconds to simply say that the NRA does not endorse this bill. The NRA endorsed the gentleman's amendment that he offered 2 weeks ago, but it does not endorse this bill.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATION ACTION,

Fairfax, VA, March 10, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, H–232, The Capitol, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, H–204, The Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER, on behalf of the National Rifle Association, I am writing to express our support for the Altmire amendment to S. 22, the Omnibus Public Land Management Act of 2009. The Altmire amendment would ensure that the provisions of S. 22 will not be used to close lands that are currently open to hunting, fishing, trapping, target shooting and other forms of traditional recreation. In addition, the amendment clarifies that the states retain the authority to manage resident fish and wildlife.

Encroaching development and the increasing population demand for open space has resulted the closure of federal lands that were once open to traditional forms of recreation, such as hunting and target shooting. Whether it is the closure of a trail that served as the access point for a generations-old hunting camp or the closure of large areas to target shooting, the sportsman's way of life has been under attack. There are those who would exacerbate this situation by attempting to use land designations to further close federal lands to sportsmen. This is why the Altmire amendment is necessary.

The Altmire amendment has already been applied to the National Landscape Conservation System Act within S. 22. It is critical to extend this protection for sportsmen to other areas of the bill, specifically Titles V and VIII pertaining to Rivers and Trails and National Heritage Areas, respectively. This is precisely what the Altmire amendment would do.

While the NRA takes no position on S. 22 as a whole, the meaningful protections provided by the Altmire amendment are critical to preserve access for sportsmen and the authority of the states to manage resident wildlife populations. For these reasons, we support its inclusion in S. 22.

Should you have any questions or need additional information, please do not hesitate to contact me directly at (202) 651–2560.

Sincerely,

CHRIS W. COX,
Executive Director NRA–ILA.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK), a new Member, and a new member of the Resources Committee.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, Abraham Lincoln once told of a farmer who said, ''I ain't greedy for land. All I want is what is next to mine.'' I think our Federal Government is starting to resemble that farmer.

H.R. 146 is a massive land grab that would literally put more land in the United States into wilderness designation than we currently have actually developed from coast to coast. That pretty much means no human activities other than walking through it—as long as you don't touch anything. So I have to ask a question, when is enough enough?

The Federal Government already owns nearly 650 million acres of land. That is 30 percent of the entire land area of the United States. It owns 45 percent of my home State of California. Now, compare that to the District of Columbia, Washington, D.C., the Federal Capital, the home to every agency in our vast Federal bureaucracy. The Federal Government owns only 25 percent of the District of Columbia.

The bill is estimated to cost about $10 billion, not only to pay for this land grab but for all of the other bells and whistles that are attached to it. That includes congressional earmarks like $3.5 million to celebrate the birthday of St. Augustine, Florida, and $250,000 to decide—to decide—what we are going to do with Alexander Hamilton's boyhood home in the Virgin Islands.

Now, $1 billion of the $10 billion of this bill is for salmon population restoration on the San Joaquin River in California, with the stated objective of establishing a population of at least 500 salmon.

□ 1245

Five hundred salmon. One billion dollars.

Mr. Speaker, that comes to $2 million per fish. And that is without accounting for all of the costs that will be incurred by central valley farmers as water that is already in critically short supply is diverted to this project.

Overall, this bill spends $10 billion of people's earnings. In real world numbers, that means about $130 from an average family of four through their taxes. I'm afraid that the mega-spending by this administration has begun to desensitize us to figures that are under $1 trillion. But let's try to put this $10 billion in perspective. The National Park Service reports a maintenance backlog of $9 billion on the land we already own. So, we can't take care of the land we already have, but we are going to spend $10 billion on acquiring additional land that we can't take care of.

This bill withdraws 3 million acres of land from energy leasing. Just from reserves that we know about, that is

going to cost the American economy 330 million barrels of oil and 9 trillion cubic feet of natural gas in Wyoming alone.

I was particularly struck by a provision that allows the Federal Government to condemn private property where fossils are found. So if you find a fossil in your backyard, Mother and Father America, be very careful. You will be well advised to keep it a secret. Under this bill, such a discovery could cost you your property.

This bill also means new restrictions on BLM lands. Now these public lands currently contribute to our Nation's economy by providing multiple uses such as farming, ranching, timber harvesting and offroad vehicle recreation, all for the broader public good. I have an awful lot of land in my district that is under Federal jurisdiction and under BLM management, and the constant complaints that I get from the public are not that there is too much access to public lands, but that there is too little access and too many restrictions to those lands. This bill codifies the National Landscape Conservation System, which means less public access and more restrictions on the public's use of the public's land.

So I ask again, when is enough enough? The preservation of public land is not an end in itself. It is a means to an end, that end being the public good. And the public good is not served by the mindless and endless acquisition of property at the expense of the sustainable use of our natural resources, the responsible stewardship of our public lands and the freedom and property rights of our citizens.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,

Fairfax, VA, March 10, 2009.

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

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the National Rifle Association, I am writing to express our support for the Altmire amendment to S. 22, the Omnibus Public Land Management Act of 2009. The Altmire amendment would ensure that the provisions of S. 22 will not be used to close lands that are currently open to hunting, fishing, trapping, target shooting and other forms of traditional recreation. In addition, the amendment clarifies that the states retain the authority to manage resident fish and wildlife.

Encroaching development and the increasing population demand for open space has resulted the closure of federal lands that were once open to traditional forms of recreation, such as hunting and target shooting. Whether it is the closure of a trail that served as the access point for a generations-old hunting camp or the closure of large areas to target shooting, the sportsman's way of life has been under attack. There are those who would exacerbate this situation by attempting to use land designations to further close federal lands to sportsmen. This is why the Altmire amendment is necessary.

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Should you have any questions or need additional information, please do not hesitate to contact me directly at (202) 651–2560.

Sincerely,

CHRIS W. COX,
Executive Director, NRA–ILA.

Mr. RAHALL. Mr. Speaker, I am forced to yield myself 30 seconds to respond to the total inaccuracies just stated by the gentleman.

First of all, the fossil collection measure in this bill applies only to public lands, no private lands whatsoever. And if the gentleman had heard my opening statement or even seen what the Senate passed, he would recognize—that the other body passed—he would recognize that the casual collector of fossils is exempt from this legislation. It only applies to those who are in the professional collection of fossils on public lands once again.

In regard to the locking away of land from oil and gas developments, what you are going to keep hearing throughout today from the other side is that old mantra ''drill, baby, drill'' that we are hearing over and over and again, and they just don't get it anymore.

I am glad to yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I proudly rise today in strong support of H.R. 146, a bipartisan piece of legislation that will do wonders for conservation and historic preservation across the United States. If one, Mr. Speaker, were to add up all the hours that were devoted to each part of this legislation in the House and the Senate, it would minimize basically what I just heard from the other side, over 100 hours of debate on these bills separately. And now we are bringing them together in one omnibus public land management bill.

This bill includes the Paterson Great Falls National Park Act. It was originally introduced in the 109th Congress and passed the House in October of 2007, like many of these other bills that are part of this omnibus bill, which is a bipartisan piece of legislation.

As a lifelong Paterson resident and the city's former mayor, I have fought for many years to bring recognition to the site that has played such a seminal role in American history. Alexander Hamilton knew what he was doing, because it became the gateway to industry in this country so that immigrants could come here, go to work and build the greatest country in the world.

With a National Park designation, the Great Falls will be transformed into an attraction for visitors and Patersonians alike that could lead to the economic revitalization of Paterson, joining together of public and private investment. Isn't that what we are here for?

As soon as President Obama signs this bill into law, Federal resources will be leveraged to revitalize the Great Falls area, refurbish the beautiful historic mill buildings, maintain and protect the waterfalls, and create a living reminder of our Nation's rich industrial history. I'm proud and thankful that Congress and the President fully recognize the vision of Hamilton, the design of L'Enfant, and the cultural and historic landmarks that have shaped America's history.

The SPEAKER pro tempore (Mr. ALTMIRE). The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman 30 additional seconds.

Mr. PASCRELL. After this bill is signed into law, I would be honored to have my colleagues visit the Great Falls where they can all see firsthand the value that urban parks bring to the National Park System and to the local communities.

I want to thank Speaker PELOSI, Chairman RAHALL and Chairman GRIJALVA for bringing this bill to the floor. I urge my colleagues to vote ''yes.''

I think, Mr. Chairman, when we are involved more in substance rather than process, we get a lot done in the House of Representatives.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman has 16¾ minutes. The gentleman from West Virginia has 22½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Georgia, a member of the Natural Resources Committee, Mr. BROUN.

Mr. BROUN of Georgia. As Members of Congress, we have taken an oath to uphold the U.S. Constitution. Today's vote on the omnibus lands bill is a vote on the right to own private property and on the second amendment right of law-abiding citizens to have and use firearms. The fifth amendment concludes with these words ''nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.''

Our Nation is facing an economic crisis today. Yet Democrats are forcing this Chamber to rush through a bill that will increase government spending by as much as $10 billion. The Federal Government already owns over 650 million acres of land that they can't take care of. The National Park Service alone faces a backlog of $9 billion worth of projects that need to be funded.

If S. 22 passes, there will be more wilderness areas in the United States than

the total developed land, 109-plus million acres versus 108.1 million acres. We should not be permanently locking up tens of millions of acres of the people's land.

The second amendment rights of law-abiding citizens to have firearms and use firearms are also in danger today. The second amendment to the U.S. Constitution declares that ''a well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.'' Last week, Democratic leaders in the House and the Senate added the Altmire amendment to the omnibus lands bill to prevent the Federal Government from banning hunting and fishing on certain types of Federal land.

At the time this amendment was added, the right of Americans to carry concealed firearms on park lands and wildlife refuges, in accordance with State law, was already recognized in Federal regulations. However, last Thursday, a U.S. District Court judge single-handedly decided to block this right. And it was an unconstitutional decision by this judge. Now there is a giant hole in the current Altmire language, and Congress should fix it. Congress must not allow one Federal judge to single-handedly deny Americans their second amendment rights on Federal lands.

My colleagues Mr. HASTINGS and Mr. BISHOP introduced an amendment to this bill that would write into law the very protections struck down by this one Federal judge. Unfortunately, Democratic leadership would not allow a vote on this amendment that would repair the massive void in the current Altmire language. The omnibus lands bill was the best place to fix what this one Federal judge in Washington, D.C., has done, but we won't even be allowed a vote today.

It is not the role of the Federal Government to hoard massive amounts of land. And it is not the role to take away law-abiding citizens' second amendment rights.

Protect the fifth amendment. Protect the second amendment. Vote ''no'' on S. 22.

Mr. RAHALL. Mr. Speaker, many Members on the minority side have been helping us with this legislation. I now am pleased to recognize one such Member, the gentleman from California (Mr. MCKEON), for 2 minutes.

Mr. MCKEON. Mr. Speaker, I thank the chairman for the time and for his leadership in bringing this important bill to the floor.

I rise in strong support of the omnibus lands bill, which includes my legislation, the Eastern Sierra and Northern San Gabriel Mountains Wild Heritage Act, about which I'm going to speak. I have the great privilege of representing one of the most rugged and beautiful areas of the country, including the vast Eastern Sierras of California represented in a few of the pictures that I have here.

My district is also one of the largest in the country, with over 95 percent of the land in Mono and Inyo Counties owned and managed by the Federal Government. We need land for recreation, hunting and fishing. We need land for mining. We need some land protected as wilderness. But, most importantly, we need commonsense, locally driven solutions to land use.

This legislation is a product of countless hours of community involvement between Senator BOXER and I working together with virtually every local stakeholder, county official, local sportsman and recreational advocate, BLM and Forest Service. We also presented the legislation directly to the public through county hearings.

Specifically, this legislation would designate over 470,000 acres of wilderness in the Eastern Sierras of Mono and Inyo Counties and the San Gabriel Mountains north of Los Angeles. While many of these areas are already successfully protected from many destructive human activities by the management plans of the Forest Service and BLM, I feel strongly that these areas should have a higher level of protection.

In addition, my legislation strikes that important land use balance and releases over 50,000 acres of Wilderness Study Areas from further consideration as wilderness. Finally, my legislation creates the first ever dedicated winter recreation area, 11,000 acres for snowmobile use which will bring much-needed tourism to the community of Bridgeport in northern Mono County.

This is a locally driven, practical solution to the many land uses in my district. This isn't Congress telling my district how to manage our land. This is my community, my constituents asking Congress to approve a land use compromise developed and vetted back home in California.

I strongly urge a ''yes'' vote.

Mr. HASTINGS of Washington. Mr. Speaker, the last time I inquired about time there was a disparity. So I think I will reserve my time until we catch up.

Mr. RAHALL. Mr. Speaker, I am glad to yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR), who has been very instrumental in crafting this legislation.

Mr. SALAZAR. I would like to thank Chairman RAHALL and Chairman GRIJALVA for all their hard work on this Omnibus Public Lands Management Act. The public lands package includes five bills critical to my district in western and southern Colorado, and we have been working on this ever since day one that I got here to Congress.

The Jackson Gulch project supplies water to the town of Mancos, the Mancos Water Conservancy District, the Mancos Rural Water Company, and it is the sole supplier of municipal water for Mesa Verde National Park. The project provides irrigation water for over 13,000 areas.

The Baca Wildlife Refuge Management Act will amend the Great Sand Dunes National Park and Preservation Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge.

This legislation defines the purpose of the refuge ''to restore, enhance, and maintain wetlands, upland, riparian and other habitats for native wildlife, plant and fish species in the San Luis Valley.''

The Sangre de Cristo National Heritage Area will designate a national heritage area in Conejos, Costilla and Alamosa Counties. It will bring deserved attention to the rich culture, heritage and landscape of the San Luis Valley.

The Arkansas Valley Conduit will establish a 65 percent Federal cost share for the construction of the conduit, a proposed 130-mile water delivery system from Pueblo Dam to communities throughout the Arkansas River Valley. Generations of people in southeast Colorado have waited long enough for clean and safe drinking water.

The Dominguez-Escalante National Conservation Area will conserve water and land resources in approximately 210,000 acres of federally owned land on the Uncompahgre Plateau in lands in Montrose, Delta and Mesa Counties.

□ 1300

Mr. Speaker, this is actually one of the proudest days of my legislative career. I worked side by side with my younger brother, the now Secretary of the Interior, when he was in the Senate, Ken Salazar, for the past 4 years to make these efforts a reality. This will help protect Colorado's land, water, and natural beauty for generations to come. I want to thank the chairman once again and thank you, Mr. Speaker.

Mr. HASTINGS of Washington. Mr. Speaker, once again can I inquire of the time on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 13¼ minutes. The gentleman from West Virginia has 18½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time again so we can equalize the time.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Oregon (Mr. WU), who has been very helpful to us as well on this legislation.

Mr. WU. Thank you, Mr. Chairman.

Mr. Speaker, I rise today to express my strong support for H.R. 146, The Omnibus Public Land Management Act of 2009. This legislation includes many important provisions that will protect and preserve America's public land heritage. It is a compilation of bills that enjoys broad bipartisan support in both Chambers of Congress, and I hope that the majority of the House will see fit to pass this omnibus legislation today.

Included in this package are several bills that highlight my home State of Oregon's scenic and ecological diversity, including the salmon-producing

Coast Range waters of the Elk River in southeastern Oregon, the high desert badlands near Bend, the prairies overlooking the John Day River in central Oregon, and the high alpine forests of the Siskiyous.

One provision of particular importance to me adds additional land protections within the Columbia River Gorge, which I and many other Oregonians consider the crown jewel of Oregon's natural heritage. The Gorge Face wilderness additions reflect the continued commitment of this Congress to keep this remarkable area safe from inappropriate development.

I would also like to voice my support for the provisions that will protect nearly 127,000 acres around Mount Hood and almost 80 miles on nine free-flowing stretches of river, as well as create a 34,550-acre National Recreation Area. Mount Hood is one of the enduring symbols of Oregon's love of the outdoors, and this bill is an important signal to future generations that we wish to continue providing opportunities to enjoy all that nature has to give.

In these tough economic times, the protection of these natural spaces also supports Oregon's economy. Oregon's vibrant outdoor recreation industry supplies 73,000 jobs, and it injects almost $6 billion annually into Oregon's economy.

Mr. Speaker, I would like to reiterate my strong support for H.R. 146.

Mr. RAHALL. Mr. Speaker, I am very happy to yield now to the gentleman from Arizona, the chairman of our Parks Subcommittee, who has undergone this tortuous path with us all the way, the gentleman from Arizona, the Park Subcommittee Chair, Mr. GRIJALVA, 3 minutes.

Mr. GRIJALVA. Mr. Speaker, I think to some extent we need to set the record straight about this legislation. We need to be clear that this bill is about conservation and preservation of our public lands. It's about improving our water supplies in the West. It's about improving the health of our forests and creating economic opportunities for rural communities.

This legislation will also establish a new national park unit, conserve wild and scenic rivers, protect historic American battlefields where brave patriots fought and died for this Nation, and establish miles of new hiking trails and much, much more.

Bills in this package will give families places to enjoy, to enjoy outdoor recreation; it will preserve our history so the children can learn the story of America on field trips. It will protect rivers for boaters and anglers so they can enjoy it themselves.

H.R. 146 is wildly popular, both among a large bipartisan majority of the Members of Congress and among the American people. In fact, this package is so popular that those that oppose new parks, those who think protecting rivers and trails is not a good use of our time, are placed in a very difficult position. They have no choice but to try to insert issues in this debate that simply don't belong in this debate.

This is not about guns. The Court ruling that has become the crucible of discussion with this legislation regarding the second amendment, that ruling, and let me quote from it, from the judge's order, ''Because the Court finds that the final rule which was rushed by the Bush administration on their way out the door, is a product of Defendant's astoundingly flawed process, the Court holds that the Plaintiffs are highly likely to prevail on the merits of their NEPA claims. Accordingly, the Court expresses no views on the merits of any laws or regulations related to concealed weapons or firearms generally.''

This was a ruling on a flawed process, on a process that ignored public input, that ignored transparency, and that's why that rule by the Bush administration was enjoined. It was not enjoined on the merits of the concealed weapon issue that time and time again is brought up as the ruling itself.

This bill is not about locking anything up or locking anybody out. I am told that during debate on the measure in the Rules Committee yesterday, opponents of this bill took more time talking about AIG than they did about parks and forests.

The truth is, this package of bills is as popular as mom, as apple pie, and I do not envy those few Members who have to come to the House floor today and manufacture reasons to oppose it. But let's be clear. These arguments are manufactured and should not be given any weight.

This legislation is good for the land, it's good for our Nation, and our children, and our grandchildren. They will all thank us later for passing this legislation.

Mr. Speaker, after a long, dark period where protection of our natural and cultural resources was ignored, today we can change that. I urge passage of H.R. 146.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Natural Resources Committee.

Mr. GOHMERT. Mr. Speaker, there are some good provisions in this bill. There have been hearings on 70 out of 170 provisions in the House and this Congress. But our esteemed and fine chairman of the committee said the arguments against this bill, in his word, are petty.

I guess when you spend $1.68 trillion, whatever we have spent already in the last few months, $10 billion can seem like petty cash. You know, 10 billion here, there. I understand it can seem like petty. But that is an argument. This is $10 billion without hearings in this House over 100 of these provisions on whether they will help the economy.

You know, we heard over and over that people are losing jobs every day. Let's do something about it. And in the meantime, we're going to go spend $10 billion in this bill; don't know that it will help the economy. Maybe eventually.

Well, how about the people that are out of work right now? How about the people that might be able to utilize some areas that won't be able to now for certain purposes?

Or like energy, for example. Oh, yes, has anybody noticed the price of gasoline is going up again, just like everybody expected it to go up. And it will go up more and more as we approach the summer.

And what is happening, what are we doing in this sensitive body that we have here in Congress? We are going to put more of it off limits, more of it off limits at a time when the price is going up, the economy is struggling, people are losing jobs, people are having their pay cut, people are allowing their pay to be cut so others don't lose their jobs.

And what are we going to do to help? By golly, we are going to put some more land off limits so we can't get the energy and help ourselves in this country.

I was talking to some people from China not long ago. And the way they look at things, they don't look at just, you know, 10 years, 100 years, they look way down the road. And as we have seen in this body, for example, last week, we just looked at what's popular today. Gee, let's have a 90 percent tax on bonuses that we should not have ever allowed in the first place if people had done what I asked and read the stinking bills before we rushed in and passed them. But I digress.

Sometimes we just look at 1 day. They look way down the road. And it was interesting to me, these individuals said, we know what the United States is doing. You keep putting your energy off limits, more and more of it. We know what you're doing. You're smart. You're smarter than somebody gives the United States credit for, they said, because we know what you're doing. You keep putting your energy off limits, knowing that other countries will use up all of the rest of the resources in the world, and then you'll be the only country with those resources, and you'll be able to maintain your status as the one superpower in the world because you've got all the resources. You were smart enough to hold them and wait to use them until after everybody else exhausted theirs. And I wished I could say, ''You're right; we see that far down the road in this Congress.'' But it's not true. We keep hurting ourselves at the worst possible time.

So with this big bill here, Mr. Speaker, 100 provisions out of the 170 that didn't get a hearing in the House, we need to practice, and we can start now. I'm shocked. I'm outraged. I'm outraged and I'm shocked. I'm shocked and outraged, because once people start finding out what's in the bill, what all provisions didn't get a hearing

that could have been tweaked to avoid the outrages that will come, we'll need to have people saying this to save their jobs. Some may be comforted that the Senate has had Senators—and I don't know if Senator DODD examined all the language to make sure it was perfect, but I'm sure some Senators did. But get ready to say you're shocked and outraged.

Mr. RAHALL. You forgot ''drill, baby, drill.''

Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD) for a colloquy.

Mr. BAIRD. Mr. Chairman, thank you for the opportunity to highlight the NOAA Underseas Research Program Act which is included in this bill, and establishes an important and proven system of undersea research techniques.

The language in the present legislation does not specifically mention the Aquarius Undersea Laboratory, and I would like to recognize the crucial and cutting-edge work done at Aquarius, and I want to mention for the record it is owned by NOAA. Therefore, I wish to clarify that whenever the legislation we are considering mentions the extramural centers and the National Institute for Science and Technology, it is understood that Aquarius is included.

In closing, I wish to commend the staff at Aquarius for the critical work they have done, and I wish to express my support for their continued research.

Mr. RAHALL. Mr. Speaker, I commend the gentleman from Washington for recognizing the scientific contributions made by Aquarius, and I thank them for supporting the provisions in the underlying legislation that will promote the development of future innovations in undersea research technologies.

Mr. HASTINGS of Washington. Mr. Speaker, again, to equalize the time, I will reserve my time.

Mr. RAHALL. I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the Chair of the Committee on Natural Resources.

This bill is the kind of bill that I love. I am especially pleased that we could preserve New Jersey's heritage as one of the leaders of the industrial revolution by giving the American public the Paterson Great Falls National Historic Park and the Edison National Historic Park. And I thank Chairman RAHALL for bringing the bill along.

When I introduced this H.R. 146, little did I suspect that my bill to protect the battlefields of the American Revolution and the War of 1812 would grow to 1,300 pages and attract so much attention. But I am pleased that my bill to protect the battlefields of the American Revolution and the War of 1812 has been used as a vehicle to bring this important lands bill through the legislative process. However, I regret that my language to protect the battlefields of the American Revolution and the War of 1812 has vanished.

And so, I am here to ask the chairman of the Committee on Natural Resources if I may have his assurances that he will assist me in moving this noncontroversial legislation to protect the battlefields of the War of 1812 and the American Revolution expeditiously.

□ 1315

Mr. RAHALL. Will the gentleman yield?

Mr. HOLT. I will yield.

Mr. RAHALL. I thank the gentleman from New Jersey for his patience and willingness to work with us, and I pledge to work with him to move H.R. 1694 quickly and to work towards its passage in the other body in the near future.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am very honored to yield 1½ minutes to the distinguished subcommittee chair on our Committee on Natural Resources, the Chair of the Water Resources Subcommittee, the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, the Public Land Management Act includes 30 separate water bills that my subcommittee passed/approved with the Bureau of Reclamation, the USGS and, of course with the 17 Western States on water environment.

It authorizes conservation, water-use efficiencies and title XVI water recycling projects, addressing the aging infrastructure in the United States' 17 Western States, and allowing for the feasibility studies of many of those much needed water projects.

The West, of course, is having an unprecedented drought, and this will help not only to bring up those shovel-ready projects that will bring 500,000 acre-feet of water and thousands of jobs for the reclaimed reuse water and added storage capacity, but this will lessen a lot of the areas' reliance on costly water and unreliable sources.

We urge your vote, and hope that we will be successful in being able to get those shovel-ready projects to develop those jobs.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am very honored to yield 1 minute to a new member of our committee who is from the State of New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Speaker, I certainly stand in strong support of this legislation because of its importance to the New Mexico families that I represent.

The Rio Grande has been the lifeblood of our community in New Mexico for thousands of years, and for the Pueblo of Sandia, this bill will certainly make possible much needed investments in their water infrastructure and vital agricultural irrigation systems.

Further south along the Rio Grande, this bill will clarify ownership of Tingley Beach in Albuquerque, a historical gathering spot that has been revitalized into a popular zoo, a biopark, an aquarium, and numerous fishing ponds open to the public.

From east to west, this bill will reauthorize the Route 66 Corridor program, which is essential to preserving the historical character and vibrancy of our beloved Central Avenue in Albuquerque.

These improvements, along with protecting the incredible piece of New Mexico that is the Sabinoso Wilderness, will protect critical resources for New Mexican families. I urge all of my colleagues to support this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

The SPEAKER pro tempore . The time is equal on both sides. There are 9¼ minutes remaining for the gentleman from Washington, and there are 9½ minutes remaining for the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to express my strong support for H.R. 146, a bill that will set aside millions of acres of public wilderness and that will create more than 1,000 miles of scenic river designations. This will provide recreation for millions of Americans while supporting the communities and industries that depend upon these precious resources.

I would also like to express my support for the amendment included by my good friend and fellow Pennsylvanian (Mr. ALTMIRE). In our home State of Pennsylvania, we believe that the second amendment is not only a right but a way of life. Hunting and fishing are important American outdoor traditions that have been passed down from generation to generation. Therefore, we have an obligation not only to defend our God-given right to self-defense but to protect against any encroachment on the rights of our sportsmen and -women. Therefore, I am proud to stand in support of Mr. ALTMIRE's amendment, which will ensure that lands currently open to hunting, fishing, trapping, target shooting, and other forms of traditional recreation are protected.

In Congress, I will continue to stand in support of this second amendment, a fundamental right guaranteed in the Constitution. Furthermore, I will continue to oppose reductions in Federal hunting acreage, and will fight to ensure that opportunities for hunting and sport are maintained.

I urge my colleagues to vote in favor of H.R. 146 with the addition of Mr. ALTMIRE's amendment in defense of the U.S. Constitution.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Utah, a

member of the Natural Resources Committee (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I suppose it is a sense of poetic irony that Mr. HOLT's language was removed when you amended his bill. I hope you can fix that at some time.

You have a pattern of individuals coming down here, speaking of good parts to this bill. There are good parts to this bill. I actually have two measures in here that, I think, are good to this bill, but it doesn't cover up the fact that, within that, there are some problems in this particular bill.

It does not cover up the fact that there are heritage areas when the Department of the Interior specifically asked us to wait until they could come up with rules on what heritage areas should be and how they should be constituted, because the way we are doing it right now is chaotic. There are elements in here that create national parks which I will visit when they include a baseball stadium, and not until.

Those national parks were actually rejected by the Park Service because they have enough of this generic portion. It did not meet the standards. It was expensive. Even though at one time they said that they might be comfortable with it, last night, in talking to a reporter, they once again stood by that analysis of that park, especially when we have $9 billion of needs in the rest of the National Park System that is yet to be met. I reject it when, in fact, some judge includes the fact that 8 months of study and of public input is not long enough or that NEPA actually has more importance than the second amendment.

I actually want to speak a little bit differently right now. I want to explain to my good friends who live east of the Rocky Mountains why I feel so passionate about this particular bill.

This is a map of the United States, and everything that is colored in red is owned by the Federal Government. You will notice it is all concentrated in the West. Even though most of our forest land is in the East, the Forest Service land is all in the West.

Does this make a difference to people? In a way, I think it does because this map illustrates the difference in education.

The States in red are the States that are having the most difficult time raising money to fund their own public education system. As you know, there is a strong correlation between the amount of public land and the difficulty in funding education. In Utah, it is a common statement. We will always simply say: The reason we are having such a hard time in funding education is we do not control enough of our land.

If the Federal Government even paid at the lowest tax rate for the land that it owns in the State of Utah, that would be $116 million every year. That does not count government funding; it is just for the education portion—$116 million that we would get every year. When decisions are made in the Department of the Interior that take leases off the land, that is a $3 million cut to education in the State of Utah, not only counting the State trust lands that develop money for education but above those lands that now become sterile at the same time.

The New York Times recently wrote an article in which they compared a school district in Utah and one in Wyoming, across the border. The one in Wyoming is awash with money, and will get more money in the stimulus package than the district in Utah. They said: Well, that is simply an anomaly of the distribution formulas that we use. I really don't care about the distribution formula. The amount of Federal money that goes to education in Utah only rates at about 7 percent. What is significant is why the State of Utah has less money to begin with, and it goes back to the issue of resources.

This chart shows you the difference in teachers' salaries between the two States of Wyoming and Montana. Wyoming starts their teachers at $20,000 a year higher than Montana's. Why? Because Wyoming is much more aggressive at the way they develop their resources. Even though this particular bill, once again, takes resource land off the table in Wyoming, threatening them, acknowledged by the chairman who says it is not a problem, it could, indeed, be a problem, but for us in Utah, well, this is a problem that we still face.

This is the State of Utah. Everything that is a color is owned by the Federal Government. Now, this is the problem that we simply have. The problem we simply have is that two of the three most important decisions recently made by the Interior Department also affect the resources that are in Utah that we need desperately to fund our education system, but when you create more wild and scenic areas in the West, you make it much more difficult for us to fund our education system. When you create more wild and scenic areas in the East, you cut into the PILT money that goes into the West, which is necessary to fund our education system.

We have yet to discuss the fundamental issue of the role of Federal ownership of this land—if it is, indeed, appropriate, if it is right, if it should be more or if it should be less or if it should be balanced between the West and the East.

I'm sorry for my experience in the legislature in Utah. We have difficulties in Utah in being able to fund our roads and to pay for our colleges and to pay for our public education, and it goes back to this basic fact: We are not just creating nice, pretty vistas again. We have an ancillary harm that takes place to real kids. I'm sorry, Mr. Speaker. My kids in Utah are more important to me than a park that is created that the National Park Service does not want. It is more important to me than a wild and scenic river that is created when it violates the standards of the Wild and Scenic River Act. My kids are more important to me than heritage areas that are chaotically done because my kids' future is harmed by these decisions. Even though those who create these decisions are well-intentioned and well-meaning, my kids' decisions and my kids' futures are still controlled by what Nelson Rockefeller used to say is the deadening hand of bureaucracy.

I realize that this particular bill has had more procedural twists than Lombard Street, but at the same time, there are many provisions in this bill that would easily pass if they stood alone, and there are provisions in this bill that would not. There is no reason we need to lump all of these things together.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. BISHOP of Utah. Mr. Speaker, Satchel Paige used to say, ''Just throw strikes. Home plate don't move.''

We do not need to have this omnibus bill to go through these particular procedures, and my kids are worth fighting for: They are worth fighting the provisions of this bill that would not pass if they were standing on their own. That is the problem. That is the problem, and that is why I am passionate.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I listened to my good friend from Utah. You know, the irony is that all the lands we are talking about are already publicly owned. They are not on the tax rolls. They have been publicly owned since the United States first acquired them. We give these states 25 percent of timber receipts, 50 percent of oil and gas, and Federal payment in lieu of taxes (PILT).

I come from one of those States where there are some serious questions about the Federal balance of resources, but I just want to say that adding the 126,000 acres and 80 miles of wild and scenic rivers has no effect on the revenue flow to our State. In fact, I would be prepared to make the argument that having this certainty, having this enhanced protection, is actually going to add value. It is going to protect water resources. It is going to encourage tourism. It is going to enhance both the environment and our economy.

That is why my colleague GREG WALDEN, and I, spent 7 years on this piece of legislation. We had the bipartisan support of former Republican Senator Smith and Senator WYDEN and new Senator MERKLEY. We had Native Americans, environmentalists, local government, bicyclists—a wide range of people who came together—realizing this is a vision for the future.

Now, Mr. Chairman, you have put together a piece of legislation that goes

far beyond preserving our special places in Oregon. It is an opportunity not only to save hundreds of thousands of acres across America, but it is an opportunity to develop an approach where we can come together. This legislation is going to get broad bipartisan support, and I think it is going to show a way where we can protect more of America's special places and not disadvantage anybody economically but actually strengthen the economy, strengthen the environment and preserve these areas for generations to come.

I thank the committee for the work they have done. I look forward to this bipartisan support.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time. I am the last speaker on this side.

The SPEAKER pro tempore. The gentleman from Washington has 2¾ minutes. The gentleman from West Virginia has 6 minutes.

□ 1330

Mr. RAHALL. Mr. Speaker, I am very honored to yield 2 minutes to the distinguished dean of the House of Representatives, the gentleman from Michigan, my dear friend and an individual who has helped us tremendously in not only crafting this legislation but so much of the legislation that passes through the Congress, the Honorable JOHN DINGELL.

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

Mr. DINGELL. Mr. Speaker, I begin by thanking the great chairman of the committee, my dear friend from West Virginia, Mr. NICKY JOE RAHALL. Thank you. This is a great bill, and I rise in support of it. And I thank you for what you have done for me and my people in Monroe and Monroe County, Michigan, in setting up the River Raisin National Battlefield Park in this legislation. This is a proposal which has the strongest possible support from all of the people in the area. It will preserve a battleground from the War of 1812, which was a major engagement west of the Appalachian Mountains where the Americans suffered a devastating military defeat. Out of better than 1,000 American regulars and militia who participated in the battle, only 33 escaped death or capture.

The future President of the United States, then-General William Henry Harrison, described the loss at the River Raisin as a ''national calamity.''

But it went beyond this. That was the battle which became the battle cry in the War of 1812. And it is that which probably led to the saving for the United States of all of the lands west of the Appalachians and certainly the Great Lakes Basin.

The park designation is so important to my people in the local community that they will give the land necessary for this to the Park Service without any compensation or charge. And this is certainly something which is important to us because this kind of local support is going to lead to an extraordinary relationship between the Park Service and the people in the area where volunteers will come forward to help make this park a tremendous success.

So I urge my colleagues to support this legislation. I commend and I thank my dear friend, the chairman of the committee, for his leadership, persistence and hard work. Getting this legislation to this point where it is going to the White House is an extraordinary accomplishment and shows extraordinary dedication and persistence by my dear friend, the chairman.

I want to say that this is going to be a great piece of legislation. It is a great event in the history of the country, and I am proud of my dear friend for the leadership that he has shown. I thank you, Mr. Chairman.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time.

Mr. RAHALL. Mr. Speaker, I am prepared to close on our side. I am our last speaker.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in my opening remarks, I talked a bit about process, that we seem to have a pattern in this new Congress of taking up bills like this that are not fully vetted. This is just the latest example of that. I hope it is the last, but I am not holding my breath.

But I also made an observation in my opening remarks that there are enough individual bills in here to cover enough individual congressional districts that this bill will probably pass, and I suspect that it probably will.

I listened very intently to all of my friends on both sides of the aisle that spoke in favor of this bill. In every one of the projects they talked about, at least one way or the other, they suggested that there is a lot of work at home, there is a lot of vetting on that. And I totally agree.

When I went to the Rules Committee last night to try to address some of the problems I had, none of those projects that the Members on the other side talked about were what I was talking about with what I had problems with this bill. And that gets us then back to the point that we are making. On those areas where there is disagreement, in the people's House, Mr. Speaker, we should have an opportunity to discuss the differences and then have a vote and find out which side prevails. But all we heard today on debate on this was those that had good projects. I certainly don't argue with that. I mentioned I have three of them in here myself.

And so, the process, I guess, is what disturbs me more than anything else. The issue that I had a concern with was the issue of the judge's decision last week on second amendment rights. Nobody talked to defend that. The issue I had was the language that was taken out as to homeland security environmental concerns. Nobody came down to the floor to discuss that or defend that position. I raised concerns about the interpretation of people with disabilities having access to our wilderness areas. Nobody came down to the floor to discuss that.

Those are the issues that we should have had a discussion on, not the issues that everybody agreed upon. Had we gone through normal process, that probably would have been vetted. There probably would have been a compromise worked out so that we could have resolved the issues for everybody and a bill like this truly could have passed with well-overwhelming support.

But as it is, Mr. Speaker, because it is a bill in which a lot was vetted, in which there are a lot of unanswered questions and unintended consequences—which we see is becoming a pattern in this Congress by taking up bills that don't get a lot of time to be looked at—we will probably come back and have to make some changes. In fact, I would not be surprised that there will be a bill to address the issue of the judge's decision very shortly. I bet probably there will be a bill that will clarify the border security. Well, we could have done that with this lands bill.

So, Mr. Speaker, even though I have pieces of legislation in here, I am going to urge my colleagues to vote ''no'' on this bill.

With that, I yield back my time.

Mr. RAHALL. Mr. Speaker, as we close this debate, to some of the gentlemen on the other side of the aisle who are expressing opposition to this measure—some rather vociferously—I would quote William Shakespeare: Me thinks ye doth protest too much.

The Ice Age Floods National Geologic Trail, which the gentleman from Washington—my ranking member who I respect—has been working on for many years will now become a reality. And the Park City and Bountiful land exchanges, which the gentleman from Utah has been advocating for some time, will also become a reality.

The Santa Margarita River and Elsinore Valley Water projects, which the gentleman from California wants, will now become a reality. And the Chisholm-Great Western Trail study, advanced by the gentlemen from Oklahoma, will now become a reality.

Many of you are in the enviable position, I guess, of protesting against this bill—perhaps voting against it—yet still getting what you want. I guess being in the minority sometimes has its advantages.

The fact of the matter is that the pending matter has twice been approved by the Senate by overwhelming majorities, and 2 weeks ago in this body, it received 282 votes in favor and 144 opposed.

It is now time, my colleagues, for the will of the Congress to be made final on this measure. We have heard repeatedly from the malcontents, but they do

not represent the majority view. The famous photographer Ansel Adams once said, ''Let us leave a splendid legacy for our children. Let us turn to them and say, this you inherit: guard it well, for it is far more precious than money, and once destroyed, nature's beauty cannot be repurchased at any price.''

That, my friends, is what this legislation is all about.

From the Wild Mon wilderness in my home State of West Virginia, to the Copper Salmon Wilderness in Oregon; the Virginia Ridge and Valley Wilderness in Virginia, to the Mount Hood Wilderness also in Oregon; from the Eastern Sierra Wilderness in California, to the Trail of Tears in Tennessee; the establishment of the Taunton Wild and Scenic River in Massachusetts, to the Pacific Northwest National Scenic Trail in Washington State, to the Paterson National Historic Park in New Jersey, my friends, this is America the beautiful, of spacious skies and purple mountain majesties.

This is what our great land is all about. This is what we, who have a responsibility to steward and guard our public resources, have a responsibility as well to pass on to generations to come after us.

My colleagues, in these trying economic times, let us today give assurances to the American people that this Nation does remain great and that we have something to celebrate, a heritage of which we can all be proud. The open skies, the public wilderness, the heritage areas, the wild and scenic trails, the beautiful, open-flowing and clean rivers, let us all think about those majesties that we have in this country as we move toward final passage of this legislation and indeed turn it to where it belongs, in the heavens above.

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of H.R. 146, the Omnibus Public Lands Act, a bipartisan piece of legislation that will do wonders for conservation and historic preservation across the United States. This bill includes the Paterson Great Falls National Park Act, which I originally introduced in the 109th Congress and passed this House in October of 2007.

As a lifelong Paterson resident and the city's former mayor, I have fought for many years to bring recognition to this site that has played such a seminal role in American history. A National Historical Park is the only way to properly showcase the significant cultural and historic landmarks and natural beauty that the Great Falls Historic District has to offer, I am proud and thankful that the Congress will soon pass this legislation and President Obama will sign it into law.

Fifteen miles west of New York City, the majestic Great Falls in Paterson, New Jersey was the second largest waterfall in colonial America. No other natural landmark has played such an important role in our nation's quest for freedom and prosperity.

Alexander Hamilton recognized the grandeur and unique power of the Great Falls when he founded Paterson in 1792 as America's first planned industrial city. Hamilton was committed to demonstrating the profitability of manufacturing in America rather than depending upon foreign goods. As Paterson rapidly rose into a thriving industrial city, it became the living manifestation of Hamilton's prescient belief in the capitalist revolution.

Development of the raceway system to harness the power of the 77-foot Great Falls, the second largest waterfall east of the Mississippi River, created one of the country's first manufacturing centers. Paterson was the site of the first water-powered cotton spinning mill, and the first continuous roll paper mill. It was the site of the manufacture of the Colt Revolver, the Rogers Steam Locomotive, the Wright aeronautic engines and the first practical submarine. Its mills manufactured paper, cotton, and famously, silk, earning Paterson the name of ''Silk City.''

The National Park Service has long been aware of the importance of protecting and preserving the Great Falls district. In 1969, the Great Falls was listed as a National Natural Landmark and the 117 acres surrounding them were entered on the Department of Interior's National Register as a Historic District. In 1976, the Great Falls became a National Landmark. Since 1988, the Interior Department has listed the district as a Priority One threatened National Historic Landmark.

In a special Bicentennial speech in Paterson with the spectacular natural beauty of the Great Falls in the background, the late President Gerald R. Ford said, ''We can see the Great Falls as a symbol of the industrial might which helps to make America the most powerful nation in the world.''

With a National Park designation, the Great Falls will be transformed into an attraction for visitors and Patersonians alike that could lead to the economic revitalization of Paterson.

As soon as President Obama signs this bill into law, federal resources will be leveraged to revitalize the Great Falls area, refurbish the beautiful, historic mill buildings, maintain and protect the waterfall, and create a living reminder of our nation's rich industrial history. I am proud and thankful that Congress and the President will fully recognize the vision of Hamilton, the design of L'Enfant, and the cultural and historic landmarks that have shaped America's history.

After this bill is signed into law I would be honored to have my colleagues visit Paterson and tour the new Great Falls National Historic Park, where they can all see first hand the value that urban parks bring to the National Park System and to their local communities.

This has been a long road we have traveled to get to this point. The Great Falls National Historic Park would not be at this point without the work of many dedicated staff members who have worked on this proposal. Obviously the patient staffers working under Chairman RAHALL and Chairman GRIJALVA at the Natural Resources Committee deserve our thanks and appreciation. Since 2001, the many staffers from my office working towards this goal have included Mia Dell, Susan Quatrone, Caley Gray, Stephanie Krenrich and Arthur Mandel. On the other side of the Capitol, Arvin Ganesan with Senator LAUTENBERG and Hal Connolly with Senator MENENDEZ deserve our appreciation.

And let me conclude by extending special thanks to Leonard Zax, a good friend and Paterson native, who has testified in committees, drafted support letters, brought parties together and has basically worked tirelessly to see this bill through from concept to completion.

We have a great deal of work left to do, but let us celebrate this important milestone for the City of Paterson and the preservation of the Great Falls on the Passaic River.

Ms. HIRONO. Mr. Speaker, I rise today in enthusiastic support of H.R. 146, the Omnibus Public Lands Management Act, which includes my Kalaupapa Memorial Act (H.R. 3332 in the 110th Congress; H.R. 410 in the 111th Congress). The Kalaupapa Memorial Act authorizes establishment of a memorial at Kalaupapa National Historical Park on the island of Molokai, Hawaii, to honor the memory and sacrifices of the some 8,000 Hansen's disease patients who were forcibly relocated to the Kalaupapa peninsula between 1866 and 1969.

Last August, I visited Kalaupapa and met with the mostly elderly former patients who reside there. Many expressed a strong desire to see the Memorial become a reality in their lifetimes. Unfortunately, that dream did not come true for two of the community's most beloved and distinguished residents:

Kuulei Bell, the president of Ka 'Ohana O Kalaupapa, passed away in February 8, 2009 after a long illness. Despite her illness, she continued to champion establishment of the Memorial until shortly before her death.

Bernard Punikai'a, who fought all his life for equality and human rights for persons with Hansen's Disease throughout the world, passed away on February 25, 2009.

Today, I pay special tribute to Kuulei and Bernard in casting my vote for this bill. The policy of exiling persons with the disease that was then known as leprosy began under the Kingdom of Hawaii and continued under the governments of the Republic of Hawaii, the Territory of Hawaii, and the State of Hawaii. Children, mothers, and fathers were forcibly separated and sent to the isolated peninsula of Kalaupapa, which for most of its history could only be accessed by water or via a steep mule trail. Children born to parents at Kalaupapa were taken away from their mothers and sent to orphanages or to other family members outside of Kalaupapa. Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, even though medications to control the disease had been available since the late 1940s.

While most of us know about the sacrifices of Father Damien (his statue is one of two representing Hawaii in DC), who dedicated his life to care for those exiled to Kalaupapa fewer know of the courage and sacrifices of the patients who were torn from their families and left to make a life in this isolated area. It is important that their lives be remembered.

Of the some 8,000 former patients buried in Kalaupapa, only some 1,300 have marked graves. A memorial listing the names of those who were exiled to Kalaupapa and died there is a fitting tribute and is consistent with the primary purpose of the park, which is ''to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations.''

Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park and their family members and friends, was established in August 2003 to promote the value and dignity of the more than 8,000 persons some 90

percent of whom were Native Hawaiian—who were forcibly relocated to the Kalaupapa peninsula. A central goal of Ka 'Ohana O Kalaupapa is to make certain that the lives of these individuals are honored and remembered through the establishment of a memorial or memorials within the boundaries of the park at Kalawao or Kalaupapa.

Ka 'Ohana O Kalaupapa has made a commitment to raise the funds needed to design and build the memorial and will work with the National Park Service on design and location of the memorial.

The residents of Kalaupapa and the families of those who have passed want to make sure not only that the story of Kalaupapa is told but that the patients are recognized as individuals by having the names of each of those exiled to Kalaupapa and buried there recorded for posterity. Families that have visited Kalaupapa and Kalawao searching in vain for the graves of their family members will find comfort in seeing those names recorded on a memorial.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today in support of H.R. 146, the Omnibus Public Lands Bill, in part because of the important designations it makes for areas in Arizona's First Congressional District. Among the many natural treasures that make our country beautiful, several of the most beautiful are in Greater Arizona, including the 58,000 square miles that comprise the district I represent.

One such treasure, Fossil Creek, runs along the border between Gila and Yavapai Counties, as well as between the Coconino and Tonto National Forests. The entire watershed is within National Forest land and is surrounded by Fossil Springs Wilderness and Mazatal Wilderness areas. These fourteen miles of spring-fed water provide families with opportunities for camping, birding, hiking, horseback riding, and other recreational activities.

In addition to the remarkable beauty of the area, Fossil Creek represents a cultural treasure as well. The creek sustained the Yavapai-Apache people who have inhabited the area, and the Yavapai-Apache Nation still considers Fossil Creek sacred ancestral homeland. Ancient artifacts, ruins, and pictographs have been found on numerous locations along Fossil Creek's terraces, and undiscovered archaeological treasures surely remain.

I commend the efforts of folks in Cottonwood, Camp Verde, and Clarkdale communities to have Fossil Creek included in the Wild and Scenic River System, which will rightly highlight the beautiful and unique features of the area for generations.

Walnut Canyon National Monument is another great treasure in Northern Arizona, and this bill includes a study to help develop a long-term management plan that addresses the recreational, cultural, and natural resources in the area. The study has had the strong backing of Coconino County and the City of Flagstaff, and through their efforts we will protect the natural habitat and sacred grounds surrounding the Walnut Canyon National Monument.

Mr. Speaker, thank you for the opportunity to consider this legislation, which includes so many provisions to protect and enhance our nation's natural and cultural treasures.

Ms. HERSETH SANDLIN. Mr. Speaker, today, the House of Representatives passed H.R. 146: Omnibus Public Land Management Act 2009. Included in this bill is the authorization of Preserve America and Save America's Treasures.

I want to take this opportunity to express my appreciation of and support for the role that State and Tribal Historic Preservation Offices play in national historic preservation efforts. In 1966, Congress passed the National Historic Preservation Act. This Act charged State Historic Preservation Offices with several responsibilities, from locating historic resources to providing technical assistance to federal agencies.

Furthermore, the National Historic Preservation Act emphasizes the need for cooperation and coordination among federal, tribal, state, and local governments as well as private organizations and individuals. In South Dakota, State and Tribal Historic Preservation Officers play a crucial part in many projects and initiatives, such as preserving significant buildings and landmarks and ensuring that Native American sacred sites are protected.

South Dakota has received a handful of grants through both the Save America's Treasures and Preserve America programs. However, the majority of our preservation funding comes from, and I expect will continue to come from, the State and Tribal Historic Preservation Programs.

While I support the Save America's Treasures and Preserve America programs, it is imperative that we also recognize the statutory responsibilities of State and Tribal Historic Preservation Offices to carry out federal historic preservation activities. In turn, I want to state my support for ensuring that State and Tribal Historic Preservation Offices have the funding and resources that they need to carry out their multifaceted missions. I anticipate that authorizing Save America's Treasures and Preserve America will complement the work conducted by State and Tribal Historic Preservation Offices across the United States.

My hope is that Congress recognizes that the Preserve American and Save America's Treasures programs are meant to supplement the baseline activities of State and Tribal Historic Preservation Offices (S/THPOs) which carry out the mandates of the National Historic Preservation Act. The work of the States and Tribes provides the necessary foundation for the supplemental assistance provided by Preserve America and Save America's Treasures grants.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to clarify my position as it relates to H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act. I cosponsored this legislation when it was originally introduced into the House of Representatives by my friend Congressman RUSH HOLT of New Jersey, to create a grant program to generate partnerships at the State and local level, encouraging the private sector to preserve, conserve, and enhance nationally significant Revolutionary War and War of 1812 battlefields.

This bill passed by an overwhelming margin on the House floor on March 3, 2009, and was subsequently sent to the Senate. Senate leaders then removed all language the House of Representatives had voted for and replaced it with the Omnibus Public Land Management Act of 2009. The Senate proceeded to pass the legislation and send it back to the House of Representatives where we stand to vote on it today. To be clear, the language contained in H.R. 146, the Omnibus Public Land Management Act of 2009 in no way resembles the legislation I cosponsored when I lent my name and support in favor of the Revolutionary War and War of 1812 Battlefield Protection Act.

It was not my intention or desire to be listed as a cosponsor of the Omnibus Public Land Management Act of 2009. This legislation does have several laudable provisions, including language I sponsored: H.R 548, the Civil War Battlefield Preservation Act to preserve and protect Civil War Battlefields and H.R. 530, the Santa Ana River Water Supply Enhancement Act to increase Southern California's water supply. However, this omnibus bill taken as a whole would withdraw millions of acres of public land from energy development, increase government spending by almost $9 billion, and add even greater restrictions to federally managed lands.

I have been a long time advocate for preservation of our nation's historic battlefields. These battlefields offer a porthole to the past. The vivid imagery of an epic conflict can remind visitors of the struggles our country has gone through to preserve the banner of liberty and justice for all. Memorializing the Civil War, Oliver Wendell Holmes said, "We have shared the incommunicable experience of war. We felt, we still feel, the passion of life to its top. In our youths, our hearts were touched by fire." By preserving this Nation's historic battlefields, we can give visitors a sense of what Mr. Holmes was talking about. Unfortunately, this legislation stripped the language to which I originally lent my support, and therefore do not wish to appear as a cosponsor of the Omnibus Public Lands Management Act of 2009.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 146, the Omnibus Public Land Management Act of 2009. This legislation is the culmination of years of hard work, negotiation, and consensus-building, and I commend Chairman RAHALL and his subcommittee chairs, including RAÚL GRIJALVA and GRACE NAPOLITANO, and the Natural Resources Committee staff, for all of their efforts to bring this bill before us today.

The Omnibus Public Land Management Act is a compilation of many of the most important conservation measures that the Congress has considered in years, and it is supported by a diverse coalition that includes the outdoor industry, sportsmen's associations, parks and wilderness advocates, faith groups, and literally dozens of individual conservation and wildlife protection organizations from across the country.

In California, for example, this bill will protect significant stretches of federal land for future generations by enacting 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.

But this bill is not just about protecting national treasures for future generations. It's also about taking very significant steps to resolve water conflicts. All of us who represent California and the arid West are very concerned about drought, and this bill provides solutions: the legislation before us today resolves conflicts that have dragged on for decades, and it will bring substantial clean water supplies online. We owe it to our constituents to support this bill.

Some previous speakers have erroneously claimed that the Omnibus Public Land Management Act would harm our water supplies.

Nothing could be further from the truth. The fact of the matter is that this bill increases the clean water supply available to the American West, and it settles years of costly litigation over water. California, for example, will see seven Title XVI water recycling projects authorized by this package, in addition to two groundwater recharge projects. These projects will allow local communities across our state to produce almost half a million acre-feet of reclaimed reuse water and added storage capacity. These water provisions are environmentally sustainable and they are cost-effective, and should be supported by our state's entire congressional delegation.

Because of the widespread benefits of these Title XVI and groundwater water supply authorizations, this bill is supported by a broad coalition that includes the Association of California Water Agencies, the Metropolitan Water District of Southern California, the National Water Resources Association, and the Western Urban Water Coalition. I ask unanimous consent to include in the RECORD a letter of support sent by this coalition earlier this month to Speaker PELOSI and Minority Leader BOEHNER. These agencies and associations are supporting the Omnibus Public Land Management Act because they know that this bill represents a historic chance to meet our water challenges head-on. I strongly support continued investment in these and other alternative water supplies, and encourage the Bureau of Reclamation to move expeditiously on these projects.

The bill before us today also provides us with the remarkable opportunity to resolve nearly two decades of litigation over the restoration of the San Joaquin River in California. The San Joaquin Restoration Settlement Act is supported by the local affected water districts and the Friant Water Users Authority, the environmental and fishing group plaintiffs who brought the lawsuit, and by the state and federal government. By approving H.R. 146, we are voting to restore water and salmon to the once-mighty San Joaquin River, as well as to authorize programs to help local farmers avoid potential negative impacts from the restoration program.

Without this legislation, the parties to the lawsuit would have no choice but to return to court, meaning wasted time and energy, a lack of certainty for both sides, and the loss of significant nonfederal funding. By passing this legislation today, we provide the funding and legal authority the Department of the Interior needs to ensure a timely and robust restoration program, which is so essential to the success of this settlement.

As many of my colleagues know, the continued shutdown of the sport and commercial salmon fisheries in our state has resulted in significant economic losses. While California must do more to restore the health of the Bay-Delta and the Sacramento River, restoring 30,000 spring run Chinook salmon to the San Joaquin River each year, as this legislation intends, will help ensure that California's salmon, and the considerable statewide economic activity that depends on healthy salmon runs, are restored and sustained for future generations.

Approving the San Joaquin River Settlement will help bring the State's second largest river back to life, improving water quality for the Bay-Delta, and it will achieve some of the goals of the 1992 Central Valley Project Improvement Act. Perhaps most importantly, Congress's approval of this settlement will demonstrate that environmentalists and farmers can work together with federal and state agencies to resolve California's water challenges in a way that all parties can live with. While passage of this legislation is not the final step in the restoration of the river, and although we will need to watch the agencies' implementation of the settlement carefully, this vote today is a critical step in a very long process.

For those of us who represent California and the West, it's very clear that this bill offers a significant opportunity to protect our natural resources, address serious economic problems, and resolve conflicts over water. We can't afford to miss this chance.

For all these reasons and more, I strongly urge my colleagues to support H.R. 146—the Omnibus Public Land Management Act of 2009.

MARCH 10, 2009.

Re S. 22 Omnibus Public Lands Act.

Hon. NANCY PELOSI,
House of Representatives, Capitol Building, Washington, DC

Hon. JOHN A. BOEHNER,
House of Representtives, Capitol Building, Washington, DC.

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: The undersigned organizations urge your support for key provisions of S. 22, the Omnibus Public Land Management Act of 2009 and ask that you oppose any parliamentary or procedural efforts to delay or disrupt S. 22.

This legislation includes many key water provisions and authorizations for critically important water projects and water resource management programs that would help increase local water supplies. The bill could not come at a more important time as California and the southwest grapple with a multi-year drought—one of the most severe we have experienced in the last hundred years.

Additionally, S. 22 authorizes the terms of two historic environmental settlement agreements, the Lower Colorado River Multiple Species Habitat Conservation Plan, and the San Joaquin River Restoration settlement agreement. The Secure Water Act, as detailed in S. 2156, is also included in the Omnibus Public Land Management Act.

Your support of S. 22 is imperative and we ask that you move expeditiously to help ensure that the key water provisions of S. 22 including the San Joaquin River Restoration Settlement Agreement, the Lower Colorado River Multiple Species Habitat Conservation Plan can be enacted as soon as possible. Thank you for your consideration of our request which would greatly benefit all Californians.

Very truly yours,

Tim Quinn Executive Director, Association of California Water Agencies; Donald R. Kendall, General Manager, Calleguas Municipal Water District. Art Aguilar, General Manager, Central Basin Municipal, Water District; Tony Pack, General Manager, Eastern Municipal Water District; Ronald E. Young, General Manager, Elsinore Valley Municpal Water District; Richard Atwater, General Manager, Inland Empire Utilities Agency; John R. Mundy, General Manager, Las Virgenes Municipal Water District; Jeffrey Kightlinger, General Manager, Metropolitan Water District of Southern California.

Tom Donnelly, Executive Director, National Water Resources Association; Michael R. Markus, General Manager, Orange County Water District; Matt Stone, General Manager, Rancho California Water District; Leroy Goodson, General Manager, Texas Water Conservation Association; G. Wade Miller, Executive Director, Watereuse Association; Richard Nagal, General Manager, West Basin Municipal Water District; Charles L. Nylander, President, Wester Coalition of Arid States; Guy Martin, National Counsel, Western Urban Water Coalition.

Mr. STARK. Mr. Speaker, I rise today in strong support of H.R. 146, the Omnibus Public Land Management Act of 2009.

This long overdue legislation has been many years in the making. It will be the first major environmental bill signed into law by President Obama and it includes the largest wilderness designation of land in 15 years. The bill will designate 2.1 million acres of wildlands as federally protected wilderness, including over 735,000 acres of land in my home state of California.

In California, this bill will permanently protect half a million acres in the eastern Sierra, White Mountains, Mojave Desert, San Gabriel Mountains, San Jacinto Mountains, and Sequoia, Kings Canyon, and Joshua Tree National Parks. Over 100 miles of California's rivers will be designated as Wild and Scenic Rivers, ensuring their ecological health in the future. The legislation also includes vital provisions to restore the vitality of the San Joaquin River and its historic salmon runs.

As cities and towns across our nation continue to develop and expand, it is essential that we set aside wilderness lands and wild rivers for ecological preservation and recreational enjoyment. These wilderness areas provide us with clean air and drinking water. They are part of our national heritage and we need to ensure that they are protected for our grandchildren and our grandchildren's grandchildren to experience and appreciate.

The Omnibus Public Land Management Act of 2009 is truly historic legislation that represents a huge victory for our environment. I'm proud to support this bill and I urge my colleagues to join me in voting for it.

Mr. GALLEGLY. Mr. Speaker, subsection 199 of H.R. 146, the Omnibus Public Land Management Act of 2009, concerns two stream segments on Piru Creek located on National Forest lands in Southern California and those segments flow to and from existing hydroelectric facilities and water supply operations. Water is released from Pyramid Lake into Piru Creek for conveyance and delivery to Lake Piru for the United Water Conservation District and water is also released from Lake Piru. The amount and timing of water delivered or released may need to change to address the community's water needs and to protect the endangered Arroyo Toad.

According to a statement by the author of this subsection of the legislation, it is my understanding that this legislation is not intended to preclude or limit the State of California, the Department of Water Resources of the State of California, the United Water Conservation District, and other governmental entities from releasing water for water conservation purposes.

Mrs. CAPPS. Mr. Speaker, I rise today to express my support for the Senate amendments to H.R. 146, which incorporates the Omnibus Public Land Management Act of 2009.

I want to thank Chairman RAHALL for his leadership in bringing this legislation back to the House floor for a vote. While we were unable to vote on this package earlier this month, it is time that we pass these bills.

This legislation is a bipartisan package of more than 160 individual bills, and incorporates a wide range of public lands, water resources, and ocean and coastal protection measures that impact various regions of our Nation. All of the bills included in the package have been thoroughly reviewed and approved by the House or favorably reported by the Senate committee of jurisdiction during the 110th Congress.

Today, I wish to highlight four bills in the omnibus package that I sponsored during the 111th Congress.

First, the Coastal and Estuarine Land Conservation Program Act.

This legislation codifies and strengthens an existing NOAA program—the Coastal and Estuarine Land Conservation Program, or CELCP—that awards grants to coastal states to protect environmentally sensitive lands.

As someone who represents over 200 miles of California's coastline, I'm well aware of the pressures of urbanization and pollution along our nation's coasts. These activities threaten to impair our watersheds, impact wildlife habitat and cause damage to the fragile coastal ecology.

Coastal land protection partnership programs, like CELCP, can help our Nation meet these growing challenges.

For example, in my congressional district I've worked collaboratively with environmental groups, willing sellers, and the State to conserve lands and waters around Morro Bay, on the Gaviota Coast, and near the Piedras Blancas Light Station.

These projects have offered numerous benefits to local communities by preserving water quality, natural areas for wildlife and birds, and outdoor recreation opportunities—thereby protecting for the future the very things we love about the coasts.

Although the program has been in existence for six years, it has yet to be formally authorized. This legislation seeks to do just that. It expands the federal/state partnership program explicitly for conservation of coastal lands.

Under this program, coastal states can compete for matching funds to acquire land or easements to protect coastal areas that have considerable conservation, recreation, ecological, historical or aesthetic values threatened by development or conversion.

It will not only improve the quality of coastal areas and the marine life they support, but also sustain surrounding communities and their way of life.

I would also like to acknowledge the work of former Congressman Jim Saxton. Mr. Saxton introduced this legislation in the 109th and 110th Congresses. His longstanding commitment to passage of this legislation will ensure the protection of the important coastal habitat and provide for increased recreational opportunities throughout his home state of New Jersey.

The Omnibus Public Land Management Act also includes my Integrated Coastal and Ocean Observation System Act.

This legislation seeks to establish a national ocean and coastal observing, monitoring, and forecasting system to gather real-time data on the marine environment, to refine and enhance predictive capabilities, and to provide other benefits, such as improved fisheries management and safer navigation.

To safeguard our coastal communities and nation, we must invest in the integration and enhancement of our coastal and ocean observing systems.

The devastation caused by tsunamis, hurricanes, and other coastal storms demonstrates the critical need for better observation and warning systems to provide timely detection, assessment and warnings to millions of people living in coastal regions around the world.

The U.S. Commission on Ocean Policy, the Pew Oceans Commission, and many government ocean advisory groups have called for the establishment of a national integrated coastal and ocean observing system as the answer to this challenge.

Specifically, the National Integrated Coastal and Ocean Observing System Act would formally authorize the President to develop and operate a genuine national coastal and ocean observing system to measure, track, explain, and predict events related to climate change, natural climate variability, and interactions between the oceans and atmosphere, including the Great Lakes; promote basic and applied science research; and institutionalize coordinated public outreach, education, and training.

Importantly, this system will build on recent advances in technology and data management to fully integrate and enhance the nation's existing regional observing assets, like the Southern and Central and Northern California Ocean Observing Systems, which operate off California's coastline. These systems have proven invaluable in understanding and managing our ocean and coastal resources.

I would also like to commend our former colleague from Maine, Congressman Tom Allen, for championing this legislation in the 110th Congress. Congressman Allen worked tirelessly to enact this important legislation in the last session, and he deserves a tremendous amount of credit when this measure is signed into law.

This legislation also includes my City of Oxnard Water Recycling and Desalination Act.

This bill authorizes a proposed regional water resources project—the Groundwater Recovery Enhancement and Treatment, or GREAT, Program—located in my congressional district. Many communities today are faced with the difficult task of providing reliable and safe water to their customers. The City of Oxnard is no exception.

Oxnard is one of California's fastest growing cities and is facing an ever growing crisis: it's running out of affordable water.

The water needs for the city's agricultural and industrial base, together with its growing population, have exceeded its local water resources. As a result, over 50 percent of its water has to be imported from outside sources. However, through a series of local, state and federal restrictions the amount of imported water available to the city is shrinking, while the cost of that water is rising.

Recognizing these challenges, Oxnard developed the GREAT Program to address its long term water needs.

The GREAT Program elements include a new regional groundwater desalination facility to serve potable water customers in Oxnard and adjacent communities; a recycled water system to serve agricultural water users and provide added protection against seawater intrusion and saltwater contamination; and a wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination project will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard's current water infrastructure delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently wasted to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resource into the ground to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also pumps groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination and recycling plants will provide a year-round supply of nutrient-rich water to the existing wetlands at Ormond Beach.

I commend Oxnard for finding innovative and effective ways of extending water supplies in the West. In my view, the City of Oxnard Water Recycling and Desalination Act supports one such creative solution.

It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Finally, the package includes my Goleta Water Distribution System Conveyance Act.

This bill authorizes the title transfer of a federally owned water distribution system in my congressional district from the Bureau of Reclamation to the Goleta Water District.

The purpose of the legislation is to simplify the operation and maintenance of the District's water distribution system and eliminate unnecessary paperwork and consultation between the District and the Bureau.

The Goleta Water District has operated and maintained the facilities proposed for transfer since the 1950s. They have worked through all requirements of the Bureau's title transfer process, including public meetings, fulfillment of their repayment obligations, completion of an environmental assessment, and compliance with all other applicable laws.

The only step remaining to complete the process is an act of Congress enabling the Secretary of the Interior to transfer title.

It is important to note that the proposed transfer would apply only to lands and facilities associated with the District and would not affect the District's existing water service contract with the Santa Barbara County Water Agency, nor the Federal government receipts from water deliveries under the contract.

In addition, the proposed transfer does not envision any new physical modification or expansion of the service infrastructure.

I'm pleased the Bureau supported my legislation, which will allow the Bureau to focus its limited resources where they are needed most.

In my view, this is an example of local problem-solving at its best. I commend the staff of

the water district and the Bureau for their efforts to reach this agreement. I know that they have been working on this for several years now.

In closing, Mr. Speaker, all of these bills could not have been accomplished without the strong support and hard work and dedication of the House Leadership and Chairman RAHALL, and I thank them for successfully moving these priorities in my congressional district.

I urge all of my colleagues to support the Omnibus Public Land Management Act of 2009 by voting for the Senate amendments to H.R. 146.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 280, the previous question is ordered.

The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on concurring in the Senate amendments will be followed by a 5-minute vote on suspending the rules and agreeing to House Resolution 273, if ordered.

The vote was taken by electronic device, and there were—yeas 285, nays 140, not voting 6, as follows:

[Roll No. 153]

YEAS—285

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—140

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Peterson
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Stearns
Stupak
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wilson (SC)

NOT VOTING—6

Engel
Fudge
Granger
Miller, Gary
Souder
Westmoreland

□ 1404

Messrs. HALL of Texas and ROYCE, and Ms. FALLIN changed their vote from ''yea'' to ''nay.''

Ms. GINNY BROWN-WAITE of Florida and Mr. McINTYRE changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 188TH ANNIVERSARY OF GREEK INDEPENDENCE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 273.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 273.

The question was taken.

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

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 8, as follows:

[Roll No. 154]

AYES—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)

Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Engel
Fudge
Granger
Kratovil
Miller, Gary
Posey
Souder
Westmoreland

□ 1412

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1404, FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 281

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague on the Rules Committee, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials.

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

There was no objection.

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

Mr. Speaker, House Resolution 281 provides for consideration of H.R. 1404, the Federal Land Assistance Management and Enhancement, or FLAME, Act under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Natural Resources.

The rule makes in order 13 amendments, which are listed on the Rules Committee report accompanying the resolution. Each amendment is debatable for 10 minutes. The rule also provides one motion to recommit, with or without instructions.

All Members were given an opportunity to submit amendments to the Rules Committee on the bill, and a number of Members on both sides of the aisle did so: 21 amendments were submitted to the Rules Committee on this bill; two amendments were subsequently withdrawn; and three amendments were nongermane to the underlying bill. Of the remaining 16, 13 were made in order, five of those from Republican sponsors. This was a very fair rule and a very fair process.

My district and the State of Colorado are tied closely to the lands and landscapes that our citizens interact with on a daily basis. These landscapes are majestic and rugged, and define the character of Colorado. The FLAME Act ends a cycle of growing costs for fighting wildfires. These costs are draining the coffers of our Federal land management agencies.

The character of our wilderness is being tested every summer when districts like mine and many others face the threat of wildfires, and anxiety grows in the minds of mountain residents and local communities. This anxiety has grown in recent years due to the health of forests, which has worsened.

Mr. Speaker, the FLAME Act is a bill of personal interest to me and the residents of Colorado. My district, like many Western districts, is dealing with a mountain pine beetle outbreak of

catastrophic proportions. This outbreak has killed millions of acres of lodgepole pines, altering the landscape, and has put more Colorado, New Mexico, Wyoming, Montana, and Idaho communities at risk of wildfire.

I bring your attention to this picture. This is some land in my district in Grand County near Granby, Colorado. My district has many tourists coming through it; and I have Vail, Beaver Creek, Copper Mountain, Winter Park. Recently, I had somebody who came through in July and noticed that many of our trees were red and said, ''Fall comes early in Colorado.'' I had to respond that, ''No, it is not fall. Our trees are dying.'' This is a typical landscape across many parts of the Mountain West of Colorado. The red trees are actually dead or in the process of dying, having been felled by the pine beetle. The danger is that when we have a forest of dead trees, it is in effect a tinderbox and is a major forest fire risk.

This bill includes amendments in the underlying language that free up resources to help address the underlying causes of forest fires rather than just after the fact dealing with emergencies.

The culprit in this particular case, the mountain pine beetle, a small little fellow, dendroctonus ponderosae. I have some here, life-size. Again, not just affecting Colorado, but affecting many areas of our Mountain West; and, in addition to the devastation of our forests, visually and ecologically, creating a very real risk of forest fires, which this bill gives us the ability to begin to address.

Our land management agencies are working quickly to reduce the potential fire risks where communities and wildlands come face to face. These wildland-urban interface zones, or WUI zones, are critical in decreasing the number and threat of catastrophic wildfires. But our agencies simply don't have the resources to effectively respond to the risk or the increased risk because of the changes. The Forest Service and Bureau of Land Management have multiple environmentally friendly projects simply waiting to be funded.

Fire suppression costs have increased with alarming speed in recent years. In 2008, fire suppression costs consumed 46 percent of the Forest Service's budget compared to 13 percent in 1991. The account established in the FLAME Act frees up capital and resources for needed and lasting forest health improvements.

Mr. Speaker, the beetle epidemic in the West puts Coloradans on the front lines of changing climate, which only further strains our national land management budgets. Across the Nation, climate and weather modeling shows our future to be growing both drier and hotter. These models point to extreme intense thunderstorms with insufficient quantities of rain.

Our communities deserve a land management policy that not only reflects crucial priorities, but is unimpeded by the costs of frequent and overwhelming fires and the crises that arise from time to time. Our policy needs to make sure that, as these fires grow in scope and number, we are not forced to make hard choices between money and safety, between dealing with catastrophes and preventing them from occurring. This is exactly what this legislation is designed to do.

The FLAME Act addresses the anxiety of our communities by removing hurdles that currently restrict the Forest Service and BLM's ability to proceed with projects. By establishing the FLAME fund, this bill separates the increasing costs of fighting fires from the annual budget that agencies rely on for maintenance and mitigation. This bill keeps the critical budget of—our Forest Service from being consumed by potentially just one or two major wildfires each year.

Mr. Speaker, this bill has gained the support of every environmentally conscious constituency, from land management agencies to environmental and community leaders to local governments. It has garnered bipartisan support, as reported out of the Natural Resources Committee in the 110th Congress by a voice vote.

Mr. Speaker, I want to reiterate the importance and the critical nature of this legislation to thousands of communities like mine across the Nation and to millions of acres of our public lands. This is an excellent opportunity to provide necessary resources to our Forest Service and BLM so they can do the work that they are meant to do, and prevent forest fires from occurring. I urge passage of the bill and the rule.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from Colorado (Mr. POLIS) for the time, and I yield myself such time as I may consume.

With the serious conditions in our Nation's forests, drought and more and more development closer to our forests, the size and severity of wildfires have dramatically increased. The costs to our public lands, wildlife, private property, and, most importantly, to human life have been tragic.

Federal fire suppression spending has grown substantially over the past several years, with approximately 48 percent of the Department of Agriculture's Forest Service budget now accounting for these activities. Just over a decade ago, only 18 percent of the Forest Service budget was dedicated to fire suppression. Much to the detriment of other important programs, the Forest Service and the Department of the Interior have been forced to borrow funds from other agency accounts to cover these emergency costs. When agencies transfer funds from other accounts, they must reimburse those accounts when additional funds become available, usually through emergency supplement appropriations.

This legislation that is being brought to the floor today establishes a fund that will be separate from budgeted wildland fire suppression funding for the Forest Service and the Department of the Interior. This fund will only be used for the suppression of catastrophic emergency wildland fires. The annual agency budgets will continue to fund anticipated and predicted wildland fire suppression activities. Thus, this fund will help ensure that fire prevention resources of the Forest Service and the Department of the Interior are not completely overwhelmed by emergency firefighting expenses. Appropriations for the fund will be based on the average costs incurred by these agencies to suppress catastrophic emergency wildland fires over the proceeding 5 fiscal years.

Although I support the underlying legislation, I know there is concern that the legislation is reactive and not proactive. A number of Members in the minority have expressed their concern that the legislation only addresses one aspect of the problem, the suppression funding side, without providing real relief and dealing with the underlying problem to help prevent wildfires. I hope that the Natural Resources Committee will review these concerns and work to prevent these devastating fires.

Last week, I had the honor of addressing the International Association of Firefighters, IAFF. It was a great honor to stand before those courageous men and women to thank them for their noble service to the Nation. Firefighters put their lives in danger in order to rescue their fellow citizens from peril and to protect our communities. Our heartfelt gratitude goes out to them, and I am pleased that the underlying legislation recognizes the selfless acts of bravery of these men and women by ensuring that our firefighters have the resources necessary and readily available to combat the catastrophic fires that ravage our public lands and threaten surrounding communities.

I would like to thank Chairman RAHALL and Ranking Member HASTINGS for their bipartisan work on the legislation. Unfortunately, in what is becoming quite a familiar pattern, the House majority leadership and the majority on the Rules Committee continue to block an open debate even on noncontroversial legislation.

This legislation passed the House of Representatives by a unanimous voice vote last Congress. That vote clearly shows that this legislation has broad support from both sides of the aisle. Yet, the majority is apparently so afraid of losing control of the debate that even on something with obvious consensus support the majority blocks Members from offering amendments to improve the legislation.

I reviewed some of the amendments blocked by the majority, and I cannot understand what is so objectionable.

One amendment, for example, by Representative HERGER would have required that any wildlife suppression funds in excess of amounts annually appropriated be made available for hazardous fuels reduction projects. Another amendment by Ranking Member HASTINGS that was blocked would have included fire prevention activities as part of the fire management strategy.

Mr. Speaker, I am not going to go into the rest of the amendments, but none of them seem so objectionable that the House should be prevented from even considering them. The pattern is clear. The pattern of procedural unfairness by this majority continues. It is petty and it is unfortunate.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, of the 16 amendments that were germane and were offered, 13 were made in order, and indeed five of those were by Republican sponsors. And I know that the Rules Committee did give every consideration to amendments from both sides and indeed allow a reasonable number for discussion.

□ 1430

The issue is an urgent one. By freeing up the pot of money that is otherwise able to be used for single events or catastrophes as sometimes in the past it has been used for one or two events, it prevents ongoing forest maintenance and prevention activities. As my colleague from Florida mentioned, this bill does have strong bipartisan support. I too would like to applaud Chairman RAHALL and Ranking Member HASTINGS for their work in bringing this bill before us.

Not only my district, but many other parts of the country deserve a better equipped agency that can work to address the challenges faced by our communities on public lands. The pine beetle epidemic will leave an increased risk of forest fire for many years to come. And the further effects of climate change will put many more strains on our ecosystems and the economy, not just in Colorado, not just for the southern pine beetle in Florida, not just in areas that are currently affected, but indeed in public lands and areas across our great Nation. In many ways, this is one of the costs of climate change which this body talks about in other pieces of legislation from time to time.

I would like to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield such time as he may consume to my friend, the former member of the Rules Committee, who now is the ranking member of the Resources Committee, Mr. HASTINGS of Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my good friend and former seatmate on the Rules Committee for yielding the time.

Mr. Speaker, while I support the underlying goals and indeed the idea of this bill, I have fundamental concerns with what is lacking in both the bill and the rule.

This rule and bill have focused on clearing up how to budget for fighting forest fires. That is good. But the Democrat leadership is averting its eyes and its legislative power from the need to prevent forest fires from happening in the first place.

Under the Democrat majority, not a single hearing has been held on wildland fire prevention in this Congress, and only one hearing was held in the last Congress. Hundreds of millions of dollars have been provided to place more forested land under Federal control. But little has been allocated to actively manage these lands or help the Forest Service and Department of the Interior clear areas and create firewalls between populated areas and potential tinder boxes.

I note that while this rule has been much more generous, and sometimes when I say that with all the closed rules we have had, even one amendment would be generous, but while this rule has been much more generous in making amendments in order than recent examples, of the five amendments that I filed, the two which explicitly address fire prevention were not allowed by the Rules Committee, as was Congressman HERGER's amendment, a commonsense, budget-neutral one that the gentleman from Florida pointed out would simply say excess funds in this account should go to fire prevention.

I don't understand what is wrong with even debating it. Keep in mind, Mr. Speaker, when we allow these amendments to be made in order, we are not saying they are going to pass. We are simply going to say that they will be made in order to debate. Why wouldn't we want to have a debate that says we have excess funds, and if there is no fires, so there is some funds left over, we will put that in fire prevention? Why, for goodness' sakes, could we not even debate something like that on the floor? But that seems to be a pattern, unfortunately, in this Congress.

Mr. Speaker, we immunize our children to prevent illnesses and suffering. We treat our homes for termites and other pests to save us from expensive extermination and repairs down the line. Farmers spray their crops to prevent plant disease and infestation and to produce healthy products. Why can't we extend the same principle to our forests? Preventing devastating forest fires or reducing their severity will save money, property and even lives.

I note that my friend from Colorado in his opening remarks made mention of a forest that is devastated by a beetle. There is nothing in this bill that prevents the beetle infestation. Now there are some amendments that may address, and frankly my amendments that I wanted to offer would address it more fully. I think that this bill of carving out something to say that the Forest Service or anybody that fights forest fires will have a dedicated sum of money to fund those, I think that is good policy. But, once again, this does not address the underlying issues, and that is really where we should be focusing.

So I hope in the future my majority colleagues will heed the words of the beloved icon of the Forest Service, Smokey the Bear, when he says, ''Only you can prevent forest fires.''

With that, I thank the gentleman for yielding.

Mr. POLIS. Mr. Speaker, the gentleman from Washington had three amendments that were ruled in order of the several he submitted before the Rules Committee, and those, of course, will be given consideration. There are also two amendments that directly relate to our friends, the invasive species in this case, dendroctonus ponderosae, and other species in other areas.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. POLIS. Yes.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding. And I'm very thankful that you made three of my amendments in order. But as I explained in my remarks regarding the Herger amendment, when you make an amendment in order, you are not ensuring its passage. All you are ensuring is you are going to have a debate on the issue. And so I wonder why you wouldn't, because there were some 20 amendments, why didn't you make them all in order and then we would have a debate on all of them.

Mr. POLIS. Reclaiming my time, of all individuals, those who have served on the Rules Committee are well aware of the functions of that committee and have, in fact, in previous sessions of Congress undertaken even more severe restrictions on a number of bills. Again, with regard to allowing 13 of the 16 amendments that were germane I think is an excellent example of the Rules Committee not only doing their job but actually working to improve the bill.

Our land management agencies shouldn't have to choose between fighting fires and preventing them or preparing our communities or promoting healthier forests. Our agencies should be given the tools that allow them to fulfill their mission statements, protecting our forests and serving our communities. The FLAME Act addresses these problems by providing a source of emergency funds to suppress severe fires that pose a threat to life and property. It ensures that during firefighting seasons when the agencies' budgeted fire suppression funds are exhausted, they won't be forced to cut other vital projects, indeed prevention-related and forest health-related projects as a result.

I would like to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I yield such time as he may consume to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I thank the gentleman for yielding, and I wish my friend from Colorado had yielded to me.

He is right. I served on the Rules Committee for 12 years. And I understand what it is like for the majority to have to control their agenda. I fully understand that. But this is the people's House. And we ought to be able to debate issues on where there may be some disagreement.

Now you're a new Member here. I hope that at some time you will enjoy, and I say that in all sincerity, enjoy having a bill on the floor under an open rule to debate under the 5-minute rule. Now I'm not sure if you know what that is, but that allows every Member to speak for 5 minutes on a rule for unlimited time. I see my friend from California (Mr. MILLER) sitting here. And I remember in my first term in 1995, we had some humongous debates on the floor here on forest lands, probably some other things. And those debates went well into the night. I remember very specifically. And at end of the day, we voted. And one side won and one side lost, and we went on to the next issue. But the pattern in this Congress has been not even to have a debate. I don't expect you to totally agree with me. You're new here. Maybe you ought to go back and look at some debates that we have had in the past or look at some rules.

We are coming to a time here in this process where we call appropriations season. Appropriations season has historically been a time when there is open debate. Now, I hope I am wrong. I hope I am wrong. But I suspect that the Rules Committee will come up with what they call preprinting requirement open rules. Well, that is not an open rule. Just by definition, if you have a preprinting requirement, how can it be open? But I suspect that that is what is going to happen.

And so, one more step here where the people, I think, will be denied access to their Members, their Representatives having access to an open debate. It just seems to me that we have gone through this year in the ruckus we had on the floor with AIG last week, oh, my gosh, we were shocked because of that provision that was in the bill. It was an 1,100-page bill under which we had absolutely no chance to read it.

Now, clearly, people on your side of the aisle didn't read it. Clearly, people in the other body didn't read it, because the whole debate on that was, my goodness, how could these AIG executives get the bonuses?

And what is ironic about this, we found out now that one Senator admitted, yes, in fact, I did put that provision in there at the beckoning of the administration. We still don't know who in the administration told that Senator that that provision should be in there. But I only make that observation because it seems to me we should learn. We should learn that some of these things don't work good. Because the laws that we are passing are affecting all Americans. And if we have to come back and say, goodness, we didn't know that was in a particular bill, that doesn't do justice to what we as representatives, people's representatives, should be doing in this House.

So I'm pleased that at least some of my amendments were made in order. I wish they all could have been made in order. I would have taken the consequences if the majority of my colleagues didn't agree with my approach to that. I would hope to have an opportunity to at least debate that. But I wasn't allowed that opportunity. And I think that is a bad trend in this House, and I hope it gets more open. But I suspect that will not be the case.

With that, Mr. Speaker, I thank my friend for yielding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. POLIS. Mr. Speaker, I was beginning to wonder when our friends would try to connect AIG with forest health and preventing forest fires. Indeed we did not have to wait too long.

This bill promotes accountability by requiring the Secretaries of Agriculture and Interior to monitor their accounts and anticipate relevant costs. This is a valuable tool in the long term to improve the efficacy and sustainability of our public lands management. We will note that the arguments being made are purely procedural. We should not allow these procedural issues to get in the way of what is substantively agreed on.

I have heard very positive comments with regard to the substance of this bill from both sides of the aisle, indeed giving our land management agencies the flexibility they need to make sure that their budgets are not consumed by signal events and to focus on what they need to do and are, in fact, required to do under law in terms of forest management and forest fire risk mitigation.

For nearly a decade, the GAO has called for our agencies to draft a strategy which will identify agencies to environmental and community leaders alike. This bill has garnered strong bipartisan support, and it was reported, as I mentioned before, by a voice vote from the Natural Resources Committee.

I want to reiterate the importance of this legislation to thousands of communities across the Nation and to millions upon millions of acres of public lands. This is an excellent opportunity to provide the necessary resources to our Forest Service so they can do the work they are meant to do and indeed must do.

I urge the passage of the bill and the rule.

I would inquire if the gentleman from Florida has any remaining speakers.

Mr. LINCOLN DIAZ-BALART of Florida. I don't have any other speakers, but I have not yielded back.

Mr. POLIS. I would like to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have appreciated this discussion, and again, I thank Ranking Member HASTINGS for having come down during the time of debate on the rule. He has perhaps a very unique perspective having served on the Rules Committee for so many years. He knows the importance of process to the functioning of the House. And in addition, obviously, now he is an expert, he always has been, but especially now that he is day in and day out working on these issues in the Resources Committee, he is very much an expert on the underlying legislation.

Hearing the discussion, one thing comes to mind. Mr. HASTINGS pointed, Mr. Speaker, to the fact that we recognize, and I agree with him, we recognize that the majority obviously has a right to carry forth its agenda and obviously a right under the rules to pass out resolutions establishing the framework for debate. But some things I think are important to point out with regard to that. In this Congress, I mentioned there has been a pattern, really an excessive pattern. I don't believe we have passed out an open rule.

□ 1445

In other words, I don't think any legislation in this Congress; am I correct? I don't remember any open rules. That's really breaking with tradition.

Let me explain that, Mr. Speaker. Open rules are, as Mr. HASTINGS said, frameworks by which bills are brought to the floor, where any Member can have an amendment, and any Member can speak on any amendment, for 5 minutes. And we have not seen that at all in this Congress. Now, that is a very significant and, I believe, unfair pattern that's been set.

Now, even having said that, there is another point that I think should be brought out. And I think our colleague from Massachusetts (Mr. FRANK) has made this point more than once, and I think he's made it very eloquently. Issues of genuine contention, all of such issues should be able to be debated.

Now, in other words, if the majority doesn't want to have an open rule, doesn't want every amendment possible to be presented, at least issues of contention that were taken before the Rules Committee in the form of amendments should be allowed to be heard.

Mr. HASTINGS has pointed out that there is an issue in this with regard to this legislation, and this is consensus legislation. The underlying legislation has support from both sides of the aisle. But there is an issue of contention that was brought before the committee, and that is on fire prevention.

Apparently, and I'm not an expert on this area. But apparently, there are objections from the extreme environmental lobby with regard to fire prevention being able to be debated. And

the majority party, listening to that extreme lobby, has not allowed that issue of contention which should be brought before this floor to be even debated. And I think that's unfortunate.

So beyond even the pattern of unfairness that has been set by this majority, where not even one piece of legislation has been brought under an open rule where everybody can file, every Member of this House can file amendments, beyond that even, significant issues of contention that Mr. FRANK of Massachusetts has made clear, and I've heard him. He's been very explicit and, I think, eloquent when he said, no, no, all such issues of contention should be allowed by the Rules Committee. And he's gone so far even to protest his own leadership excluding genuine issues of contention from prior bills brought before this House, and I think that he deserves commendation for that.

So, here's another example. Mr. HASTINGS talks about an issue of contention that has been shut out by the Rules Committee. So yes, Mr. HASTINGS may have had three amendments made in order, but two amendments that deal with the issues of contention have not been made in order, and that's unfortunate. That's what I'm saying with regard to it being, I believe, unfortunate to see unnecessary, totally unnecessary closing of the process, shutting out debate by the majority, even on noncontroversial underlying pieces of legislation like the one we're bringing to the floor today.

So we have no further speakers. Again, I thank my friend from Colorado for his courtesy.

At this time, since we have no further speakers, we yield back the balance of our time.

Mr. POLIS. Mr. Speaker, I believe that it is noteworthy of the issues raised by our friends, none speak to the lack of merit of this bill or, indeed, the 13 amendments that are allowed under this rule which will be subsequently discussed. We must make sure that substance takes priority over procedural processes which could otherwise delay a critical bill for the management of our public lands.

Our public lands management agencies remain constrained every day by the costs of fighting wildfires, which will only worsen in coming years from a changing climate and increasing fuel load.

Some critics may point fingers, but today we stand here with an intelligent, well-designed, responsible and bipartisan solution that puts our taxpayer money to good use by protecting our communities and preserving our national treasures.

This rule allows for 13 amendments, including five from the minority party, and has given fair and due consideration to all the ideas that have been promoted to enhance this legislation, including many that actually impact, at least two amendments that reflect invasive species such as the pine beetle.

Thank you, Mr. Speaker. I urge a ''yes'' vote on the previous question and the rule.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent Resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 12. Concurrent resolution recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University.

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Secretary of the Senate, announces the appointment of Sheryl B. Vogt, of Georgia, to the Advisory Committee on Records of Congress.

The message also announced that pursuant to Public Law 111–5, the Chair, on behalf of the Majority Leader, appoints the following individual to the Health Information Technology Policy Committee: Dr. Frank Nemec of Nevada.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 286

Whereas, The Hill reported that a prominent lobbying firm specializing in obtaining defense earmarks for its clients, the subject of a ''federal investigation into potentially corrupt political contributions,'' has given $3.4 million in political donations to no less than 284 Members of Congress.

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to ''straw man'' contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

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

Whereas, CQ Today specifically noted a Member getting ''$25,000 in campaign contribution money from [the founder of the firm] and his relatives right after his subcommittee approved its spending bill in 2005.''

Whereas, the Associated Press also noted that Members received campaign contributions from employees of the firm ''around the time they requested'' earmarks for companies represented by the firm.

Whereas, clients of the firm received at least $300 million worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

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

Now, therefore, be it *Resolved*, That

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

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

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. GEORGE MILLER of California. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on tabling House Resolution 286 will be followed by a 5-minute vote on adopting House Resolution 281.

The vote was taken by electronic device, and there were—yeas 223, nays 182, answered ''present'' 16, not voting 10, as follows:

[Roll No. 155]

YEAS—223

Abercrombie	Bishop (GA)	Carney
Ackerman	Bishop (NY)	Carson (IN)
Adler (NJ)	Blumenauer	Childers
Altmire	Boren	Clarke
Andrews	Boswell	Clay
Arcuri	Boucher	Cleaver
Baca	Boyd	Clyburn
Baird	Brady (PA)	Cohen
Baldwin	Braley (IA)	Connolly (VA)
Barrow	Brown, Corrine	Conyers
Becerra	Capps	Cooper
Berkley	Capuano	Costa
Berman	Cardoza	Costello
Berry	Carnahan	Courtney

Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kosmas
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walz
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED ''PRESENT''—16

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Hastings (WA)
Kline (MN)
Latham
Lofgren, Zoe
Myrick
Poe (TX)
Walden
Welch

NOT VOTING—10

Cantor
Deal (GA)
Engel
Melancon
Miller, Gary
Olver
Shuster
Souder
Waters
Westmoreland

□ 1520

Messrs. COFFMAN of Colorado, SMITH of Nebraska and LOEBSACK changed their vote from ''yea'' to ''nay.''

Mr. LUJÁN changed his vote from ''nay'' to ''yea.''

Mr. WELCH changed his vote from ''yea'' to ''present.''

Mrs. MYRICK changed her vote from ''nay'' to ''present.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1404, FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 281, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 175, not voting 8, as follows:

[Roll No. 156]

YEAS—248

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—175

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves

Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cantor
Deal (GA)
Engel
Israel
Miller, Gary
Olver
Souder
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on the vote.

□ 1529

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1404.

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

There was no objection.

FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 281 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1404.

□ 1531

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes, with Mr. LUJÁN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to bring before this body proactive legislation which would establish a new arsenal to provide the necessary resources to combat catastrophic wildfires.

We are all aware of the raging fires which annually sweep across parts of America. Over the last decade, wildfires have become increasingly dangerous and destructive, burning more acreage and more property more often. Yet, financially, the Federal Government continues to be ill-prepared to respond to these fires.

Every year the Forest Service, the Bureau of Land Management, and the other Federal agencies are forced to dramatically shift spending priorities, rapidly increasing funding for fire fighting at the expense of other vital programs.

This ''Rob Peter to Pay Paul'' approach requires these agencies to borrow funds from other accounts, causing everything from basic maintenance to visitor services to suffer. In fact, as it stands, nearly half of the Forest Service's annual budget is spent putting out fires, causing some to point out that the agency is no longer the U.S. Forest Service, but rather, the U.S. Fire Service.

The legislation before us, the Federal Land Assistance Management Enhancement Act, or FLAME Act, is a bipartisan effort to correct course by getting out in front of these tragic fire seasons. The legislation would address the funding problem by establishing a dedicated fund for catastrophic, emergency wildland fire suppression activities, separate from appropriated, firefighting funding. This pot of money would be available when appropriated funds run out, saving the agencies from having to cut into nonfire programs.

The Secretaries of Agriculture and Interior would be authorized to use money from the FLAME fund only after making a specific declaration that a fire was large enough and dangerous enough to warrant such action.

The bill would also require the Forest Service and the Department of the Interior to present to Congress a long-overdue, comprehensive strategy for combating wildland fire, a strategy that would address the troubling shortcomings in the agencies' response to fires identified by the Government Accountability Office and the Agriculture Department's Inspector General.

I would note that this legislation complements proposals in President Obama's proposed budget to establish a dedicated fund for catastrophic wildfires.

This legislation also enjoys the support of the five former chiefs of the Forest Service, the National Association of State Foresters, the National Association of Counties, the National Federation of Federal Employees, the Western Governors' Association, and nearly 40 other organizations.

I am honored to be joined by our subcommittee chairman, the gentleman from Arizona (Mr. GRIJALVA); our Interior Appropriations chairman NORM DICKS; Interior Appropriations ranking member SIMPSON; and Congressman GREG WALDEN as original cosponsors of H.R. 1404. Agriculture chairman COLLIN PETERSON is also a cosponsor of the bill.

Each of these Members understands that fire, and the cost of fighting it, is among the most serious issues facing our Federal land management agencies. If not addressed, this issue will continue to cost homes, businesses, communities, public lands, and lives.

The FLAME Act will allow the Forest Service and the Department of the Interior to respond to these dangerous fires while also accomplishing other important aspects of their missions, including those that will prevent fires from devastating our communities in the future.

I ask my colleagues to support passage of the FLAME Act.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I want to compliment the distinguished chairman of the Natural Resources Committee, Mr. RAHALL, for sponsoring this legislation, and I urge my Republican colleagues to support it.

This bill makes budgeting and accounting for fighting fires easier for Federal agencies and for Congress, but Mr. Chairman, as written, it does nothing to prevent forest fires. This is an accounting bill but not a wildfire prevention bill.

It is regrettable that, since taking control of the House, Democrats have not moved a single piece of legislation that gives our land managers new authority or tools to manage the disastrous situation on our Nation's forests. Funding is important, but it will not solve the problem if our land management agencies are handcuffed to wrong-headed policies backed up by special interest lawsuits.

Jobs are also at stake with the management of our Federal lands. Since 2006, Mr. Chairman, the logging, wood, paper, and cabinetry industries have lost 242,000 jobs. Two weeks ago, a Sierra Pacific timber mill in Quincy, California, closed, which means that close to 10 percent of the town's economy will be closed down. This is an

area that has had double-digit unemployment since the early 1990s. One of the main reasons the company cited for the mill closing is the lawsuits by environmental groups on every single timber sale.

On the issue of climate change and the President's proposal of a new cap-and-trade energy tax, we know that forests provide large and beneficial inventory of stored carbon and that forest fires contribute huge amounts of carbon dioxide emissions.

We lose millions of acres of our national forests to wildfire every year, and these fires and their aftermath produce billions of tons of pollutants. A medium-sized fire can release 200,000 tons of CO_2, but if the burned trees are left to decompose, several times that amount will be emitted.

At a time when the Democrat majority in Congress are working to make carbon emissions the number one issue on their legislative agenda, it is troubling that action is not being taken to prevent wildfires that emit so much carbon into the atmosphere.

Instead, Congress is working overtime on imposing a cap-and-trade tax scheme that the Obama administration says may cost our economy over $2 trillion. A new report from Moody's Investor Service predicts that cap-and-trade would cause electricity prices to jump between 15 and 30 percent. This could cost American families up to $3,100 a year.

These are prices that are too high for Americans to pay, especially when the impact of wildfires is not even being considered. A better way of budgeting for fire fighting is needed, and the bill that we will be considering does precisely that, and I support that. But there is far more to this problem than bookkeeping.

The simple fact is that our national forests now have four to five times the amount of trees per acre compared to when Lewis and Clark ventured West. Today, these lands are a tinderbox waiting for a match strike.

I hope this bill is improved through the limited number of amendments that were made in order by the Rules Committee, but it is clear that after enactment of this bill there is still far, far more that needs to be done to prevent wildfires across this country.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I'm very happy to yield 2 minutes to the gentlelady from California (Mrs. CAPPS), a very valued member of our Committee on Natural Resources that was so instrumental in bringing this legislation, as well as many other pieces of legislation out of our committee, to the floor.

Mrs. CAPPS. I thank Chairman RAHALL for giving me time.

Mr. Chairman, I rise in very strong support of this FLAME Act. This much-needed legislation comes at an important time. Our Nation will be facing longer and more intense fire seasons due to global warming and drought. The cost of fighting fires has grown enormously in recent years, and projections indicate that this trend will only increase, especially in populated wildland-urban interface areas.

The Forest Service has spent over $1 billion per year in 5 of the last 7 years to extinguish fires. And as the chairman just said, wildland fire management activities are estimated to consume close to half of the Forest Service's budget this year.

These escalating costs are having a significant impact on the Forest Service. For example, the Forest Service is forced to pull funds from other programs, leaving fewer funds available for campground maintenance and forest restoration.

The emergency fund created by the FLAME Act will reduce the need to deplete important Forest Service programs and will provide more reliable funding than uncertain year-to-year supplementals.

Even more important, the FLAME Act will ensure the Forest Service has regular funding available for day-to-day fire management. This includes important prevention steps, like FIREWISE Communities, hazardous fuels treatment, and restoration work.

It's absolutely essential that our efforts to fight today's fires don't hurt our efforts to prevent tomorrow's fires. This bill will ensure this is the case.

Mr. Chairman, the Zaca fire that burned 240,000 acres in my congressional district 2 years ago burned for 3 months, from July through September, and it cost the Forest Service $120 million. One fire. With close to 3,000 fires in California last year alone, and the fire season expected to start earlier than usual, it's very clear that we have a real need to create——

The CHAIR. The time of the gentlewoman has expired.

Mr. RAHALL. I yield the gentlelady another 30 seconds.

Mrs. CAPPS. It's very clear that we need to create an emergency Federal fund dedicated solely to fighting devastating wildland fires, a rainy day fund for forest fires. This idea is long overdue.

This legislation deserves to be approved by the House, and I urge all of my colleagues to address the long-term wildfire suppression fund situation by supporting this FLAME Act.

Mr. HASTINGS of Washington. Mr. Chairman, I'm pleased to yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK), a member of the Natural Resources Committee.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Chairman, I certainly support H.R. 1404. It is going to add some flexibility in managing firefighting costs on our Federal lands, but my friend, the gentleman from Washington, is absolutely correct. Our firefighting costs would be much lower and our revenues would be much higher if we'd restore the sound forest management practices that this Congress long ago abandoned. Instead, we've embraced a radical and retrograde ideology that we should abandon our public lands to overpopulation, overgrowth, and benign neglect. Bills like this one are made necessary precisely because of this public falling.

A generation ago we recognized the importance of proper wildlands management. We recognized that nothing is more devastating to the ecology of a forest than a forest fire, and we recognized that in any living community, including forests, dense overpopulation is unhealthy.

And so we carefully groomed our public lands. We removed excessive vegetation, and we gave timber the room it needs to go. Surplus timber and overgrowth were sold for the benefit of our communities. Our forests prospered, our economy prospered, and forest fires were far less numerous and far less severe than we suffer today.

Today, we're seeing the damage done to our forests and to our economy by this Luddite ideology that human beings shouldn't touch our natural resources.

My region in northeastern California has been tormented by devastating fires in the last few years, and the reason is quite simple. As one forester explained it at a hearing we conducted in Sacramento, the excess timber is going to come out of the forests one way or the other. It's either going to be carried out or it's going to be burned out.

□ 1545

A generation ago, we carried it out, and it fueled prosperity throughout our region and produced a cornucopia of revenues to the Federal Government. But today, it's being burned out, fueling devastating fires that are destroying vast tracts of land and destroying the abundance and prosperity that we once enjoyed.

The first victim of this wrongheaded policy is the environment itself. Our recent forest fires have made a mockery of all our clean air regulations. As the gentleman from Washington pointed out, those concerned about carbon dioxide might be interested in a report by scientists from the National Center for Atmospheric Research and the University of Colorado at Boulder. They estimated that a single forest fire in California in 2007 produced about 25 percent of the average monthly emissions from all fossil fuel burning throughout all of California. Anyone who's seen a forest after one of these fires knows that the environmental devastation could not possibly be more complete.

But the cost of these policies doesn't end there. Timber is a renewable resource. If properly managed, it's literally an inexhaustible source of prosperity. And yet my region, blessed with one of the most bountiful renewable resources in the Nation, has been rendered economically prostrate. A region that once prospered from its surplus

timber is now ravaged by fires that are fueled by that surplus timber.

The gentleman from Washington mentioned the little town of Quincy, California, that happens to be in my district—population 2,000. About 500 families. As of May 4, 150 of those families are going to be out of work because the sawmill had to shut down. Environmental litigation has tied up about two-thirds of their timber harvest.

The company that owns that sawmill, Sierra Pacific, also just announced today that it's shutting down its sawmills in Sonora and Camino for the same reason. That's another 310 families out of work.

This is not environmentalism. A true environmentalist recognizes the damage done by overgrowth and overpopulation and they recognize the role of sound forest management practices in maintaining healthy forests.

So, Mr. Chairman, while I support this legislation, we wouldn't need to be spending so much putting out fires and we'd have a lot more revenue to do it with if we would spend a little more effort on restoring sound forest management practices to our national forests.

Mr. RAHALL. I yield myself such time as I may consume, Mr. Chairman.

The Congress, under the previous majority, in 2003 enacted the Healthy Forests Restoration Act under the guise that it was the solution to preventing wildland fires on Federal lands. Today, nearly 6 years later, fires are still raging across the country and the Federal land managers are breaking the bank trying to pay for them. Clearly, it's time to try something new—and that's what we are attempting to do in this legislation.

I would certainly note that in passing the Healthy Forests Restoration Act, Congress authorized $760 million annually for hazardous fuels treatments on Federal lands. Sadly, the Bush administration continuously underfunded hazardous fuels treatments at only 65 percent of the level authorized by Congress.

The skyrocketing cost of fighting fires forced drastic reductions in other Forest Service accounts under the Bush administration. This included cuts to fire preparedness, State fire assistance, cooperative fire assistance, and hazardous fuels treatments.

The lack of investment in fire prevention under the Bush administration led to a situation where communities around the country have NEPA-approved hazardous fuels projects waiting for Federal funding.

In western States last year, there were over 1 million acres of NEPA-approved hazardous fuels projects that were awaiting funding from the Bush administration.

The FLAME Act will relieve the drain on the Forest Service and the Department of the Interior budgets to ensure that funding is not swept away from vital fire prevention activities. This is why the FLAME Act has received support from those organizations I mentioned in my opening statement—a rather broad-based list of organizations, well over 40, that are in support of the pending legislation.

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

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the ranking member for yielding to me.

I want to commend him and Chairman RAHALL for addressing this important issue over the last 2 years. The wildfire funding problems for the Forest Service are some of the most challenging issues the agency faces today.

Wildfire funding costs have skyrocketed over the last decade and are consuming the Forest Service's budget, which means that there's much less funding for other Forest Service needs. We will continue to see high costs and more damage to our forests and communities unless we take steps to reduce fire risk in our national forests. We must provide the Forest Service with additional tools to get our Federal forests in a healthy, more fire-resistant condition.

This is a bill of great importance to States and communities across the country. The problems of forest management affect not just western States, but those along the eastern seaboard as well. Virginia is one such example. Last year, Virginia had more acres burn than any year since 1963, which shows how the problem of forest management has progressively worsened.

This version of the FLAME Act is an improvement from the one passed by the House in the last Congress. However, the bill does not do enough to address the problem causing the increasing costs of fighting fires—that is, the unhealthy conditions of our forests.

My amendment to the FLAME Act, which I will offer tomorrow, will provide the Forest Service with an additional tool to address these problems that will ultimately be a cost-saving measure.

My amendment creates a new contracting tool for the Forest Service to partner with States. This will give the Forest Service permanent authority to contract with States to reduce wildfire risks across boundary lines.

This practice is commonly known as ''good neighbor authority'' and has been tested in States like Colorado and Utah, where it has proven to be effective.

Currently, H.R. 1404 contains no such tool for the Forest Service. The significance of this measure is that it will encourage both Federal and State agencies to work together to address unhealthy conditions in Federal forests.

Fires know no boundaries. They can start on Federal land and easily spread to State and private forest land and vice versa. My amendment provides a more comprehensive approach to preventing dangerous fires and fighting them when they happen.

I'm pleased that my amendment has the support of the Society of American Foresters, the Western Council of State Foresters, the Forest Foundation, and other forestry groups.

I have also spoken with the Forest Service and they have told me they have no objections to this amendment. I might also add that we have cleared this amendment in the Ag Committee, which shares jurisdiction with the Resources Committee for forestry issues, and they also have no objection to this amendment.

This is something that the professionals who fight forest fires around our country—the professional fighters—and the societies that are comprised of American foresters want and need in this legislation. So I hope that there will be bipartisan support. I know in the Rules Committee there was bipartisan support for bringing this amendment forward. I certainly hope that that will continue as we try to maintain the type of bipartisan cooperation that has led to the point that we have reached thus far in bringing this legislation forward in a way to significantly enhance it.

Mr. RAHALL. I yield 2 minutes to someone who knows well the problems this legislation seeks to address, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Thank you, Mr. Chairman.

I rise in support of the FLAME Act, an absolutely critical strategy for fighting the catastrophic forest fires that face communities across the western United States, particularly in communities in New Mexico that I have seen impacted directly by these fires in recent years.

In New Mexico's First Congressional District, both the Sandia and Mountainair Ranger Districts of the Cibola National Forest tower over the valley where most of my residents live. Both are afflicted with severe drought conditions that have contributed to a dangerous tinderbox effect in these forests. As a result of climate change, the Mountainair Ranger District has gone into fire restrictions earlier than ever before.

Still, much of the funding to fight these fires has been reappropriated on an ad hoc basis from Federal land agency budgets. For those agencies, that has often meant cutting funding for employees, for scientific research, and education—the very kinds of things that help prevent forest fires in the first place.

The FLAME Act will create a critical Federal fund specifically to fight catastrophic wildfires, keep our communities safe, and ensure the safety of our firefighters who risk their lives to protect us every fire season.

I would urge all my colleagues to support this legislation.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

As I stated in my opening remarks, this is a good bill and I commend the

chairman for introducing it. This bill passed on the suspension calendar in the last Congress. Nobody even asked for a recorded vote. So it has broad bipartisan support, yet the underlying issue is—and it's something this Congress should take up in the future—and that is to try to go to the core of preventing forest fires, and that is proper maintenance.

There is one amendment that addresses that tomorrow. I think that amendment offered by Mr. GOODLATTE will make this bill that much better. I hope that my colleagues on both sides of the aisle will support that.

But this is a good bill. It's a start in the right direction. I hear this all the time when we have forest fires in my district—and they happen virtually every year. People want to know: Are there sufficient funds in order to pay for those forest fires?

Now we can say that there's a mechanism put in place that will take care of that, and I commend the chairman for his sponsorship of that.

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

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

I certainly understand what the gentleman from Washington is referencing. I said last year during debate on this floor to the gentleman from Virginia (Mr. GOODLATTE) that I certainly understand the need to develop comprehensive preventive legislation that is aimed at truly getting at the root causes of these forest fires. I would repeat to the gentleman from Washington, my respected ranking member, that if he introduces such legislation—any member introduces such legislation—we will certainly bring it forth before our committee and give it due consideration and certainly try to work on it as well as we have on this legislation to bring it to the floor of the House.

Mr. Chairman, I'm going to recap very quickly since we are closing general debate at this point. For much of the last decade, the wildlands fire season has been expanding due to factors such as climate change and drought. Unfortunately, future trends appear to indicate that this increase will only continue.

Within the Forest Service, wildlands fire activity now accounts for nearly half of their budget. The Forest Service spent over $1 billion fighting wildland fires last year. The skyrocketing cost of fighting fires has led to the Forest Service and the Department of the Interior to rob Peter to pay Paul and borrow funds from other agency accounts.

□ 1600

There were cuts to fire preparedness, State fire assistance, cooperative fire assistance, and hazardous fuel treatments in Forest Service budgets.

The FLAME Act will allow the Forest Service and the Department of the Interior to respond to dangerous fires while also accomplishing other important parts of their mission. The act will relieve the drain on the Forest Service and the Department of the Interior budgets to ensure that funding is not swept away from vital fire prevention activities. I conclude by urging adoption of the pending measure.

Mr. HERGER. Mr. Chair. I rise today in opposition to the rule for H.R. 1404, the Federal Land Assistance, Enhancement, and Management Act of 2009.

While this legislation is important to address the very serious issue of funding shortfalls faced by the Federal wildland firefighting agencies each year, I believe that it does not do enough to address the cause of these soaring wildfire suppression costs.

We need to drastically increase management on our Federal forests to reduce these fuels and the risk of catastrophic wildfire in the first place.

For this reason, I introduced an amendment to make some of these funds available for hazardous fuel reduction projects.

While unfortunately it was not made in order, I am pleased to see that we will be allowed the opportunity to debate Mr. GOODLATTE's amendment to expand the "Good Neighbor" authority to assist in getting some work done on the ground.

I urge my colleagues to support this amendment and others that bring additional focus to the real root of the problem.

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

The CHAIR. All time for general debate has expired.

Mr. RAHALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DRIEHAUS) having assumed the chair, Mr. LUJÁN, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 520) to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 520

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

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse under construction, as of the date of enactment of this Act, at 327 South Church Street, Rockford, Illinois, shall be known and designated as the "Stanley J. Roszkowski United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Stanley J. Roszkowski United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous materials on S. 520.

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

There was no objection.

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

Mr. Speaker, I rise today in support of S. 520, legislation introduced by the senior Senator from Illinois, Senator DICK DURBIN, to name the United States district courthouse in Rockford, Illinois, after Stanley J. Roszkowski. Judge Roszkowski has ably served our country in times of war and peace, and I am pleased to be here today to speak on behalf of this bill.

Stanley J. Roszkowski was raised in the village of Royalton, Illinois, which is located in Franklin County in southern Illinois. One of 15 children, he volunteered for the Army Air Corps during World War II, and served as a nose gunner on a B–26 bomber, flying over 35 missions in Italy and Germany.

After the war, he went on to earn his bachelor's degree from the University of Illinois and then his law degree, working as an appliance salesman to pay for his college tuition. He moved to Rockford, Illinois, opened a successful law practice, and became involved in his community.

He gave up his practice of law when President Carter appointed him to the bench in 1977, where he served for the next 20 years as a Federal judge in the Northern District of Illinois. Judge Roszkowski took senior status in 1991,

and was known for running a business-like but relaxed courtroom. He was praised by his peers for being extremely knowledgeable, competent, fair, and objective, and a gentleman at all times.

Through his long service to our country, in the military and on the Federal bench, Judge Roszkowski has given a great deal to all of us, and naming this courthouse in his honor is a fitting tribute to his career.

Mr. Speaker, I urge my colleagues to support S. 520.

I reserve the balance of my time.

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

This bill names the United States courthouse currently under construction in Rockford, Illinois as the Stanley J. Roszkowski United States Courthouse.

Judge Roszkowski was raised in Royalton, Illinois, and during World War II he volunteered for the Army Air Corps and served as a nose gunner on a B–26 bomber, flying more than 35 missions in Italy and Germany.

After the war, he earned his bachelor's degree from the University of Illinois in 1949, and a law degree from the University of Illinois College of Law in 1954. In 1955, he moved to Rockford, Illinois, and began his practice of law, until his appointment in 1977 by President Carter to the U.S. District Court, Northern District of Illinois. In 1991, Judge Roszkowski assumed senior status on the Federal bench, and served in that capacity until his retirement in 1998.

Among his many accomplishments, Judge Roszkowski was a member of the Illinois, Florida, and American Bar Associations, and served on the board of directors of the Federal Judges Association. He also lectured extensively at seminars for various bar associations in U.S. courts, and participated in countless workshops and mediation courses sponsored by the Federal Judicial Center.

Early in his career, he was elected a fellow with the American College of Trial Lawyers, and served as the chairman and member of the Rockford Fire and Police Commission.

Naming this new courthouse in Rockford, Illinois seems appropriate in recognition of Judge Roszkowski's dedication to public service and the legal profession. I have no objections to the passage of this bill, and support its adoption.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 520, a bill to designate the United States Courthouse under construction at 327 South Church Street in Rockford, Illinois, as the Stanley J. Roszkowski United States Courthouse.

Stanley Roszkowski was born on January 22, 1923, and was raised in Royalton, Illinois. He was one of 15 children. He served a decorated tour in World War II as a nose gunner on a B26 bomber. After his discharge from the United States Air Force, he enrolled at the University of Illinois where he received his B.S. in 1949, and his J.D. in 1954. He then opened up a successful law practice in Rockford.

Stanley Roszkowski was appointed judge for the United States District Court for the Northern District of Illinois on October 11, 1977. He took senior status on January 9, 1991, and retired in January of 1998 after serving for more than 20 years.

Judge Roszkowski was instrumental in having the courthouse constructed in Rockford, Illinois, and this designation is a tribute to his years of service to the court and community.

I urge my colleagues to join me in supporting S. 520.

Mr. MANZULLO. Mr. Speaker, I am pleased to rise in support of S. 520, which would name the new federal courthouse currently under construction in Rockford, Illinois after Stanley J. Roszkowski, former Federal Judge in the Northern District of Illinois. Judge Roszkowski played an integral role in bringing a new federal courthouse to Rockford.

Stanley Roszkowski was raised in Royalton, Illinois, one of 15 children. As a testimony to his courage and love of country, he volunteered during World War II to serve in the U.S. Army Air Corps and was assigned the role of a nose gunner on a B–26 bomber, flying over 35 missions in Italy and Germany between 1943 and 1945. Service in the Army Air Corps was an extremely hazardous occupation, with one of the highest casualty rates out of all the branches of the service.

Many Allied bombers were blown out of the sky by German fighters or by flak. For those who survived being shot down, a dismal stay at a German Prisoner of War (POW) camp awaited them where many did not live to see the end of the war. The fact that Staff Sergeant Stanley Roszkowski survived the daunting odds of completing 35 separate missions is a reflection of his skill and courage and those of his fellow crewmembers.

After the war, Stanley Roszkowski earned his Bachelor's degree from the University of Illinois in 1949 and subsequently earned his law degree from the College of Law at the University of Illinois in 1954. He paid for school by working as an appliance salesman and is where he met his lovely wife, Catherine.

Stanley Roszkowski decided to locate his new law practice in Rockford, Illinois and become active in the local community. He was the founder and eventually became Chairman of the Board of the First State Bank and Trust of Rockford.

He also was a member and Chairman of the Rockford Fire and Police Commission. Judge Roszkowski was also honored with the General Pulaski Heritage Award for Outstanding Service to the Polish-American Community in 1982.

In 1977, President Jimmy Carter appointed and the U.S. Senate confirmed Stanley Roszkowski to the federal bench where he served for the next 20 years as a Federal Judge in the Northern District of Illinois. After his retirement from the bench in 1997, Judge Roszkowski now serves as a mediator/arbitrator for the Judicial Arbitration and Mediation Services (JAMS). The aim of JAMS is to resolve some of the nations largest and most complex and contentious disputes. Given the depth of experience, knowledge, and professionalism of Judge Roszkowski, JAMS is well served to have him as a resource to help with alternative dispute resolutions.

Mr. Speaker, it is appropriate to name the new federal courthouse in Rockford after Judge Roszkowski because of his role in the community and his driving force in making this project a reality today. I urge my colleagues to support S. 520.

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

Mr. COSTELLO. Mr. Speaker, I urge passage of this legislation. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the Senate bill, S. 520.

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

A motion to reconsider was laid on the table.

CREDITWORTHINESS OF THE UNITED STATES

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

Mr. KIRK. Mr. Speaker, this morning the British Government failed to auction its debt. This news lowered demand for U.S. debt at the auction we held this afternoon. In short, no one would lend the British Government money, and now they are increasingly reluctant to lend to Uncle Sam. When news of this development hit the markets this afternoon, Wall Street fell by over 200 points.

But this news is more important than just market movements today. After approving the stimulus and the omnibus, we now know the Treasury Department's Bureau of the Public Debt must auction $150 billion of U.S. Treasuries a week.

Like canaries falling over in a mine, the markets are now telling us that they are increasingly unwilling to lend us money. China is reluctant to lend, as are others.

Mr. Speaker, we are entering into a very dangerous time in which the creditworthiness of the United States, the legacy of President George Washington and his successors, is being called into doubt. Will the President listen?

BORDER WAR WITH CARTELS

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

Mr. POE of Texas. Mr. Speaker, I bring you news from the border war with the cartels. Our Homeland Security Director has recently announced the effort to beef up the ports of entry on our southern border by using the Federal agencies of the ATF, the DEA, and more Border Patrol, mainly at the ports of entry.

I am encouraged that we have finally recognized that we have a problem on the southern border, but the plan unfortunately omits the obvious: The

problem is not at the legal ports of entry; the problem is between the legal ports of entry; and between the legal ports of entry we ought to use the National Guard. The reason being is Mexico is engaged with the battle of the cartels, and they use the military. They have several thousand on their border. Why? The cartels are an army of evildoers. They commit beheadings, murder, corruption, and terror along the border. It is violent, and it is now becoming a cross-border problem.

So let's be serious about the border war with the cartel. Let's join Mexico, and put our National Guard on the border. The Texas Governor and the Arizona Governor have both asked for the National Guard. They should know that they need that help. We need the National Guard to squeeze out the vicious cartel army and put them out of the business.

And that's just the way it is.

HARD WORK, SOUND INVESTMENT, LOWER TAXES, AND LESS DEBT

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

Mr. CASSIDY. Mr. Speaker, in times of hardship, leaders must inspire hope; and, to his credit, President Obama inspires hope. But without planning, reason, and a sense of what works, inspired hope can be a hoax. History in economics demonstrates that the path to prosperity is hard work, sound investment, lower taxes, and less debt. Whether in a family business or government, debt imprisons.

In the short term, debt can elevate the standard of living; but if income grows slower than debt, debt destroys that standard of living. And my fear is that the trillions in debt that the President is creating will swallow economic growth and destroy that standard of living. Our economic future will be pawned, our future in debtor's prison.

The President is ambitious and impatient, but I ask that his ambition not deafen him to the lessons of history and economics. I ask him to inspire hope not just for the present, but also for the future.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A TRIBUTE TO REPRESENTATIVE WASSERMAN SCHULTZ—TENACIOUS COURAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, it is not every day that Members of this Chamber come to the floor and share personal stories of sacrifice and ultimately triumph. But this week, a colleague of mine that I deeply admire and respect came to this floor and did just that, and I think she deserves to be recognized for her tenacious courage and even her willingness to be vulnerable.

We both came into Congress the same year, but we come from different parts of the country, we are of different parties, and we don't always agree on the answers for the issues the people of our Nation face every day.

Even so, as we in the people's House continue to busily deal with our national concerns, we should never fail to recognize the courageous that are among us, those who are bold and strong.

□ 1615

Let me explain, Mr. Speaker. This Monday, the gentlelady from Florida (Ms. WASSERMAN SCHULTZ) shared with us a deeply moving story about the personal battle that she has had with breast cancer. It is a situation that many of our mothers, wives and daughters have also struggled with. About 1 year ago, Ms. WASSERMAN SCHULTZ was diagnosed with breast cancer. And after medical treatment and, in the end, surgery, the cancer was removed from her body and she is now cancer free.

What makes Representative WASSERMAN SCHULTZ so remarkable is the way she responded to this difficult situation. Rather than become discouraged by her circumstances, she decided she was going to help other women who might also be battling breast cancer and other forms of cancer that really affect America's women.

So, this week she is introducing legislation meant to empower women to know how to deal with breast cancer and teach women and doctors alike about the risk factors and the warning signs. I was pleased to become one of the first cosponsors of this legislation to make America's women healthier.

Mr. Speaker, I don't know how many people who would have the courage to use their own personal story to help change the lives of others. But as the father of three daughters and the grandfather of four girls, it doesn't surprise me that it is a woman who is setting the example for the rest of us. Representative WASSERMAN SCHULTZ is a model of courage and conviction. I'm proud to serve along with her in the people's House.

My grandmother used to tell me that nothing is more powerful than a woman that has made up her mind. Grandma was right. And DEBBIE WASSERMAN SCHULTZ is one of those women who has faced the enemy of cancer, fought it, defeated it and has made up her mind to help other women of this Nation do the same.

And that's just the way it is.

H.R. 1380, THE JOSH MILLER HEARTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I rise today to share the story of a boy from my hometown of Barberton, Ohio. To know Josh Miller was to know a kind-hearted and generous young man with limitless potential. Josh was a Barberton High School sophomore with a 4.0 grade point average. He was a linebacker who dreamed of playing football for Ohio State. He was the kind of a kid who could walk into a room and light it up.

But one day, without warning, his dreams were cut short. Josh never showed any signs of heart trouble. But right after the final game of the 2000 football season, he collapsed after leaving the field. By the time his heart was shocked with an automated external defibrillator, it was too late to save him. Josh suffered a sudden cardiac arrest which, according to the American Heart Association, claims the lives of 330,000 Americans every year.

Like Josh, the vast majority of these individuals do not display any prior signs of heart trouble. Yet there is an easy-to-use, relatively inexpensive piece of medical equipment that more than doubles the odds of survival for someone experiencing a sudden cardiac arrest. An automated external defibrillator, or AED, is the single most effective treatment for starting the heart after a sudden cardiac arrest. And because the chances of survival decrease by up to 10 percent for every minute that passes, every second is critical.

Last week, I reintroduced the Josh Miller HEARTS Act to increase the availability of AEDs in our communities. This bill, H.R. 1380, will establish a grant program to help schools across the country purchase these life-saving devices.

Schools are central gathering places in our communities. Placing AEDs in our schools will not only save the lives of the students enrolled there, but they will be available for teachers and staff, parents and volunteers and the many other members of the community who pass through their halls every single day.

This legislation is modeled on a similar program for the State of Ohio. Dr. Terry Gordon, a cardiologist at Akron General Hospital, has dedicated his life to this campaign. His tireless efforts in Ohio led to the adoption of a statewide initiative to put an AED into every school in our State.

I hope we in Congress can build on Dr. Gordon's good work and carry out this program at the national level. Last year, this bill had 100 cosponsors and passed the House unanimously. To all of my colleagues who cosponsored and supported this legislation, thank you, and I urge you to cosponsor H.R. 1380. And to all of my colleagues who

did not cosponsor the bill, I ask for your support in this Congress.

This bill is endorsed by the Red Cross, the American Heart Association, the Heart Rhythm Society, the Sudden Cardiac Arrest Association, the International Association of Firefighters, the American College of Cardiology, the National Education Association, Parent Heart Watch, American Federation of Teachers and the National Safety Council. I thank these organizations for their support on this issue, and I look forward to working with them on AED awareness.

Losing a young life like Josh's can bring about a sense of helplessness. But today we have an opportunity to act. I urge my colleagues to join me in supporting this effort to bring AEDs into every single school across this country because AEDs in schools will save lives.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING CHARLES R. ''DICK'' WEBB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this afternoon in recognition of a respected business leader in the State of Kansas who died earlier this week. Charles R. ''Dick'' Webb of Pittsburg, Kansas, and founder of Watco Companies passed away on Monday, March 23, at the young age of 70. He was a great Kansan and an exemplary American who will be greatly missed.

Dick Webb made his mark on the Kansas business community through Watco, a company he founded in 1983 along with his wife, Kaye Lynne. Watco was started literally at the kitchen table. A rail service provider, the Webbs' startup would evolve into a titan of Midwestern business. Watco Companies now supports 2,000 employees in over 26 States.

This expansive network of Watco employees and products has benefited millions of Americans through efficient commodity shipping and gainful employment. Watco railroad tracks continue to move the products that move America. Food and fuel find their way across our Nation's heartland thanks to the foresight of Dick Webb. His endurance in times of uncertainty in his industry allowed Watco to emerge as a leader in rail service and technology. Entrepreneurship is highly valued in our society, and Dick epitomized that quality.

With the success Watco experienced, it would have been easy to relocate the company's headquarters to a more densely populated area. But being a loyal Kansan, Dick remained in Pittsburg to grow his business and his community. Whether it was his support for his alma mater, Pittsburg State University, or his support for other local startup businesses, Dick added to the overall quality of life for every Pittsburg resident.

Dick is survived by his wife, his two children, Susan Lundy and Rick Webb, as well as six grandchildren who all were raised to remain in Pittsburg. But knowing of Dick's devotion to his employees, it may well be said that he is survived by his Watco family as well. The employees and their families that aided the building of Watco continue to benefit from Dick's work and leadership.

The legacy he left on our State and this Nation will continue to benefit us all.

Mr. Speaker, I ask that you and Members of the U.S. House of Representatives join me in honoring Dick Webb and the lasting legacy he achieved with his life.

TRIBUTE TO MRS. CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, it is with a heavy heart that we in the Maryland delegation join our colleagues in paying tribute to the late Mrs. Christine Sarbanes who passed away this week. She was indeed a ray of sunshine in the lives of many. She is already dearly missed. JOHN, her son, our colleague, said to me just a few days ago that he did not realize that he could miss someone so much in such a short period of time.

If there was only one word that could be used to describe Christine Sarbanes, it would be ''enthusiastic.'' But there are so many other words, ''kind,'' ''gentle,'' and ''concerned.'' For over 20 years, she was an outstanding educator and showed a genuine interest in her students. She encouraged them to set positive goals for themselves and encouraged and challenged them to do their best.

In fact, she was instrumental in helping students develop an appreciation for Latin, which had proved quite useful for those seeking admission to college. With her dedication to teaching also came a love of community involvement with books. Mrs. Sarbanes often talked about her love of the Enoch Pratt Free Library and of libraries in general. She would often say that the library was her place to escape when she was a child to be able to basically move all around the world by sitting in one room.

Christine Sarbanes was able to combine both passions as a board member of the Enoch Pratt Free Library which is located in Baltimore, in my home city, and her dedication to the libraries in the community recently led to the opening of the first two libraries in Baltimore in over 30 years.

Mrs. Sarbanes served at one point as the vice chairman of our board of the independent library. But the thing that she prized the most was being the head of the community outreach committee of Enoch Pratt. She was one who consistently said that the library was the great equalizer. As a matter of fact, I think she met her husband in a library.

Over and over again, she did everything she could to make sure that there was outreach into the community. She also would say that the libraries in the various communities were the neighborhood community centers. And she really meant that.

The other thing she consistently did was reach out to those who were coming here from foreign countries and coming in as immigrants. She would constantly get the library to take the materials and put them in various languages so that when people came here, they could take full advantage of the services and those resources that the library had.

Despite these successes, nothing could match the devotion that Christine Sarbanes had for her family as a wife, mother and grandmother. She was active in the campaigns of her husband, former Senator Paul Sarbanes, and she proudly watched her son and our colleague, JOHN, become a Member of the United States House of Representatives.

It is through her family that the legacy of this kind, intelligent and dignified woman will continue. To everyone in the Sarbanes family, Michael, JOHN and Janet and all of the grandchildren, please know that our prayers are with you. This world is a better place due to the contributions of Christine Sarbanes.

TESTIMONY OF LARRY GETTS, EMPLOYEE OF DANA CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, there was testimony before the Senate Committee on Health, Education, Labor and Pensions just recently by a fellow named Larry Getts who is an employee of the Dana Corporation in Indiana. He was very concerned that the secret ballot on whether or not they were going to join a union was not being given to them. And I would like to read part of his testimony.

He said, ''Before I begin, I'd like to say that, as many workers have learned firsthand, I believe Card Check organizing drives put the interests of the union officials ahead of those of the workers.

''While the bill has been officially named the Employee Free Choice Act by its proponents in organized labor and their allies in Congress, my own

personal experience shows a more appropriate name would be the Worker Coercion Act.''

He talks about the union officials and how they came to the company to try to get them to join the union through what they call Card Check without a secret ballot.

He said, ''After this first attempt to organize our shop failed, the UAW changed tactics and sent in a whole new crew. At that point, it became clear to all of us that the UAW was going to do whatever was necessary to get the required number of signatures.

''The entire time they were constantly badgering us to sign the cards. I refused to sign the card every time they asked, and I know that many of my colleagues shared my sentiment. But none of that mattered to the UAW, because the pressure did not let up.

''In fact, one day, an official approached me again claiming 50 percent of the plant had signed, so now I was going to have to sign the card to 'get my information in the system.' I signed the card because I thought I had to.''

□ 1630

I didn't learn until later that even then, I should not have been forced to sign the card.

In the end, the UAW did succeed in organizing our plant, but I thought they succeeded only because of their confrontational tactics and not because the majority of our workers wanted UAW representation.

So immediately, after the union came in, I began a decertification effort. The only reason I was able to fight back was because other Dana Corporation employees in Ohio appealed to the National Labor Relations Board after facing aggression from the UAW, and the NLRB decided that workers should be allowed to seek decertification.

Of course, the UAW responded to my effort by increasing the pressure, and even started visiting me at my home, and my coworkers. Despite their intimidation, my coworkers and I voted to decertify the UAW 45 days after the Card Check drive in a secret ballot. I believe the results of the secret ballot election showed the true free choice of my coworkers regarding UAW representation. We didn't want the UAW representation that was foisted on us through Card Check.

At the end of the day, the voice of the worker needs to be considered. Union officials say they speak for the workers, and they say passage of the Card Check bill is needed to give workers a free choice. But the only way to give workers a free choice is the way we vote in this country, and that's to give them a secret ballot. If they want to join the union, they should be able to join the union through a secret ballot. But if they don't want to join the union, they should not be coerced into joining the union by signing a card. They should have the right, as every American citizen does, to a secret vote on whether or not they want to be employed in a union shop. Now, if they don't want to do that, they shouldn't have to vote for it.

And that's exactly what the gentleman went through and all of his coworkers. And after they went through it and were forced to join the union, they found out they could have a secret ballot, they did a secret ballot, and they threw the union out.

I'm not an anti-union person, but there ought to be a free choice for people to join the union or not to join it, and they should not be coerced by Card Check.

HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to remember Christine Sarbanes and offer my heartfelt condolences to former Senator Sarbanes and our colleague, JOHN SARBANES, and the entire Sarbanes family. They have lost a cherished loved one, and our State of Maryland has lost a good, kind and gracious friend.

Christine Sarbanes was a dedicated wife and loving mother who worked tirelessly with her husband to serve their beloved State of Maryland. She was an educator, improving the lives of her students with her incredible enthusiasm and her intellect, which she brought to the classroom every single day. Christine Sarbanes believed with every fiber of her body and her being that we all have the potential to be great, and she channeled her passion into a career in education which touched the lives of thousands of Marylanders.

I will always remember Christine Sarbanes as a pillar of strength and the embodiment of grace. She accompanied her husband and family on countless Labor Day, Memorial Day and Fourth of July parades that she faithfully participated in as the spouse of a Member of Congress. Charming her way through the crowd, stopping to share her special concern with young people in our great State, she had a special eye for young people, and young people came to her and understood that this was a special person who cared about them. Whether it was in Baltimore at a bull roast or a crab feast in Crisfield or a folk festival in Takoma Park, Christine Sarbanes felt at home, and she made all the people she touched feel special. Her loss is felt not only by her family and friends, but by the thousands of lives in Maryland and around the country that she touched and the countless others she inspired.

Mr. Speaker, please join me in honoring the life of Christine Sarbanes. Her kindness and legacy of public service serves as an example to all of us, and she will be deeply missed.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

VETERANS' HEALTHCARE FACILITIES/COMMEMORATING EARTH HOUR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today deeply concerned about yesterday's reports regarding nearly 10,000 of our Nation's veterans who may have been exposed to HIV and other communicable diseases at Veteran's Administration hospitals. Like those veterans and their families, I'm shocked and appalled that this could have happened. Our veterans deserve better.

A couple of weeks ago I had the privilege of meeting with the new VA Secretary, Eric Shinseki, at the North Chicago VA Hospital to discuss improving care for our veterans. We've heard a lot about change in the past several months. Well, we have the duty to change our VA health system so reports of occurrences like we heard earlier this week never happen again. This means taking a serious look at every option to improve our veterans' care.

One option is right in my backyard. It is actually in my good friend from Illinois, Mrs. HALVORSON's district. There's a hospital named Silver Cross that will be moving to a new location in 2012. The facility that they are leaving has an emergency room that was built in 2006 and a specialty care wing that is less than 7 years old.

Instead of being opportunistic and selling the facility to the highest bidder, the hospital formed a Healthy Community Commission, whose focus is to give back to the Will County community. Our veterans are at the top of their list, and I commend them for that.

I look forward to working with Secretary Shinseki, Congresswoman HALVORSON and Members of both sides of the aisle to explore this and other options to make sure that our veterans never again have to put up with inadequate care.

And with that, Mr. Speaker, this Saturday, March 28, 2009, at 8:30 p.m. millions of people around the world will join together to turn off their lights for 1 hour, Earth Hour, to raise awareness about climate change. Communities, individuals, businesses and organizations will turn off non-essential lighting and cast a virtual vote for global education, awareness and action on this important issue.

Earth Hour began in 2007 in Sydney, Australia where more than 2.2 million people turned off their lights. Last year, World Wildlife Fund took Earth Hour global and more than 50 million

people in more than 400 cities, on all seven continents participated, darkening some of the world's most famous skylines and icons, including the Empire State Building, the Golden Gate Bridge, the Coliseum in Rome, and the Sears Tower in Chicago. Even Google's home page went dark for that day.

This year, more than 1,700 cities in some 80 countries already have signed up to participate, with more joining each day. The event itself will begin in Fiji, cascading across the world with Hawaii as the final stop. In my district, three municipalities, Aurora, Naperville and Homer Glen, and numerous businesses have signed up to participate.

We need to start addressing climate change now, and Earth Hour is one of the many steps that we can take to do just that. That's why I introduced House Resolution 268, with my good friend from Georgia, Mr. BARROW, to support these goals and ideas of Earth Hour. The resolution will help increase education, awareness and action on this important environmental issue.

I encourage my colleagues to cosponsor House Resolution 268 and join in this inspiring and historical event.

I will submit an article entitled, ''3,000 Vets Face HIV Risk After Unsterile Procedure,'' from the Associated Press, for the RECORD.

[From the Associated Press, Mar. 24, 2009]

3,000 VETS FACE HIV RISK AFTER UNSTERILE PROCEDURE

A Veterans Affairs hospital here has notified thousands of patients that their colonoscopies were performed with improperly sterilized equipment, officials said Monday.

The hospital urged about 3,260 patients who had colonoscopies between May 2004 and March 12 of this year to get tests for HIV, hepatitis and other diseases.

The VA insisted the risk of infection was minimal, saying the tubing that was improperly cleaned didn't make contact with patients.

It was the second recent announcement of errors during colonoscopies at VA facilities.

''The very notion that veterans have to contemplate this new reality now before them and visit special care clinics to undergo blood testing is stomach-turning,'' U.S. Rep. Kendrick Meek, D-Fla., said in a letter Monday to the VA's inspector general. ''This information is shocking.''

Meek urged a door-to-door campaign to alert veterans of the error.

''Although there is minimal risk, we feel that even a slight risk is unacceptable to the veterans we care for,'' said Susan Ward, a spokeswoman for the VA in Miami.

Last month, 6,378 patients at a clinic in Murfreesboro, Tenn., were told they may have been exposed to infectious body fluids during colonoscopies.

The VA said 1,800 veterans treated at an ear, nose and throat clinic in Augusta, Ga., were also alerted they could have been exposed to an infection due to improper disinfection of an instrument, though officials said the risk was ''extremely small.''

The VA hasn't said whether it expects more facilities to announce similar problems. though Meek cautioned the number of affected people ''could quickly expand to include a much larger pool of people.''

''That, somehow, these standard protocols were not followed will undoubtedly leave our veterans with serious misgivings about our VA system,'' he said.

HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. RUPPERSBERGER) is recognized for 5 minutes.

Mr. RUPPERSBERGER. Mr. Speaker, I rise today with several of my colleagues from Maryland to honor Mrs. Christine Sarbanes, and the impact her passing will have on the citizens of our great State of Maryland and on our country.

Mrs. Sarbanes is the wife of Senator Paul Sarbanes and the mother of JOHN SARBANES, who is a Member of the House of Representatives. Christine was the quintessential lady, polished, well-educated and warmhearted.

Many times, as lawmakers, our spouses chose to sit on the sidelines, but Christine was very much involved in her husband's career. In fact, political activism brought Senator Sarbanes and Christine together at Oxford in England. A champion for women's rights, she was trying to get women accepted into his all-male debating society.

On the occasions when she would represent her husband at events, Christine was very knowledgeable on the issues. She was a hearty campaigner for her husband, but was even more tenacious when her son, JOHN, campaigned for this seat in the House of Representatives. She shared her love of politics and public service with her three children, and they each have taken her example to serve the greater community. She was the true matriarch of a great and distinguished political family.

In addition to finding time to raise three children and helping her husband's career, she managed a full-time job teaching Latin, Greek, and French at Goucher College and Gilman High School, all located in Baltimore, where she taught for more than 20 years.

In fact, one of my staffers, Walter Gonzalez, had the privilege of studying under her at Gilman. He described her as firm, but effective. She taught his 11th-grade speech class and advised him on his senior class speech. Laughing, he recalled yesterday how she coached him day after day. She would say, ''Speed up, slow down, enunciate your words, too loud, emphasize the points.'' He said Christine was a passionate teacher who communicated her respect for her subjects with grace and humor.

A lifelong lover of libraries and art, Christine also found time to serve on several cultural boards and talked the Walters Art Gallery into eliminating their admission fees. She wanted all people, and especially children, to have the ability to experience culture. But she also wanted them to have basic survival needs. She did this through tireless work with the United Nations children's fund.

Christine enjoyed high regard from important people. But I will always remember how she treated everyday people who crossed her path with dignity and respect.

Maryland has lost a truly admired political presence. And on behalf of the residents of Maryland's Second District and the State of Maryland, I would like to express my sympathies to the Sarbanes family and thank them for sharing a talented and giving woman with our State and our country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ROGERS) is recognized for 5 minutes.

(Mr. ROGERS of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TARP FUNDS ABROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, recently released documents from AIG accounts for some of the more than $180 billion in aid that AIG has received. And it's revealed that over $58 billion of that $180 billion has gone to foreign banks around the world. And $58 billion have gone to French banks, German banks. French and German banks, respectively, pulled in $19 billion and $17 billion of American taxpayer money.

I understand the outrage over bonuses, $166 million in bonuses, but that's a pittance compared to the $58 billion that have gone to overseas banks. Societe Generale, based in France, was the top foreign recipient, at $11.9 billion. Deutsche Bank of Germany received $11.8 billion of taxpayer money. Barclays, based in England, got $8.5 billion. BNB Parabas, based in France, got $5 billion.

The House Oversight Committee also discovered a list of questionable foreign investments conducted by the largest recipients of TARP funds. Citigroup, JP Morgan and Bank of America each received $25 billion in TARP funds on October 26th of last year. Citigroup then loaned Dubai $8 billion of American taxpayer money. JP Morgan invested $1 billion of American taxpayer money in India. And Bank of America gave communist China $7 billion of the American people's money.

Now, the American people have the right to be outraged at the fact that they are being taxed so that a government-owned, failed company like AIG can give bonuses to the very same executives who brought about the ruin of their company. Mr. Speaker, $166 million in bonuses is a lot of money. But it's a pittance, again, compared to that $58 billion that AIG used to bail out the rest of the world.

So while hundreds of thousands of Americans get laid off each month, and

even people with good credit can't get homes, can't get home loans, can't get car loans, our tax dollars are hard at work making sure foreign countries get helped first.

Instead of giving billions of dollars worth of tax breaks and incentives to American companies who manufacture American products and hire American workers, our government has sided with foreign countries instead of being on the side of the American worker.

To compound the problem, the United States has record trade deficits with the rest of the world. So while our government punishes American companies who actually make things with high taxes, burdensome regulations, petty environmental restrictions and unfair trade laws, foreign countries are getting American tax dollars to invest in their business infrastructure so they can take away more American jobs during an American recession.

We allowed Bank of America to give $7 billion in taxpayer money to China, $7 billion in Americans' money to communist China, so they can build up their military and steal American jobs. That's criminal.

The AIG bonus scandal is a big deal. The Treasury losing track of where the bailout money is going is appalling. But it's too late to just ask where the money's going or to try to get back the taxpayer-subsidized bonuses, although those are good starts.

□ 1645

What we need to do now is stop spending. Just stop. No more TARP. No more stimulus. No cap-and-trade energy tax on small businesses, and surely, no more bailing out foreign countries like China and India while we spend and tax and borrow our way into oblivion.

I respectfully ask the President of the United States to put the checkbook down.

HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. KRATOVIL) is recognized for 5 minutes.

Mr. KRATOVIL. Mr. Speaker, I rise to honor the life of one of Maryland's finest public servants, Christine Sarbanes—a woman of grace, passion and compassion.

She was a teacher, an activist and a volunteer who gave selflessly to her community, to Maryland, to the Nation, and to the greater world community. Her belief that every individual had the potential to be great fueled her passion for teaching, for spreading literacy worldwide and for providing access to higher learning for each and every student who had a desire to learn.

Christine Sarbanes was a dedicated mother, a full-time educator and both a political partner and adviser to her husband, Senator Paul Sarbanes.

For many of us, each job alone would constitute enough to leave a legacy, but for Christine, she chose to go above and beyond as a community servant, as an active board member for a number of community and international organizations, and as a tireless fundraiser for causes near to her heart.

I would like to extend the thoughts and prayers of my family and constituents to Senator Sarbanes, to my colleague, Congressman JOHN SARBANES, and to the entire Sarbanes family.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

(Mr. GOODLATTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT. Mr. Speaker, I am going to speak from this side of the aisle because it is where Paul Sarbanes would have stood.

When I came here almost 17 years ago, I would see Senator Sarbanes at social functions with this very attractive brunette on his arm, and I said to myself: Paul married well, didn't he? Then Christine came to my office as an advocate for schools and teachers, and I was wowed. When she left, I said to myself: Paul not only married well, he married up. Then, one day, my wife, when I came home, told me that at a spouse's event that day she had talked to Christine and that Christine told her that they had decided to retire because, as she told my wife—and Mr. Speaker, I am going to have a little trouble with this—they wanted to retire while they could still both climb steps.

I regret very much that Christine had far too few years to climb those steps with Paul.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Ms. EDWARDS) is recognized for 5 minutes.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today as a Marylander in honor of another Marylander, Christine Sarbanes, and in honor of her service and of her legacy to the State of Maryland and to the people of the Fourth Congressional District, which I represent.

I did not know Christine Sarbanes in the way that you know a person. I knew her as a public person. I first met Christine Sarbanes at an elementary school at an event, and she didn't even know I was at the back of the school, but what I observed of Christine Sarbanes was her gentleness and tenacity and her love of education and her love of children.

I think, in some ways, you know a person sometimes by the people around them—by their children, by their spouses—and so we know Christine Sarbanes by her husband, our beloved Senator Paul Sarbanes, by her son and our colleague—JOHN SARBANES—and her other children. We see in them the gentleness and the smarts and the tenacity and the passion that was Christine Sarbanes. So it is with a heavy heart that we celebrate Christine Sarbanes' legacy.

I said to JOHN SARBANES yesterday, as he mentioned that it is difficult to know how much you miss a person until they are gone, that when one loses a parent—and I know about the loss of a parent—that the sadness of today becomes a joy of tomorrow when you remember a smile, when you remember something that happened when you were growing up, and it touches your heart in a different way.

So I wish for former Senator Paul Sarbanes, for JOHN SARBANES and for the entire Sarbanes family that there will be days down the line when they will remember Christine Sarbanes with that joy and with a little bit more lightness of their hearts than they are experiencing today.

DOD REPORT ON CHINA'S MILITARY POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, today, the Department of Defense released its annual report to Congress on China's military power.

The report released is an important reminder of why the Congressional China Caucus, the Congress and the American people should continue to monitor not only the expansion of China's military power but the way they exercise judgment in the use of it and other elements of national influence.

China's continuing buildup of advanced cruise missiles that can target aircraft carriers and other ships, its 260-ship Navy as compared to our 283-ship Navy, and its continued arm shipments to unstable countries demonstrates a global focus rather than a regional one.

Regrettably, over the past year, several incidents have threatened the strength of U.S.-Sino relations. In the last year, the FBI has stated that China has the most aggressive espionage program facing our Nation. U.S.

authorities continue to investigate whether PRC officials copied the contents of a government computer during a trip to China by the Secretary of Commerce, and just this month, Senator NELSON's office reported three separate instances of cyber attacks from China, which follow multiple instances last year.

In addition, a routine Thanksgiving holiday port call by a U.S. aircraft carrier, the USS Kitty Hawk, to Hong Kong was inexplicably cancelled at the eleventh hour. Most recently, five Chinese vessels harassed an unarmed U.S. naval ship.

Mr. Speaker, this House has refused to respond to that attack as yet. I am troubled at the prospect for miscalculation or unnecessary escalation of one of these situations if China does not act in a transparent and responsible manner that is expected of a rising global power.

For that reason, I introduced H. Con. Res. 72 with Congressional China Caucus cochair MADELEINE BORDALLO, urging China to avoid necessary escalations that could harm U.S.-China relations and to condemn their attack on our unarmed U.S. naval ship, but so far, the leadership of the House has not found time to allow that resolution to come to the floor.

Mr. Speaker, it bothers me that today, when China had a proposal for a new global currency to replace the dollar, that Secretary of Treasury Geithner said that he was open to the proposal and that White House economic adviser Austin Goolsbee declined to rule it out.

Mr. Speaker, if we don't know our positions on these issues, we are inviting the Chinese to push us further and further. The future course in U.S.-China relations hinges on China's ability to provide the necessary transparency with regard to its military buildup and cyber warfare capabilities. Mr. Speaker, I hope that we will continue to push for that kind of transparency.

HONORING ARCHBISHOP JOHN CARROLL HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise today to honor a remarkable institution that stands as a center of academic and spiritual excellence in the Seventh Congressional District of Pennsylvania. That the motto of this school is ''Pro Deo et Patria'' tells us much about its tradition and about the wisdom of its founders. That the school nickname is the Patriots tells us even more about the values and principles of its students, faculty, administrators, parents, and alumni. However, in the past year, this school has also established a new and unprecedented standard for athletic excellence. I am speaking of the community that is Archbishop John Carroll High School of the Philadelphia Catholic League.

Last weekend, both the boys' and girls' basketball teams won their respective Pennsylvania Intercollegiate Athletic Association State championships. In that remarkable feat, the Archbishop Carroll coaches, players, trainers, parents, families, and fans fulfilled a covenant to one another. Well before the season began, they pledged that, although other teams might seem to have more advantage, none would ever out-work, out-think, or out-cheer the Patriots of Archbishop Carroll.

The people of the Philadelphia region are renowned for their knowledge of sports, and it is well established that championships are not won in a tournament. They are the products of thousands of hours of practice, conditioning and study long before the first game. Thereafter, championships are won by the team that establishes the strongest bonds of trust and respect among one another and the ability to overcome every adversity. Throughout a grueling season of 62 games, the young men and women of both teams showed that the physical and mental preparation, teamwork and, above all, character are rewarded.

Archbishop John Carroll High School offers faith- and values-based education under the leadership of President Reverend William E. Grogan and Principal David R. Dickens that confirms the wisdom of the great John Wooden, who remarked, ''I always tried to make clear that basketball is not the ultimate. It is of small importance in comparison to the total life we live. There is only one kind of life that truly wins, and that is the one that places faith in the hands of the Savior. Until that is done, we are on an aimless course that runs in circles and goes nowhere.''

Mr. Speaker, the young men and women we honor today are on the right course. They are on course in a journey to lead, to teach, to solve difficult problems in the arts, sciences, businesses, and most importantly, to raise wonderful children who will carry on the proud traditions of Archbishop John Carroll High School.

To the players of these magnificent teams and their classmates, this Chamber and our Nation wish you Godspeed on your journey. We are proud to know you, and look forward to even greater challenges and victories that await you.

INTRODUCTION OF RESOLUTION REGARDING PMA GROUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, in just a few minutes, I will introduce a privileged resolution, the purpose of which is to have the House Ethics Committee look into the relationship between the PMA Group—a lobbying firm that has been raided by the FBI—earmarks received by the raided firm for their clients and the source and timing of campaign contributions made by the raided firm to Members of the House.

Mr. Speaker, this will be the sixth resolution that I have introduced on the same topic. I want to stress again that this is not a partisan resolution. These resolutions have not been introduced at the behest of any Republican or of any Democrat. No Member of Congress is mentioned in these resolutions. No party is mentioned either. This is a problem that this House simply must address.

The bottom line, Mr. Speaker, is that, as long as Members of Congress have the ability, which we currently have, to award no-bid contracts to individuals or organizations—nonprofit or for profit—then you are going to have problems, and that is what we are seeing with the investigations that are going on with the PMA Group.

The PMA Group is a powerhouse lobbying firm that last year had revenues in excess of $17 million. That firm, as I have mentioned, has been raided by the FBI, and is now in the process of disbanding. By the end of this month, in just a few days, it will be gone, from $17 million—boom—overnight to nothing because somebody got on to them and because they were able to get earmarks for their clients who should not have been awarded in this way.

We simply should not have the ability here in Congress to award no-bid contracts to anyone, let alone those who turn around and make big contributions back to our congressional campaigns. That is what we are asking the Ethics Committee to look into.

Right now, the Ethics Committee has issued guidance, saying that, when you want to request an earmark, you have to sign a certification saying that you have no financial interest in the earmark that you are signing—that you don't have a spouse working for the firm or that money is not somehow going to come back to you. The Ethics Committee has also said that that does not include campaign contributions.

□ 1700

Yet we have examples of just thousands of dollars, hundreds of thousands of dollars coming back to those who have requested these earmarks from the firms who got the earmarks, the lobbying firms who requested the earmarks for the client and from political action committees established by the lobbying firm. That doesn't reflect well on the House.

As I said, this is not a Republican problem or a Democratic problem. This is a problem that all of us have here, and it needs to be addressed by the bipartisan Ethics Committee. That's the purpose of the resolution that I will offer in just a minute

As I mentioned, this is the sixth one. The five prior to this have been tabled. I don't know what the fate of this one will be. Perhaps it will be tabled as well. But if it is, we need to come back

and do the same thing because we can't stop until we address this issue.

We are going into a season of appropriations where the Appropriations Committee, in fact, the earmark deadline, request deadline, is next week. Are we going to continue to allow Members of this body to secure no-bid contracts for people who turn around and give them campaign contributions? That is a question that should be answered before we go into the appropriation season, and that is a reason we need to move forward quickly on this.

We looked at the 2008 defense bill. The PMA group, the firm that again has been raided by the FBI, received more than $300 million in earmarks for its clients. The 2009 defense bill was a number slightly higher than that or still totaling that number but looks to be above $300 million. It is worthy to note that that bill, the 2009 defense bill which we passed last September, was not even considered by the full Appropriations Committee in the House. So it wasn't vetted, there was virtually no oversight there, and when the bill came to the House, there was no ability for any Member of this body to challenge any of the thousands of earmarks that were in that bill, a few thousand of which represented no-bid contracts.

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

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

The form of my resolution is as follows:

Whereas, The Hill reported that a prominent lobbying firm specializing in obtaining defense earmarks for its clients, the subject of a ''federal investigation into potentially corrupt political contributions,'' has given $3.4 million in political donations to no less than 284 members of Congress.

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to ''straw man'' contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

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

Whereas, CQ Today specifically noted a Member getting ''$25,000 in campaign contribution money from [the founder of the firm] and his relatives right after his subcommittee approved its spending bill in 2005.''

Whereas, the Associated Press noted that Members received campaign contributions from employees of the firm ''around the time they requested'' earmarks for companies represented by the firm.

Whereas, the Associated Press highlighted the ''huge amounts of political donations'' from the firm and its clients to select members and noted that ''those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests.''

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

Whereas, the Associated Press reported that ''the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash.''

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

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

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

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

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

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

THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I join with the President in expressing hope that our economy will begin to recover soon. No one should underestimate the pain and worry that the American people are experiencing during this economic crisis.

Every weekend when I am back in Ohio's Ninth Congressional District, I hear more worried stories from people about the trouble they are having making ends meet and planning for their futures with confidence. For the sake of our country, we simply have to get the economy right.

Thus, I am troubled by several aspects of the most recent financial stability plan that Treasury Secretary Geithner unveiled this week. I am most concerned by the fact that the American taxpayers once again are shouldering far, far too much of the risk that was created by unscrupulous traders on Wall Street in the biggest mega banks and investment houses. And the plan does not place rigor and market discipline to correct what faces us.

By committing taxpayer dollars to leveraging minimal private investment in the private banking system, a private system that is now substantially owned by the public, the Geithner plan once again places taxpayers on a very large hook. Why should we use taxpayer dollars to eliminate discipline and most risk for private investors to purchase the bad loans in order to clean up the banks' books? Taxpayers didn't create this problem.

In this new deal, private investors may put up as little as 3 percent while government—which means our people—put up 97 percent of the rest as a loan, and a nonrecourse loan at that, which means if something goes sour, they pick it all up. And guess who gets the profits on the upside if there is any? That's not a good deal.

This is what should be the focus of our concern. According to an Associated Press investigation reported recently, these bailed-out banks sought to hire 21,800 foreign workers in the past 6 years. Major U.S. banks sought government permission to bring thousands of foreign workers into our country for high-paying jobs even as the system was melting down last year.

So, as Americans were getting laid off across our country, according to an Associated Press review of visa applications, these mega banks were hiring foreign workers.

Dr. Peter Morici, an economist at the University of Maryland, described the Geithner plan as ''structured to create more risk for the Federal Government.'' Why? Because ''it is going to be the fund manager who raised the private money and then borrowed with a government guarantee who is going to be paid on the number of loans he or she buys and he or she will have the temptation to bid whatever it takes. There is going to be real incentive here for people to overbid.''

Again, the proposal has no market discipline. Price setting will be taken out of the normal market process. That is never a good idea.

''As a result,'' says Dr. Morici, ''the Geithner plan creates the potential for another bubble. You have created the potential for a synthetic bubble inside the government,'' inside the public coffers, ''which could cost the government'' and, in turn, the American taxpayers, a whole lot more money down the road.

Doctor Morici describes the plan as low risk and high reward for the private investor and high-risk and high-

reward for everybody else, the taxpayer.

I have said all along that the solution to this crisis lies in using the existing full authority of agencies such as the Federal Deposit Insurance Corporation and the Securities and Exchange Commission. I was outraged by the failure of the Bush administration to use these existing instruments of the Federal Government, and I am baffled by this administration's failure to do so as yet. I am concerned that the Geithner plan will actually place at risk the FDIC's insurance fund.

Dr. William Black, a law professor at the University of Missouri, Kansas City, who was a key player in resolving the savings and loan crisis in the 1980s and 1990s has pointed to one explanation: The Bush administration, in its zealous pursuit of deregulation, ''gutted the FDIC and its sister agencies' staffs. The FDIC is trying to staff up, but it has put some absurd limits on hiring the best bank examiners. The FDIC shortages are critical in examination, not in the use of receivership.''

Mr. Black goes on to say: "We didn't resolve the S&L crisis by appointing 'political commisars' to govern failed S&Ls. We hired competent bankers with records of integrity to run the receiverships.

The academic literature concludes that they did an excellent job. It is bizarre that (President) Obama and (Secretary) Geithner are channeling President Reagan and claiming the government can't do anything and the market is all knowing.''

We have learned that the market is not all knowing, especially when it is distorted by greed and avarice and government complicity. We have learned the hard way the costs of "too big to fail." We have learned not to trust the right-wing ideologues who peddled a devil's brew of deregulated and free market fundamentalism.

We have learned a hard lesson about free market fundamentalism. Just as we have learned a hard lesson about free trade fundamentalism. This snake oil was peddled by the big banks and the big corporations. You can see the effects by walking down the main street of almost any city or town in any state surely in the State of Ohio.

We need to learn the lessons of history and apply them. We need to use the proper government instrumentalities. The proper use of the market to resolve this economic crisis. Otherwise we will make the same mistakes. And again the American people will again be left holding the bag of bad debts for generations to come, throttling economic growth and compromising our future.

In the end, we must do what is right, not what might be politically expedient.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN MEMORY OF CHRISTINE SARBANES

The SPEAKER pro tempore (Mr. GRIFFITH). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, in 1966, I was elected to the Maryland State Senate. I was a few months out of Georgetown Law School. And elected at the same time was an extraordinary representative of our State. He was elected to the House of Delegates.

In 1970, he was elected to the Congress of the United States and served in the Congress until 1976. In 1976, the citizens of our State elected him to the United States Senate. Paul Sarbanes retired 2 years ago as the longest-serving member of the United States Senate in the history of our State.

His partner in all of those efforts was an extraordinary woman. Her name was Christine. She was born in England. She was an extraordinary individual. Paul Sarbanes was a great intellect. Christine matched his intellect. Paul Sarbanes was a person of extraordinary integrity, and his partner, Christine, matched that integrity.

Paul Sarbanes was a person of great depth and great compassion, mirrored by his wife, Christine.

Christine Sarbanes, the mother of our colleague, JOHN SARBANES, who represents the district that his father once represented. Christine Sarbanes passed away this weekend. Christine was a loving friend and partner to her husband for nearly half a century, and those of us who were active with her husband in the public sphere and got to know her well and got to be her friend were blessed by that relationship.

She took the partnership with Paul very seriously. From the days when she and Paul knocked on hundreds of doors each afternoon to get him elected to the House of Delegates to the days when she acted as Senator Sarbanes's most trusted adviser. Like her husband, Christine possessed, as I have said, tremendous political savvy, deep intelligence and a love of learning.

In fact, she once said that she and Paul bought their house because it was within walking distance of a library. No one was surprised at that criteria for purchasing a home.

Christine passed that love of learning to generations of students as a teacher of Latin, Greek, and French.

□ 1715

Her son reflects that deep intellect as he serves the constituents of the Third Congressional District of Maryland.

As a tireless worker for UNICEF, Christine served the international community. Among the many other charities she served, Christine took up the fight for children around the world.

So today, Mr. Speaker, we mourn the loss of an honored teacher, wise counselor, passionate advocate, and her family mourns the loss of an irreplaceable mother and wife.

I lost my wife Judy 12 years ago. So I know something of the pain that Senator Sarbanes is experiencing. He's one of my closest friends. We've been involved in politics for over four decades together, but I also know that love outlasts grief. As Oscar Wilde said, ''Where there is sorrow, there is sacred ground.''

As long as her loved ones live—her grandchildren will survive for a long period of time—their memories of the wife, their mother, their grandmother, will be sacred to them. Something of her will live on, on the sacred ground of memory, as long as those memories last.

I know that all the Members of this House in which Paul Sarbanes and Christine, although not elected, served so ably for 6 years, and the colleagues of his in the United States Senate who grew to know Christine as well as they knew Paul and respected her and loved her as they loved Paul, I know they share in his grief, in JOHN SARBANES'S grief, in his brother's grief, and their grandchildren's grief.

So, Mr. Speaker, I know that the House joins me in expressing our deep regrets and that our prayers and sympathy are with the Sarbanes family, a family of immigrants, that came to this country and have made it better, like so many others. Paul Sarbanes still lives, still serves. Christine is gone, but her memory is not. We honor her this evening.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A CLEAN ENERGY FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, I've come to the House today to talk about a bold vision and an act of leadership by President Obama that was again noted last night by President Obama.

In his news conference, he again stated his commitment to lead our country to the adoption of a clean energy future by means of a bill called a cap-and-trade bill, which we're going to talk about this evening, that he believes and I believe and many people believe will be a wellspring and mainspring of our economic transition to a clean energy future for this country.

And I was very pleased to hear him say that last night, because he has not been timid about recognizing the need for economic growth in our country, for job creation growth in our country, for taking on new markets in this country so that we can really rebuild the economy of this country.

And I heard him last night yet again recognizing that we're not going to get our economy back on our feet unless we actually take some action. It's not going to happen just by the tooth fairy.

So last night what he proposed to do is for the Congress, in as bipartisan a way as we possibly can, to adopt a provision that will drive investment into the new companies that can create millions of jobs in our green-collar future in the next decade or two, and he did that by proposing something called a cap-and-trade bill which will essentially limit the amount of dirty pollution industries put in the air and drive investment into the new jobs of the future that can really give us the new, clean technologies and clean energy that can lead us to this new future.

So I come tonight to talk about two things that are fundamental to our ability to realize this vision. The first is, I'd like to discuss tonight some of the companies that are actually realizing this vision.

Now, President Obama wasn't just sort of daydreaming when he said that this is a vision that we Americans are capable of. Some of the companies I will note tonight are on the cusp of creating commercially viable technologies that can create literally millions of new jobs where we can create high-tech components and energy sources and ship them around the world.

So the first thing I'd like to talk about tonight are some of those new technologies that we can build in America. The second thing I'd like to talk about is how we can build a cap-and-trade bill that will assuage some of the concerns.

Now, President Obama knows that this is not an easy setting. When you propose something big, a big idea like this, people get nervous. They get concerned. They want to know the details. And there are concerns tonight about the cap-and-trade bill, and I want to address some of those about how we're going to build jointly a cap-and-trade bill that will work for all the country and all segments of the country. So let me, if I can, first talk about why I believe President Obama's vision is based on optimism but also a really sound sense of realism.

I want to talk about some of the people I've come to know in America who are now engaged in building the jobs of the future. Go to Nevada, where there's a company called Ausra. Two years ago it just had eight people. Now, Ausra has several hundred people working for them.

What the Ausra concentrated solar energy company does, they have figured out a way to use long mirrors to concentrate the sun's energy that heats up a pipe with a liquid in it, some type of oil usually, captures the sun's radiant energy, uses that oil to essentially heat water and turn a steam turbine and generate electricity. And now we have the first manufacturing plant in the United States to build these system of mirrors that can now be arrayed anywhere the sun shines to create energy and electricity with no carbon dioxide, no pollution whatsoever of global warming gases while you're producing that electricity.

Why is this a big deal? It's a big deal because the world is desperate for electricity that we can generate at a commercially viable price that doesn't pollute. Ausra is now manufacturing a plant to do that. They're not the only one.

The Bright Source company is another company that uses what's called concentrated solar energy. They do a similar technology, and they just signed contracts for I think over 2,000 megawatts of concentrated solar energy to provide our grid system.

So here are two companies that are leaders that could potentially create massive new job creation, not only giving us electricity, but as importantly, developing technology that we can sell to the rest of the world.

I met the environmental minister of India this afternoon, and they are desperate for clean energy. Now, President Obama has a vision that I think can come to reality. Ausra and Bright Source make this technology. We build it here, we design it here, and we sell it to India, and we sell it to China, and we sell these products to Korea. This is the vision of economic growth that he recognizes, and I think the country will come to recognize is our best way out of the economic morass we're in.

Go to Boston. In Boston is a company called A123. A123 has developed a lithium ion battery that is capable of producing a plug-in electric car where we can run our cars for 40 miles on nothing but electricity, home-grown, American electricity. Imagine a future where you're generating electricity with solar power, and you're feeding it in at night, you plug your car in at home at night, you unplug it, and you drive to work. It goes 40 miles, which 60 percent of our trips are less than 40 miles a day, on all electricity. You get an infinite miles per gallon of gasoline because you don't use any, at least in your first 40 miles.

Now, A123 battery company is competing with a loan guarantee, again under President Obama's plan, to start the manufacture essentially of this type of component, and this is an extremely important realization by our new President. He realizes that we're going to have electrified cars, and we're going to need advanced batteries to run them, and we want those batteries made in America. We don't want us to be driving cars with electric batteries made in Korea or China. We want to drive cars with batteries made in the United States, and we want to sell those batteries to Chinese car buyers and Korean car buyers. That's a vision we need to pursue.

So we need policies that will drive that investment into the United States, to build these new electric batteries here, not Korea, not China. And why is that important? Well, it's important because if we don't do this, we're going to trade our addiction to Saudi Arabian oil, which we're addicted to now, for an addiction to lithium ion batteries made in Korea or China.

Now, if we don't start taking some action here in Congress, that's the type of fate that our economy would have. Fortunately, we have a President with a plan to, in fact, do this domestically.

So now I will travel West to Michigan to see General Motors, who is getting ready to build the GM Volt, which is a plug-in electric car so that our car manufacturers can start to build this new generation of vehicle, leading the third generation to an all-electric vehicle.

And just to show you that our car manufacturers, even if there's dislocation in the car manufacturing business, I'll tell you about another little company I heard about called Infinia. Infinia is a company in Tri-Cities, Washington. It's in southeast Washington.

They have developed a concentrated solar energy machine. It is called a sterling engine, a sterling engine. It's very old, but they're now figuring out a way to make it commercially viable. Essentially, it uses a pressure differential created by solar thermal energy that drives a piston, and it creates electricity. And the beauty of the Infinia product is that people who have made cars, this is exactly the type of technology to now start making sterling engines because it's essentially automobile technology. It involves a cylinder, a transmission, and people in the auto industry can transition into this new industry.

So here are five companies I've listed that if we adopt the Obama cap-and-trade system and energy plan, we've got a chance to really drive the economic development.

So, I have a few others I thought I might share with you, but we're joined by RON KIND from Wisconsin. He is the leader of the New Democratic Coalition that's invested in pushing ideas about how we really innovate, and I'm glad you've joined me. I wonder if you have some comments.

Mr. KIND. Well, I appreciate my good friend from Washington for yielding a little bit of time, and I want to join you in this Special Order a little bit because there are a lot of exciting things happening right now in the area of alternative and renewable energy development, but especially to commend you for the leadership that you've given, not only to the Congress but the rest of the Nation, in trying to challenge our vision, where we're going to go as a country, as a people, to put us on a glide path toward energy independence, to break our addiction to foreign energy sources, and to be smarter consumers of energy at the end of the day.

I was one of probably many in this Chamber that read my good friend's

book on this subject, ''Apollo's Fire.'' That's not a shameless plug for royalty's sake, but it was a good read, because you did cite in the book many examples, a lot of the innovation and creativity that's happening throughout the country now in this field.

□ 1730

That's why I'm excited with the current Obama administration and the urgency that they see and the priority that they're making in a new energy future for our country.

Just today, I had the owner of a company in Manitowoc, Wisconsin—I represent a district in Wisconsin—called Orion Energy, which has developed what is called the Apollo Light Tube. It doesn't use any electricity. It merely harvests the light of the day in order to focus it in the light-up manufacturing of floors, churches, schools—zero CO_2 emission, obviously—and it's tapped into the electric grid of that building so that if it's a cloudy day, the regular energy source kicks in so you maintain a constant light ambient for work conditions or for customers in that building.

But the payback is roughly 4 or 5 years on it. And this is the type of thinking that we need to keep spurring and keep encouraging in the country that's going to help us get out of the energy box that we're in right now.

I think you've recognized for a long time that time is of the essence on it. President Obama understands that the recent reduction in energy prices are very temporary in nature and that once a recovery starts taking place both at home and abroad, we are in all likelihood going to see a rapid escalation of energy costs and then everyone looking at each other trying to figure out who to blame that we are back in this energy box again.

So I would hope that, again, with your leadership and like minds in the Congress today, working with the current administration, who I think really does get it, that we have an opportunity to lay the foundation for a sustainable energy future in our country in anticipation of this cycle coming back again with increased energy costs.

I think time is of the essence. We have got to work hard to get it right at home so we can share this with the rest of the world. If we're ever going to have any chance of averting the global catastrophe of global warming, a lot of that leadership and creativity is going to have to occur right here first at home, with the right incentives and with the right blueprint to accomplish it.

I thank my friend from Washington State again for his leadership.

Mr. INSLEE. I would like to yield to a tremendous leader in the clean air revolution, our Speaker, NANCY PELOSI, who is truly leading the House in the right direction.

Madam Speaker.

Ms. PELOSI. I thank the gentleman for yielding. I wish to also acknowledge his leadership and that of Mr. KIND on this important issue—the issue of global warming, of clean energy, of how we reduce our dependence on foreign oil, and how we do so as a national security issue, as an economic issue, as an environmental issue, and as a moral issue to preserve our beautiful planet, which is God's creation.

I listened attentively to what you had to say and look forward to your weighing in as we write legislation to do just that.

I rise to call attention to the serious challenges facing the people of North Dakota—the record crest of the Red River threatening the city of Fargo, the ice jam causing flooding on the Missouri River and forcing evacuations in Bismarck, and flood and other related impacts in other parts of the State.

As you know, our colleague, Congressman EARL POMEROY, has flown home already to get back into making sandbags, as he has done already this week. North Dakotans are no strangers to floods, Mr. Speaker. Grand Forks was devastated by the Red River flood in 1997, forcing the entire city to rebuild.

North Dakotans are no stranger either to the ideal of neighbors helping neighbors. Through the weekend and early parts of this week, thousands of people—including high school and college students, National Guardsmen and women, and our own Congressman EARL POMEROY, among many others, have stood shoulder-to-shoulder filling sandbags to protect Fargo and other cities from the dangers of rising waters. Others have come together to offer shelter to those forced to leave their homes.

As of late last night, Fargo residents and out-of-town volunteers had filled over 1 million sandbags—over 1 million sandbags—and they aren't stopping. I salute the work of these Americans coming together in common purpose in this time of need.

While there is and will be a significant Federal role assisting those impacted, the work of the community is the first line of defense. Congressman POMEROY has briefed me about the seriousness of this situation, and I have assured him that this Congress will be following the situation closely and are prepared to respond as required.

President Obama has swiftly acted, declaring North Dakota a Federal disaster area. Congress will act with no less speed to ensure that the people of North Dakota have everything they need as the flood waters recede.

I know that the Governor is working with Mr. POMEROY in a bipartisan way and I look forward to communicating with the Governor to see how we can be helpful.

The thoughts and prayers of this entire Congress and the American people are with the people of North Dakota and we will work with them to ensure that they have all they need in the days and weeks ahead.

As we extend expressions of sadness to the people of North Dakota for what they are going through, I want to also associate myself with the remarks earlier of our distinguished Democratic Leader, Mr. HOYER, in acknowledging the passing of a great lady, Christine Sarbanes. While you could say wife of Senator Paul Sarbanes, she is also the mother of JOHN and her other children, of whom she was very proud—JOHN, our colleague—and other children of whom she was very proud. But she was a star in her own right—in academia as a teacher, and a great lady, who will be sadly missed by all who knew her.

Everyone who did know her had the highest respect for her and extend to her family our sympathy. I hope it is a comfort to them that so many people loved Christine Sarbanes, mourn their loss, and are praying for them at this sad time.

With that, my colleagues, I thank you for yielding and for your leadership on the important subject of climate change and clean energy.

Mr. INSLEE. Madam Speaker, before you go, just one comment. Our colleague EARL POMEROY is a very good sandbagger and sandbag filler. I talked to him this morning about that effort. He's been working hard.

He was on the floor this afternoon making sure that all of his colleagues knew about this problem and I saw him talking to several folks about some ideas to help his constituents. Thank you for caring about his great State.

Ms. PELOSI. Well, he impressed us all when Fargo was flooded before—and now Bismarck, which was really kind of a surprise. He told me that when he was sandbagging, he was standing next to I think a heart surgeon on one side and a prison inmate on another. And it really didn't matter. They were all there to help the community.

But those of us who have experienced natural disasters in our communities know that this is a very fragile time for people because they have lost their personal resources—their home, their clothes, the rest—and it's hard to be a neighbor when you don't even have a home to go home to yourself. But the spirit that they have is something that will see them through.

We have to do our part so that as soon as they have fought and met the emergency rescue needs and the rebuilding, that they have no doubt that the Federal Government and this Congress will be there for them.

I join you in saluting Congressman POMEROY and his work on behalf of the entire State—he has an entire State. A Member of Congress with the entire State of North Dakota.

Mr. KIND. If the gentleman would yield on that point.

Mr. INSLEE. Yes, sir.

Mr. KIND. If there's anything worse than having to deal with rising waters, flood waters, it's having to deal with it in freezing temperatures. That's exactly what has hit North Dakotans right now. As a Member who I think

has more miles along the Mississippi River than anyone else in this place, we've had our fair share of flooding in the upper Mississippi region. Even when the waters recede, it takes weeks and months for the cleanup to occur.

I share in offering our best wishes and hopes and prayers for those going through this very difficult time and I'm confident that the United States Congress and the current administration will respond with the type of help and assistance that those communities are going to need in order to battle out of this mess right now.

Of course, Representative POMEROY is probably the most distinguished sandbagger in this place. It's an area of expertise you really don't want to claim. Unfortunately, he's had his fair share of experience. I'm sure those communities are going to fight through this again.

Mr. INSLEE. Thank you, Madam Speaker.

Ms. PELOSI. I thank the gentleman.

Mr. INSLEE. We'll turn our attention now, again, to the issue of how we promote this job creation in this new energy world. I want to perhaps now talk about the second thing this evening we want to talk about, which is how a cap-and-trade bill will actually promote job creation.

It's very important, obviously, for environmental reasons, why we want to prevent global warming. It is obvious why we want to get off of our addiction to Middle Eastern oil. It is obvious that we have national security concerns that promote the development of clean energy.

What is not so obvious always is the fact that we can create jobs by making smart and commonsense policies. I want to briefly talk about six things in the bill President Obama is ultimately going to help us pass that will be very helpful.

First off, in his cap-and-trade bill, he will pass and we will pass a cap on the amount of pollution that goes into the atmosphere, which our grandchildren deserve and we deserve and our homes deserve so that the climate does not change dramatically.

We have a cap right now on many pollutants. We limit the amount of, for instance, sulfur dioxide and other pollutants that go into the air. But, unfortunately, polluting industries are still free to put unlimited amounts of one of the worst pollutants in the globe right now—carbon dioxide—which is responsible for changing the climate of the planet.

So we need to essentially close the huge loophole in our laws right now and put a cap on the amount of pollution that's going in the atmosphere. Then we need to charge polluting industries for the right to put this into the atmosphere because obviously we don't want it to be allowed to go up there for free because it will be put in the air for free. And we can't do that as citizens.

We can't go to the garbage dump and take our pickup load of all the junk in our basement that accumulates—I don't know how, but it ends up there. We can't go to the garbage dump and dump it for free. We've got to pay $25, $30. That should be true too, including industries who put pollution into the atmosphere, which has a limited carrying capacity before the climate changes.

So President Obama has proposed we simply extend an American law we have for several other pollutants, including sulfur dioxide, to the gas of carbon dioxide.

Now there are six things I want to address about that bill and then I will yield to Mr. TONKO. I'll just note a couple of them.

The first thing in this bill is that the money that is generated when these permits are auctioned off to these polluting industries, the bulk of it is going to go right back to American citizens. It's going to go right back. It's going to be recycled so that American citizens have assistance with their energy bills.

So that money is going to be paid into a pool by polluting industries. The vast bulk of it is going to be recycled right back to American households for help on their utility bills.

We're going to have a way to get that job done. We are designing it now. We want to have bipartisan help, if we can do that. We would love Republicans to help us to do that because we hope that they'd want that to be the case, that a significant part of this go back to the American taxpayers.

So for those who are concerned about the utility bills, the first thing to realize about a cap-and-trade bill is the most significant part of this money is going to go right back to citizens. And that's perhaps the first thing people should know about it.

The second thing they should know about it is that some people are concerned from coal-producing States that if we pass this cap-and-trade bill, it will be too disruptive to their economies.

Here's a very important point for those who are in regions of our country that use coal, which is tremendously abundant and has been a very effective energy source for us, but in fact has the problem now that if we continue to burn it, if we burn all the coal we have, we will cook the planet, unless we find a way to sequester carbon dioxide and put it where it can't get in the atmosphere.

For those who are concerned about this, it's important to note that a significant part of this pool of money that will be generated is going to go to research to help the coal industry figure out a way to bury carbon dioxide so that it doesn't get into the atmosphere.

For those who worry about this—of the continuation of the coal industry—they ought to support this approach because we're going to generate money to help the industry develop a way not to put carbon dioxide in the atmosphere. If we do that, coal could have a long-term future in our economy. If we don't, it does not. Because we have to find a way to reduce the amount of carbon dioxide going into the atmosphere.

So here's two central points that those who are looking at a cap-and-trade bill and are worried about it. I hope they will realize the first thing, the money is going back to the consumers; second, we're helping industries that might otherwise be in dire, dire trouble if we don't help them out.

With that, I'd like to turn to a new Member of Congress, PAUL TONKO, who has a tremendous energy background. I'd love your thoughts this evening.

Mr. TONKO. Thank you, Congressman INSLEE. I appreciate your leadership in regard to the environment and the energy and what that means to this Nation's economy and certainly to job growth.

□ 1745

I think to summarize where we can be with this innovation economy is to speak to American energy produced by American jobs. That, in and of itself, is a powerful statement, knowing that we can grow our energy security, we can spark an innovation economy driven by a greening up of our energy policy, and reduce our dependency on the foreign imports of oil and petroleum from some of the most troubled spots in the world. And I believe that, as we do that, not only do we address our energy security, but we address our national security. It becomes an issue that allows us to better deal with international relations and to avoid the sort of involvement that we have had in the Middle East. So I think it is an important issue well beyond energy and job creation; it is also an international affairs issue, as we grow our international security, our national security.

The fact that American energy can produce American jobs that then provides a benefit in many ways to the American families from coast to coast is an important factor. Economists have estimated that well over one-half of the growth of our Nation's GDP was in relation to the development and adoption of new technologies, of emerging technologies. That was done on average with a 3 percent investment in R&D, 3 percent of our GDP. Think of what happens when we enhance that number, when we go well beyond the 3 percent investment in R&D. We should expect, rightfully, that then that produces a tremendous impact on our GDP, on the growth of our GDP.

The President has said, I believe correctly, in a very visionally sense that this struggling economy that we are working to improve now, a struggling economy which he inherited as President, can be improved if we provide assistance and reforms to our health care arena and to our energy arena. That produces jobs, that produces a response to the needs of the American society in a way that is cutting edge, state-of-

the-art. And as we grow that greening up of our energy supply, as we produce here locally in the USA rather than relying on foreign importation, we are then going to then strengthen the outcome because we are going to embrace the intellectual capacity of this Nation. We are going to take those R&D situations. Where there are success stories, we will deploy them to the commercial sector.

We have today shelf-ready technology that can assist in so many ways that speak to energy efficiency, that speak to job production, that speak to a much better use of resources, that provides for a favorable response to reducing that carbon footprint.

Mr. INSLEE. The good news is that President Obama is right on the beam of what you are suggesting; because in this cap-and-trade bill, he is not suggesting using the money that is generated by the polluting industries buying these permits for museums or nick-nacks. He wants to put the money that doesn't go back to consumers, that is recycled right back to consumers, which will be the bulk of it, he wants to put it in a research and development, and he is proposing $15 billion—frankly, we think it may end up being higher than that—to develop these American industrial technologies so we can put Americans to work in green-collar jobs. And I think that is so important, because if you look at the energy research we have been doing, it is pretty pathetic until President Obama was President.

I will give you what was an eye opener to me. The dog food industry of the United States spends more on research and development than the entire electrical utility industry of the United States. We have not done our knitting when it comes to research and development funds.

Now, we started in this new bill we just passed, which put about $70 billion into research, but we need the second, third, and fourth year out. And President Obama, in this cap-and-trade, we are going to dedicate these funds. They are not going to be used by Member of Congress for just some pet project; they are going to be dedicated for clean energy research and development.

And when President Obama talks about that, what I am particularly impressed about is he is not focusing on one little silver bullet here like he has got some favorite technology, he is putting it in the whole vast array of new possibilities; solar photovoltaic energy, concentrated solar energy, engineered geothermal energy, advanced biofuels, lithium ion batteries, coal sequestration to find out if we can burn coal in a way that doesn't put CO_2 in the atmosphere.

So this is a mechanism he has proposed to do for energy what John F. Kennedy did for space.

Mr. TONKO. Absolutely. And I think that that sort of vision that was shared with the public back in the early 1960s by President Kennedy is the sort of sequence here that we have with President Obama, where he is expressing to the Nation: We can do better than we are doing today. I believe that totally.

I am optimistic about growing out of this energy situation in a very powerful way, in a very expressive way that allows us to put an American stamp on this.

I represent Schenectady, New York. They are the city that lights and hauls the world. They earned that reputation because of the inventions and innovation that came out of that city through names like Edison and Steinmetz that determined our energy future over a century ago, and then manufacturing that took place in that city and in that Mohawk Valley region was all about invention and innovation. We saw what happened when they built the locomotives that hauls, again, the world. All of this is part of a spark of invention that drove an economy for decades.

We are at that same juncture now. As we have hit rock bottom with this economy it challenges us. We are facing a crises, but out of that can come opportunity.

Here is the opportunity. When you talk, Congressman, about the geothermal and solar and PV and all of those aspects, let me throw another one out there, kinetic hydropower.

When I was at NYSERDA, which was my workplace before entering Congress, we were involved with a kinetic hydropower project on the East River along the island of Manhattan. We were in demonstration project addressing this situation, and it is forecasted that we can produce as much as 1,000 megawatts of power through kinetic hydro, which is similar to a wind turbine but beneath the turbulent waters of the East River.

There are so many ways to deal with the environment in a benign way to produce energy. Over 8,300 megawatts in this country of wind power are existing today. We can do far better in the solar, wind, geothermal, kinetic hydro areas, and many other ideas that can transform how we produce energy, and produce energy that creates American jobs.

That is what this is about, American energy producing American jobs, speaking to the needs of American families and American business.

Mr. INSLEE. By the way, there are people who might be listening to us talk about this tonight who might look askance at some of these new technologies. They might think it is people with funny hats on talking about some kind of crazy thing that is never going to come to pass. And some of these technologies will not become commercially viable. The nature of exploration is that you try things, and some of them don't work and some of them do work. And some of the things we are talking about tonight may not work. But I would just hearken back to a recent experience.

Ten years ago, when we were arguing that we should try to develop wind power people thought those were just going to be little Dutch windmills that could never really generate electricity. Well, this year the United States of America became the largest producer of wind power, electricity generated by wind in the world. We are number one in the world of wind-power generation. And, more people today are working in the wind power industry than are working in the coal mining industry. That is not to diminish the importance of the coal mining industry. It is important. Those are good although very difficult jobs. But the point is, ten years ago people would have laughed at us if we would have said we are going to have more people working in the wind turbine industry than coal. And, in fact, that has come to pass, and wind is still going gang busters. We cannot put up wind turbines fast enough. We have to build the lines to get to them, and that is another part of President Obama's plan to build the lines to get to the wind turbines, and he has committed significant dollars to make sure we do that.

I want to point out something about the fourth point of some people's concerns about this cap-and-trade bill. Some people have expressed concerns that it would only help the coastal regions, the Seattles of the world where I am from, the Bostons of the world, and leave out the heartland, and nothing could be more further from the truth. I just want to mention a couple reasons.

Number one, one of the big winners in this new transition is the agricultural part of America, the heartland, for a couple reasons. Number one, it is where the wind is. And farmers today are getting $3,000 to $6,000 a year just in lease payments to leases a few hundred square feet to put a wind turbine on. And there are a lot of happy farmers in my State right now, and there are going to be a lot of happy farmers in the Midwest, in North Dakota and Wyoming and Iowa. There are going to be a lot of farmers sitting in that chair seeing those checks come in the mailbox from getting to rent these wind turbines.

Second, there is a way in this cap-and-trade bill that farmers may be able to essentially get paid for using their topsoil to sequester carbon dioxide. If they can find ways, tillage practices and the like, they can sell the sequestration service, the service of their soil of taking carbon dioxide out of the air and burying it in the soil; and we think there is a way we might be able to design a system to do that.

Third, biofuels. You know, we still have advanced biofuels. It is not just biodiesel and corn-based ethanol. That was sort of the first generation. Now we have got to move to the second generation of cellulosic ethanol and then the third generation of algae-based gasoline. By the way, there is a company called Sapphire Energy right now that just opened up their plant in New Mexico to do that.

So we want to make the point that those who care about the agricultural communities, there is a tremendous upside to moving forward with this cap-and-trade system.

Mr. TONKO. Congressman INSLEE, you mentioned agriculture. I will tell you that the State of New York through its SUNY operation, the State University of New York, has a number of ag and tech campuses. I can name one that I represent, Cobleskill, that is going through a transformational project of creating energy. There is a SUNY campus that is dealing with hybrid types of soy that they are developing so that it could be used in the biofuels system. Others are looking at beet produce that can be created in a way that will allow for ag diversification.

I represent many dairy farmers in my given area. We worked on a project when I was still in the New York State Assembly serving as energy chair, and we incorporated the services of NYSERDA, the New York State Energy Research and Development Authority, the local utility, Cornell University with its R&D efforts, and some ESCOs, energy services company, and the Farm Bureau. We worked together, and created energy efficiency programs that drove down energy demand at these dairy farms by anywhere from 30 to a 45 percent, and we started with two demonstrations and people were so favorably touched by that exercise, and then opened it up to 70 participants of different dairy farms that, again, realized a reduction in their bill, not by any change in the rate that was produced, but by the amount of energy they had consumed.

And you are dealing with a perishable product, one that is highly regulated. You have pumping and cooling processes that need to be addressed. They did this in an energy significant relief mannerism that produced a far better outcome for an industry that is stressed. We hear today about these dairy prices. We somehow as a society pride ourselves on eating cheap. Dairy farmers work 24/7. They need a fair price for their milk. But what we could do at that State level was reduce their cost of business, and we had done that, which I thought was tremendously powerful. The opportunity to invest in wasted energy projects on our various farms, of all sectors in this country, to deal with digesters.

You know, you talked about job creation and perhaps people seeing it as some sort of magic wand out there that is being waved. Let us just look over our shoulder at recent passed history just over the last century. What happened when we put our minds to work to R&D and innovation and invention? We went and produced an internal combustion engine, we went and developed electricity. That created unprecedented amounts of jobs in the manufacturing sector. And then, we put people to work on those manufacturing lines in the auto industry, and then put many people to work building dams, building power plants, and putting together our national grid system.

So we know what these jobs can look like. We know that when we invest in R&D, when we provide for our own American generation of power through American jobs, we can create a tremendous amount of economic recovery.

□ 1800

Mr. INSLEE. You mentioned the electrical grid. It is very important that we build an electrical grid that is up to these new technologies. And I will be introducing a bill in the next week or so to create a new Federal way of siting, planning and financing these new high-density, high-capacity grid systems to get that job done.

Before I yield to Mr. POLIS, I want to just mention one thing before I forget. There is a fifth concern about our cap-and-trade bill that the President has proposed. Some people have rightly been concerned about a market mechanism to allow companies to swap these permits. And given what we have gone through in the recent past, we all are rightfully skeptical of a new market system that could be manipulated by those who let greed overcome their common sense. So it is very important that when we design this system, we design a new regulatory system that is fully capable of being the most aggressive, most hard-nosed, toughest, most ambitious, most foolproof regulatory system known on planet Earth. We intend to accomplish that. We do not intend to allow this market to be abused, as other markets have been, including by regulating derivatives that have been the bane of some of these market disasters. So we hope to use this as a template on how to really do other markets so that we don't have that problem.

I want to now yield to Mr. POLIS from Colorado, who has been a great leader on these measures that have had tremendous success in the development of job creation in Colorado. We are envious of some of the things you're doing there.

Mr. POLIS. Right in my district, which includes Boulder County and Adams County, green jobs, green energy jobs have really been the fastest growing job sector in the last several years. It has really been a huge boon to us. As my colleague from New York (Mr. TONKO) said, when we are talking about building a green energy economy, we are talking about creating jobs. And we are talking about creating good jobs.

Some of this ties into the job preparation we need to do. I had the opportunity to join Representative TONKO earlier this week and learned about some of the projects that General Electric has training wind energy engineers in Upstate New York. It is a terrific program. Near my district, we have the National Renewable Energy Laboratory, and we have a wind turbine testing laboratory. These partnerships with community colleges and partnerships with workplace training are absolutely critical to make sure that people have the job skills of the future.

These are areas that America will not only be competitive in but will be growth sectors for jobs. The truth is we are not going to have the same strong economy, the same opportunity to support the middle class lifestyle with the same kinds of jobs that America did in the 1950s. Some of these jobs will still be around. But those are not the growth sectors of the 21st century.

One of those critical growth sectors, in addition to health care and others, is green energy jobs. And by having public policy that sets a framework nationally through a cap-and-trade, we are encouraging the creation of these very kinds of jobs that will help us emerge from this recession.

One more thing that sometimes gets lost in talking about the benefits and some of the individual things we need to address like, of course, we need a way to get farmers on board. We need a way to broaden the appeal and make sure that the money goes back to those who deserve it. One thing that sometimes gets lost are the costs of doing nothing, the costs of not taking action on climate change. Earlier today I was on the floor, and I have a little vial of pine beetles here, Dendroctorus ponderosae. I used them when we were talking about the FLAME bill earlier today, and the rule passed. But these are in epidemic proportions across Colorado and other States. I know Washington and Florida have an infestation. As a result of a changing climate, we have not had a cold enough winter in over a decade to kill off the larvae of those pine beetles. Now, of course, in any one particular event, you can't determine causality and say it was absolutely this or absolutely that. But the truth of the matter is we have not had a cold enough winter to kill these off. It has killed, in Grand County, in one of my counties, 90 percent of the pine trees. It is sweeping through Summit and Clear Creek Counties. These are counties that our viewers tonight will know because they contain popular ski resorts, Vail, Copper Mountain, Beaver Creek, Winter Park. And, of course, not only is it changing the ecosystems in these areas, it is also creating a huge forest fire risk.

This is just the tip of the envelope with regard to the vast, vast environmental changes that will affect our country with regards to climate change. And when we are talking about a farmer supporting himself, the cost of not taking action and having the weather dry up, having more sun where there is sun, less sun where there isn't sun, the cost of that needs to be taken into account. When you compare whatever we're talking about in terms of the costs here, with the cost of not taking action, it is not even close. And I think that is an important point to make as well.

Mr. INSLEE. I appreciate that comment. I'm going to make a couple of

closing comments and turn it over to my friends here. We have come tonight to try to assuage some concerns about this program. We know we have to move. Inaction is not an option. Failure is not an option here given what is going to happen to our country otherwise. But I just want to mention five things.

Those who are concerned about the impact on consumers, we will be recycling the money generated from this, to a large extent, back to consumers, right back into their pockets, number one.

Number two, for those who are concerned about the impact on coal-dominated regions, this is the only plan out there to help the coal industry survive long term by doing research to find out if we can sequester carbon dioxide and allow coal to remain a viable option for this country.

Number three, those who are concerned about the impact on agriculture, we know agriculture is going to suffer if global warming continues. Take a look at the drought and the almond farmers who are losing their orchards in California right now because of the drought. And farmers are going to be able to make money from this program in wind power, in sequestration and in advanced forms of biofuels.

Number four, we will provide the American people what they deserve in market protection. We will have a regulatory program that will keep the rascals out of our till in these markets. And it will be a template of further markets.

Number five, we will do for research and development what Kennedy did for space in the original Apollo project and finally get this country up to speed on generating these new technologies. So we hope people will take a good look at this.

We are very appreciative of President Obama's inspirational leadership here, and we intend to do our part.

Mr. POLIS. If the gentleman will yield for a moment before he departs, you hit all the objections. That is everything that we have heard on the other side. Anybody who objects, it falls into those categories. And you have a response. And there is a response for every one of those. All of these arguments fade away. There is not a single argument against taking bold action on cap-and-trade that we haven't addressed here today.

Mr. INSLEE. If you find anyone objecting, give them those five points, and we hope they will see the light.

With that, I ask unanimous consent that the gentleman from New York be redesignated the time.

The SPEAKER pro tempore. The balance of the majority leader's hour is reallocated to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Thank you very much, Congressman INSLEE, and thank you for your leadership.

You are very right in acknowledging the role that our new President is playing and his sense of vision that has been shared with the American public. It is that sort of boldness to take a golden opportunity and turn it green that this President has really embraced. He and his administration, Secretary Chu from the Department of Energy, and others are anxiously looking forward to creating that new era of energy generation for this country. And certainly Speaker PELOSI in our House and all of the leadership here and the respective chairs are fast at work, and the membership at large, because we know this is a great way for us to address this economic recovery that is so necessary.

Congressman POLIS, you mentioned the hearing the other day chaired by Congressman HINOJOSA who chairs the Subcommittee on Higher Education, looking at higher education and workforce opportunities. And you're right in that we create many jobs in that direct ripple that is caused by dropping the stone into the water here. That first ripple does speak to wind technicians and site operators, for instance, for wind turbine operations across the country. GE spoke to that at the hearing. But then it is all the other ancillary impacts that can be made in a way for our manufacturing sector, our agricultural sector and our service sector as we apply these funds to energy efficiency retrofits, as we work with various States to provide the resources that allows our manufacturing to be as smart and energy innovative as possible. Then when they are competing in that global marketplace, they will be winning the race because of doing it in a smarter and more energy-efficient way.

I think that is an important part here because there are many, many winners across the board as we move forward with these technologies. Looking at the inspiration that comes from the labs where we are developing some of these projects, it is important to indicate the success that has been driven by engineers, inventors and innovators. But this is also about reaching to the trades, making certain that our trades people are allowed to participate in this green-collar job growth so that as the white- and blue-collar traditional jobs now get in some ways transformed in certain sectors to green-collar job opportunities, we will have room for everyone from the skill set of the trades people over to the 2-year, 4-year graduate levels of the workforce that can really inspire this sort of innovation economy that holds great promise for an economic recovery.

Mr. POLIS. I think that is an excellent point because sometimes when people talk about the jobs that are being created, I think that our viewers might envision, oh, well, you need a Ph.D. for that, or you need to be a researcher. No. The vast majority of the jobs that are created are jobs that are good-paying jobs for working families, where we can do a good job in our high schools running vocational programs to prepare kids into these jobs. In community colleges, again, you talked about the testimony, most of the jobs created require associate degrees, 2-year degrees, we are not even talking 4 years, we are talking a 2-year degree to do a lot of these great green economy jobs.

This goes across the entire spectrum. Of course, there are some jobs for Ph.D.s and for college graduates. Across the board, this is going to be a critical growth sector and a growth sector in an area that makes America stronger. This is a patriotic sector. This is something that fundamentally helps the national security needs of our Nation, helps put America back to work and helps address the biggest global issue that we are facing, which is global climate change due to carbon emissions.

Mr. TONKO. It is interesting, because as we heard from a representative from a community college dealing with the greening up of jobs from Hudson County Community College in the capital region of New York, it is interesting to note that across this Nation, we are gifted with several campuses that are community colleges. And that has become in New York State the campus of choice. Because of the economics of the times, I believe a lot of people, if they have been displaced, are looking to train or retrain for other opportunities. And now with the growth of community colleges and the strengthening that they have been part of, they offer hands-on experience. So to watch some of the construction majors at Hudson Valley Community College being taught the state-of-the-art application of photovoltaic on solar array systems for rooftop application is a wonderful outcome. To witness that and know that there will be those individuals who can maintain, install and repair these systems and be part of that solution, because we need the human infrastructure to be developed so as to move into this energy revolution, as we look at our campuses, they hold great promise for this. In the State of New York, Hudson Valley has been working with NYSERDA, New York State Energy Research and Development Authority, through resources, through a plan, through a sense of vision that is shared and then incorporated into the work that they do. They reach out and deal with some seven or eight different community college campuses. They then train those people that will be the trainers in their given campus community.

Just recently I had met with Fulton-Montgomery Community College, again in the congressional district that I represent. And they are talking about the nano sciences, the nanotechnology growth in the capital region of New York. They are going to train people to work in clean rooms. They are going to make certain that they have that gift to be able to be there in all sorts of capacities, at all levels, to make this work so that as people look to growing

incubator opportunity, they are going to need a workforce, as people not only deal with startups but grow those given businesses that are there today that are energy and technology related, they will require the workforce that is specifically trained and ready to go.

This is a package that comes together nicely with the vision that is shared by this President, with the leadership that he has executed and with the outstanding leadership here with Speaker PELOSI and our many chairs and our leadership of the House.

Mr. POLIS. In addition to the energy production side, there are also good jobs in the energy conservation side, when we are talking about weatherization, when we are talking about reducing our energy consumption. There are two parts of the equation for carbon emission reduction and they are both equally as valid. There are a lot of great jobs in that area, too. So when we are talking about cap-and-trade, the American people should hear win-win. The American people should hear this is the solution to global climate change. The American people should hear, this is a solution to a whole host of national security issues and our reliance on foreign oil that weakens our country, and this is the solution to getting our economy going again and creating good jobs.

When Representative INSLEE was here, he addressed all of the objections that I heard. Have you heard any other objections, Representative TONKO?

Mr. TONKO. No. Not at all.

Mr. POLIS. They are valid points, where people say our farmers need to be part of it, absolutely. Representative INSLEE is right. Our farmers need to have a stake in reducing carbon emissions. It makes economic sense for them. Our farmers have the most to lose. Those who derive their living from the weather, from the grace of God, the sun and the rain, have the most to lose with regard to global climate change. I rank our farmers high in that category. And absolutely, they should have an incentive to be part of that solution. The money should stay within the system. We should address the market protection and make sure this isn't just a giveaway to big business or any kind of business.

All of those concerns have been looked at. And what we have before us, and what we are talking about, and, of course, we are still in the process of formulating it, is going to be a huge win for our country. This is probably going to be one of the most important bills that we can pass.

It is not just this bill. As Representative TONKO also mentioned, this goes across all different areas. Representative TONKO and I both happen to be on the Education and Labor Committee. When we are talking about job training for adults, when we are talking about vocational programs in our schools for kids, that is part of it, too. There is a tax component. There is a subsidy component. There is an international component to this because, of course, we need to use diplomacy to get other countries to be a part of our reducing our carbon emissions. America has been a global laggard this last decade, hasn't it, Representative TONKO?

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Mr. TONKO. Absolutely.

Mr. POLIS. And we have the opportunity to be a leader.

Mr. TONKO. Absolutely. And Representative POLIS is right. We have reached over all of the sectors, from agriculture to service, to small business to larger business and manufacturing and then industry, all of these areas are benefited, as are our homes, because housing in this country is a big part of the looming issue out there of carbon footprint, of energy consumption, and certainly it's a great opportunity for us to reduce demand.

But let's also look at that transportation sector. In this effort to grow new opportunities, we are going to look at that transportation sector and provide for advanced battery manufacturing, taking, again, R&D experiences that are working today, and put them to use, not only in the transportation area, but in energy generation and energy storage. Some of our intermittent power, whether it be solar or wind, needs to be bolstered by the fact that we can store that power so that when we are at peak situations, it is then most useful, and we can create that battery storage issue.

I am convinced. We heard again about various efforts to improve battery operations out there. And the fact that $2 billion, as part of the Recovery Act and certainly, additional involvement in the Federal budget will allow us to, then, move forward with the batteries of the future, be they Lithium batteries, Lithium ion battery or others that are being developed that will now allow us to really transform the transportation sector.

You know, when gas prices were hitting the $4 and beyond mark, everyone was exploding with the need for us to do something about it. Well, this takes a plan, and it's not going to happen overnight. We were warned in the '70s to begin to do your greening up of energy policy. That didn't happen. So we need to move forward and make certain that this innovation comes in the boldness that it requires and deserves and certainly that the American public deserves.

So Representative POLIS, I think our time is coming to a near end, so I will use that as my final statement, and then allow you to offer some comments.

Mr. POLIS. Well, thank you, Representative TONKO. And Representative INSLEE had some tremendous comments. I just want to address one more misconception that's out there. Representative TONKO, when he mentioned storage and batteries, got me thinking. I hear the naysayers say oh, the carbon footprint of creating these batteries is more than the carbon that's saved by using them. Well, through a cap-and-trade system, all of that is taken into account. If you're using carbon to create the batteries, then you don't have any net carbon savings, and that's reflected in the pricing. This creates a market mechanism that takes that into account.

They're looking at compressed air. They're looking at elevation, they're looking at a variety of techniques for energy conservation and together we can make it happen.

Mr. TONKO. Mr. Speaker, we thank you for the time allotted here this evening, and we most appreciate your courtesy.

CHALLENGES AND TROUBLES WITH OUR ECONOMY

The SPEAKER pro tempore (Mr. BRIGHT). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it's a pleasure to join you this evening and to talk about some issues that are of significance to all of us. And I thought that what we might do this evening, starting out, was just take a look at—many people are conscious of the fact that we've got some challenges and troubles with the economy. People are aware that we have a problem with jobs and having enough jobs to go around. We have some difficulties on Wall Street, as people know. We have difficulties on Main Street.

We have been told over a period of the last six or 7 years that we spent a whole lot, too much money in the war in Iraq and in Afghanistan. In fact, we have been regaled every day with stories about oh, we're spending more and more money.

But just to kind of put perspective on how much we have been spending lately, let's just consider the 6 years of the war in Iraq and add up all the money we spent in the war in Iraq, and then let's add to that the amount of money that we spent in Afghanistan. And you put the two together, and it's less money than we've spent in the first five weeks when this Congress was in session. That's kind of an amazing number.

We spent this, supposedly stimulus bill, $840 billion. What is $840 billion? Well, it's more money than we've spent in both of these wars over the past six and 7 years all added up, combined.

So how did we get into this situation that we are spending so tremendously much money?

I recall, the President made a statement. It said, ''We cannot simply spend as we please and defer the consequences.'' And many of the President's statements are noteworthy. This is a good statement. ''We cannot simply spend as we please and defer the consequences.''

The only question is, when you take a look at the level of spending, these

blue bars was President Bush, and these red bars, now, become the Democrats and particularly, here, this is this year. Now, this is not, doesn't have projections in it for economists making all kinds of predictions. This is actually what we are spending. And you see how much the spending has gone up. And so this line doesn't square too well with ''We can't simply spend as we please and defer the consequences.''

So how did we get into this really heavy, big spending kind of situation?

I think it's helpful—people say, oh, we just have to keep looking ahead and solving problems. I think it's good to look ahead and solve problems. I think it's also possible to take a look and see where did we make mistakes and what do we need to make sure that we don't do again. I90[H25MR9-R1]{H4012}

And if you take a look at how we got the economy in trouble, the story goes back, actually, a good number of years. It goes back even as far back as 1968, and that was when Fannie Mae was created. It's called a government-sponsored enterprise. It's not really private. It's not really government. It's sort of half and half. And so '68 we created Fannie Mae, and then in 1970, Freddie Mac. And the purpose of these organizations was to make it so that Americans could afford to own homes. And that is, of course a good thing. We all appreciate the American dream, particularly having, when you come home after a hard day's work, have a place that's really your palace. Maybe not a fancy palace, but it's at least a place where there should be some peace and when you can say yeah, this is my house. And that's always been part of the American dream.

And the idea was to create these agencies, to allow more people to have a chance to own their own home. And that was what a good enough idea to start with. But then we started to tamper with the idea some in 1977 with the Community Reinvestment Act, which mandated that Freddie and Fannie—or in the Community Reinvestment Act it mandated more banks had to make loans that were risky loans, not the sort of loan that a local bank would know the people living in their area and they'd say, oh, this is a good guy and he wants to buy a home, but we know he'll be able to pay his loan, so we'll go ahead and make that loan and we'll keep that on our books and allow that to go forward. And then every month we know this man in our community, we know he'll pay off his loan and soon he'll be a proud homeowner.

No, this was not what happened with the Community Reinvestment Act. What we're saying now is that banks have to lend money to people who might not be able to repay those loans, and the government's starting to say, you've got to make these loans that are not so good.

Well, in 1992, the Federal Housing Enterprise Financial Safety and Soundness Act mandated that Freddie and Fannie buy risky loans from the banks. So now pretty soon, you've got this and it's gone a little further. It's not just that the bank is going to make some risky loans, but now the bank has the option of dumping the risky loans on Freddie and Fannie. So you can see where this is going. What's starting to happen is that we're passing the accountability. And guess who's finally going to end up holding the bag? You guessed it, the U.S. taxpayer.

Well, here's what's going on. Now, this enterprise is saying you can take these bad loans, pass them on to Freddie and Fannie. Well.

Then we go to 1999, and under the Gramm-Leach-Bliley Act, this is where President Clinton expanded the number of bad loans, not maybe bad loans, but much more risky loans that Freddie and Fannie had to take. And so Freddie and Fannie now are picking up more and more of loans where it's not so clear people are going to be able to pay these things. And so Freddie and Fannie start to do some exciting footwork with their finances, and start packaging these loans up in unique ways, and selling them, through Wall Street, all over the world. And so this is going on in '99.

Now, other things are starting to take effect here. The economy was not so good in '99. And so, Greenspan, at that time, lowered the interest rate, took it way down so it created a whole lot of available liquidity, and the housing bubble starts going. And this was the year that I was elected to Congress, 2000. So 2001, if I'd come down here, I was really kicking myself by 2005 because anybody who bought a house in Washington, D.C., why, that house would have doubled in value in about 5 years. You're saying why in the world didn't I buy some big house in D.C.? And then later on you think, I'm glad I didn't.

But anyway, we haven't gotten there yet. So this is what's happening in 1999. Then things start to—the train starts to come off the track.

In 2003, Freddie and Fannie get investigated by The Securities and Exchange, and they admit that $1.2 billion accounting error. At that particular time, President Bush, seeing that, had been warned. Now there'd been some warnings before, back in 1999. New York Times, there's an editorial saying, we are setting up a problem. And here's the problem. You've got a whole bunch of loans that are very questionable, more and more questionable loans. And who is going to back up those loans? Who's going to end up having to pay for them if people default on their loans? So this is, who's going to pay? Well, Freddie and Fannie have all of these things. What's the implication? Well, Freddie and Fannie are backed by who? By the U.S. government. So if the loans are bad, now the U.S. government is, maybe not obligated, but pretty much obligated. By this time, Freddie and Fannie have got more than half of the home loans in America. So is the government going to turn their back and say, oops, all of this is stuff is just going to go away? No, of course. So this is starting to come along.

By 2003, the President sees these problems, and in this article, on September 11, 2003, the article, this is New York Times, September 11, 2003, it says hear, ''The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.''

So here you have, Republican President Bush is saying, uh-oh, guys. We've got trouble. We need to get into Freddie and Fannie. We need to regulate them some because they're starting to get wild and wooly with their financial wheeling and dealing, and what's going to happen is the government and the taxpayer are going to end up getting caught on the hook.

Well, what was the response? And did we go ahead and take the President's recommendation and move forward with further regulations of Freddie and Fannie?

Well, he was opposed. The same article in the New York Times, same one, September 11, 2003, the ranking Democrat of the Financial Services Committee, Congressman FRANK, is quoted in this article. ''These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis'' said Representative BARNEY FRANK of Massachusetts. Now, I think he didn't think they were facing any particular kind of crisis. But he was the ranking member on this committee. That means he was in the minority party in 2003. But he was opposed to what the President was suggesting, and that was a strong reining in of Freddie and Fannie's practices. Now, he, by himself, of course, couldn't stop a legislation because he was in the minority party.

So, following 2003, you have, in addition, you have the Bush administration in 2004, again, this is committee testimony saying, we've got to get on to Freddie and Fannie. And then by 2005, a bill was passed in the House. It was mostly, the one in the House was mostly voted for by Republicans. It was opposed by a majority of Democrats, or quite a number of Democrats. And the bill passes out of the House and then goes over to the Senate.

Now, the Senate is kind of an odd body because over there it takes 60 votes to get something passed. And as the New York Times reported, the Democrats were not in favor of this additional regulation on Freddie and Fannie. So here is another version, the Senate bill 190, it's the Federal Housing Enterprise Regulatory Reform Act 2005. And the Senate, it was passed out of the Committee on Banking and Housing and Urban Affairs, but the floor action was blocked by the Democrat minority.

So there's a difference, a political difference here, that the Republicans were in support of more regulation of

Freddie and Fannie. Democrats were opposed to that, killed it over in the Senate.

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Now, what happened then, of course, is that all of these bad loans spiraled more and more out of control, and as they did so, they started to create havoc in other parts of the economy. Now, was this problem created entirely because Democrats refused to regulate Freddie and Fannie? No, not entirely because of that. It was a very important component. Certainly, the bad loans are what put us on track for a very serious world economic situation. There was more to it, though.

There were people on Wall Street, such as Standard & Poor's and two other rating agencies—the ones that give us our credit ratings personally. They are the ones that said that all of these mortgage-backed securities were a AAA rating. Well, that turns out to also have been not a very wise thing, and they were not AAA rated. In fact, most of them have gone into default enough so that there is no longer any market for these mortgage-backed securities. So now we are at the point in the last year or two where we have what is clearly a recession on our hands. So what do you do with a recession? There are two basic theories about how you handle this.

The first one goes back to FDR and to his Secretary of the Treasury, Henry Morgenthau. Morgenthau, along with a guy, little Lord Keynes—he was a little weird, but he was an economist anyway—came up with this idea that when the economy gets in trouble what you have got to do is to stimulate it, and so what we are going to do is spend a whole lot of money, and that is going to make the economy a lot better. So they tried that during the Great Depression. After 8 years of stimulating—that is, spending tons and tons of taxpayer money—you have the guy who really came up with this scheme, Henry Morgenthau, now appearing before the House Ways and Means Committee in the year 1939. He talks about: How well does it work if the government spends a whole lot of money to get itself out of an economic fix? Well, here is what his quote was:

''We have tried spending money. We are spending more than we have ever spent before, and it does not work.''

This is the guy who supports this Keynesian model of economics, which says, hey, the more you spend money, the more it's going to fix the economy. After 8 years of the administration, we have just as much unemployment as when we started—and an enormous debt to boot.

Now, this is a lesson that Henry Morgenthau learned in 1939. He learned it at the cost of 8 years of Americans being out of jobs. He realized that this does not work. The Japanese did not learn the lesson, and in the '70s, they took their economy through 10 years of big government spending to try to get their economy going, and it did not work.

So what we have then is the problem of an approach to fixing an economic crisis which creates unemployment, and of course unemployment—lost jobs—really, really hurt an awful lot of common people. A lot of people who have worked hard all of their lives, who are trying to pay their mortgages off, lose their jobs, and now their houses are foreclosed. I think sometimes, in my own mind, of being the father of a family with a wife and with kids depending on me. I think of what it would be like to come home at night and see your living room furniture sitting on the sidewalk, and you're being tossed out of your house. That is the kind of thing we risk when we start using bad government policies. When we start to take this process of having people being encouraged to take loans that they cannot afford to take, we lose jobs, and things start to come undone.

There is a different approach, another way, of dealing with a recession. One way of dealing with a recession that we mentioned is, of course, the Keynesian model, or the idea of spending your way out of trouble. Now, we need a little bit of common sense down in Washington, D.C. We need a little common sense in Congress. Most people in a lot of our districts know that, if you get in trouble economically, the thing you do is you don't go buy a brand new car and spend money like mad, hoping it's going to get better. That's just plain crazy, and yet that seems to be what the government is doing.

Let's take a look and see what our response has been, because there is another approach. There was the same approach that was used by JFK, by Ronald Reagan and by President Bush, all three times effectively turning a recession into good, solid economic times. I've got a couple of charts here. I just want to throw a couple of these up because this is the heart of where we are in America today, and it affects every man, woman and child in our country.

What I have here right in front of me is the danger of using that Keynesian model—spending money out of control. Let's take a look at this chart. This is a pretty easy one to understand. I know charts are sometimes a little confusing or you have to try and figure out what they're saying, but this just tells you whether or not the family budget got balanced. Every single one of these bars is a line, and if the line goes down, it means the government spent too much money. If the line goes up, it says we actually did not spend as much as we took in. So, just like the family budget, the down lines mean, uh-oh, we went into debt. We're going back all the way here to 1980 and are going out here to this very year where we are.

So what has happened? Well, we've been spending too much money for a long time here. About how much too much? Well, you know, $3 billion to $400 billion worth. That's a lot of money. Here we had a couple of good years where we actually made some money. This was a Republican Congress. Bill Clinton and the Congress said we're not going to spend much money, and there were some disagreements. We actually saved some money for a couple of years. These years right in here are the 8 years of Bush, and Bush was criticized for spending too much money. I voted against some of that spending, and here is what the spending was:

You can see that probably the worst spending was somewhere in the range of about $400 billion. Now take a look at what happened this year in 2009. My goodness, this is absolutely unprecedented. That is the level of spending in 2009. Guess what? We're not done with 2009 yet. So this tells you that we have taken an approach which is saying, boy, are we going to spend some money. You can say that, maybe, President Bush spent too much money. I think he did, but it is nowhere near what we're seeing, and so this spending pattern seems to be in great contradiction with the statement that says: We cannot simply spend as we please and defer the consequences. This is what he said, but look at what we are doing.

I am joined here in the Chamber tonight by a very good friend of mine from Louisiana, Congressman SCALISE.

I know that you've been paying attention to some of these issues and have already, rapidly, distinguished yourself here in the Congress. I would appreciate it if you would give us your perspective on what's going on this evening.

Mr. SCALISE. Well, I want to first thank my friend from Missouri for yielding and for hosting this hour to talk about the real dangers of this road that we're going down. This is a budget proposal, this budget that we're talking about, especially these record levels of spending, but they are all proposals right now that have been filed by President Obama. Some of these are bills that have not even gone through committee yet but that are going to be going through committee.

I think what is happening and what we are seeing around the country is that the American public, during these tough economic times, is dealing with their problems. Families are cutting back right now. We are seeing that all across the country. People are saving money. They are paying down debt because they know that we are in tough times. We all hope that we get out of these tough times soon, but I think what is concerning people are some of the policy decisions coming out of Washington right now: these proposals by President Obama for these record levels of spending, with record levels of borrowing and of not borrowing from a savings account but borrowing from our children and grandchildren—because this is money we don't have—

coupled with record tax increases. These are not just tax increases on the rich—and I don't think class warfare is a good thing at any time. It is surely not a good thing now, during these tough economic times, to be threatening over $600 billion in new taxes, the bulk of which will fall on the backs of our small business owners—on the people who actually hire and employ 70 percent of the American workforce right now.

Mr. AKIN. Reclaiming my time just for a second, you are talking about these different tax increases and different things that are spending money. It's starting to get a little bit hazy because there are a number of them coming along, and it's easy to get them confused in your mind where it was that we spent money and how much. So I have put together some of the real big ticket items. I mean we're only into March, right? I mean it's only the first quarter. Let's take a look here.

This is the Wall Street bailout. It started, actually, at the end of the Bush administration. They did, I think it was, $300 billion or $350 billion, something like that.

Mr. SCALISE. $350 billion.

Mr. AKIN. $350 billion.

Then, under President Obama, we got the other $350 billion. So half of this is Bush and half of this is President Obama. Then we've got this economic stimulus—I call this the porkulus bill—and that was $787 billion in its final form. Then we've got the appropriations bill that we passed. That's another $410 billion. So, you know, we are well over $1 trillion here in less than—what is it?—3 months.

Mr. SCALISE. Sixty-five days to be exact.

Mr. AKIN. Sixty-five days.

I just thought it would be helpful to have those numbers up there. The main thing was the Wall Street bailout, then this porkulus bill and then this appropriations bill.

I yield.

Mr. SCALISE. What you are pointing out is exactly the concern that is going on throughout the country, the fact that, in the 65 days President Obama has been in office, our country has already incurred over $1 trillion in new debt. We keep hearing the word ''inherited'' a lot, and the President tries to imply that every problem that is out there and all of these spending bills are all things that he inherited.

First of all, the porkulus bill, as you call it—the spending bill that added over $1 trillion of new debt, which was his major initiative, his first initiative—actually was something that President Obama decided to do on his own. That added another $1 trillion. His budget that he has filed is a record.

This is a chart here that depicts the budget deficits over the last few years, but then project it forward under President Obama's budget, and you can see the first year of President Obama's budget is a record. It was $1.7 trillion. Just on Friday of last week, the Congressional Budget Office updated the numbers because they recognize now there is even more deficit spending, and they recognize the fact that now there will be over $1.9 trillion of deficit spending just in President Obama's first budget.

This is not a budget President Bush proposed. In fact, President Bush's last budget, as you can see, was somewhere in the $400 billion number, a number I'm not comfortable and, I'm sure, that my friend from Missouri is not comfortable with.

Mr. AKIN. Reclaiming my time, we have gone from $400 billion to $1.7 trillion?

Mr. SCALISE. More than tripling the deficit in just 1 year, and this is the latest projection. Now it is $1.9 trillion, roughly, in deficit spending that President Obama's budget has.

Clearly, this is not an inherited number. This is something that he has proposed spending and that we are going to fight. We are actively fighting it right now. I think, if you look across the country, the American people are seeing what these record deficits would mean. When the President says—and he said it again last night—that he wants to cut the deficit in half, I think a lot of people are starting to realize now that what he is saying is kind of a play on words, because he is not talking about cutting the deficit in half from the deficit that he truly inherited. He inherited a $400 billion deficit—again, a number that, I think, is too high.

So, if we agree that that number is too high and the President, himself—and of course, he was a Senator for the last 4 years, and he voted for some of these budgets—agrees that a $400 billion deficit is too high and he wants to cut it in half, then you would think that means he is going to have a $200 billion deficit, but that is not what is happening in his budget.

He actually proposes in his very first year a $1.7 trillion deficit, triple the budget deficit that he ''inherited.'' By his fourth year, he is still over $1 trillion now in deficits. So, clearly, he is not cutting it in half. He has raised the bar the first year to a record-level-high deficit, and still his fourth year is more than double the deficit that he inherited in the first year.

Mr. AKIN. Reclaiming my time, that is really clever politically. So, in other words, what you're saying is the first year, you kick it up—and it is whatever it is, three or four times more than it has ever been for a long, long time—and then you say, ''But I am going to cut it back so it's just a lot more than it has ever been.''

Mr. SCALISE. I'll give my friend from Missouri an example. I come from Louisiana. I was born in New Orleans. We've got some of the best restaurants in the world in New Orleans, and that is an undisputed fact, and I'm very proud of that fact, but if I were to decide tomorrow to go out every single night and eat at these world-class restaurants and, let's say, starting tomorrow and for a couple of days that I gained about 40 pounds while eating out and I say I'm going to cut my weight gain in half, after a couple of weeks, I'm down to a 20-pound increase. Well, at that point, I'm still 20 pounds heavier than when I started.

□ 1845

And so what happens is he starts off by raising, by actually going on, instead of an eating binge where you can get some good enjoyment out of the food, he goes on a spending binge spending money that we don't have, that our children and grandchildren who, I am sure, would not approve of this. And, of course, I have got a 2-year-old daughter. Nobody's asked her if she approves of this spending because she is going to have to pay for it. And yet they go on this spending binge in the first year and continue it all the way out through the full 4-year term of President Obama.

In fact, the Congressional Budget Office has estimated that in the first 5½ years since President Obama took the oath of office, the national debt will double in those 5 years—double from the point that this country started, going back to George Washington through President Bush, all the debt that has been inherited in our country for that entire period of time, over 230 years, President Obama, in just 5½ years, will double that record level of debt.

Mr. AKIN. Reclaiming my time.

We have a chart here. It is kind of an interesting chart in a way in that these are all of our Presidents. You start over here with George Washington and you end up down here with President Bush. And if you add all of the debt that all of these Presidents all the way through Bush put together every time when they overspent the family budget, if you will, and you keep adding all of that together, you come up with $5.8 trillion, which is bad. We shouldn't overspend that way.

But here, take a look at just from 2009 to 2016. That's not so many years. We're only talking about, what is that, 7 years. That's assuming, let's say he were President for 8 years and so this is all during his Presidency. What he's proposing is $8.7 trillion. So he's going to create more debt in 7 years than we have in 232 years of all the previous Presidents. This is kind of getting serious.

I have noticed that we're joined in the Chamber here by a judge. You know, judges are kind of sober and straightforward. And this guy is a judge from Texas, and Judge CARTER usually has some very interesting perspectives and a little bit of straight shooting and straight talk.

Judge CARTER, please join us.

Mr. CARTER. I thank the gentleman for yielding.

Actually I have been listening to what you have got to say, and I think it is a really interesting concept, but it is not one we haven't seen before.

When I first came to this Congress when the Republicans were in the majority, I happened to be on the Education and Workforce Committee, and No Child Left Behind, everybody was screaming they would need more money. I don't remember the funding numbers, but they were something like $8 billion. So we decided we would accelerate that to $10 billion because it was needed.

The minority offered an amendment to make it $15 billion and then put out a press release that said, ''Republicans cut No Child Left Behind $5 billion.'' And they never changed it. And I kept saying, Wait a minute. That's not right. We raised it $2 billion.

But from their proposal—which is the right proposal—if you look at this over here, I mean, it is pretty obvious in those out-years, that line is half as big as this big line. It is actually less than half as big, if you look at this. Nobody is lying right here. I cut this line more than half. Of course, it exceeds this line and far exceeds this line and far exceeds this line.

So to say before you propose a budget, you're going to cut the spending in half, and then you say but first I am going to jack it up 2½ times and I am going to raise it down to this level. Nobody is telling a story. It's half this.

But this is the record of all-time spending in the history of the Republic.

It is not half of this, which is the Democratic Congress with Bush, or half of this, the Republican Congress with Bush. But it's half of this, which is President Obama with a Democrat Congress. I think that's an interesting concept.

Mr. AKIN. We've heard about how bad Republicans and President Bush were, so I just made a couple of real simple comparisons.

This is the average annual deficit under President Bush, and it was $300 billion. Now we don't like that. But that was what the deficit was on an average under the Bush years—$300 billion.

Now under Barack Obama's proposed budget—these are his numbers; we're not doctoring them—this is what he's proposing. His annual deficit is going to be 600. He's doubled the deficit of President Bush. And we heard all of this stuff about how bad Bush's spending level is. Here is another way of saying it.

The highest deficit under George Bush happened to be 2008, and that, of course, was with the Democrat Congress, but that was $459 billion, and the projections by the Congressional Budget Office is looking at $1.2 trillion. That's more than double.

And here we got the increase in national debt. Under Bush, he increased the debt, from 2000 to 2008, $2.5 trillion. But take a look under Barack Obama, we're looking at almost double.

So everywhere down the line we're doubling. And we are not fighting the war in Iraq, and we're pulling the war in Iraq back, and we're, in fact, doubling everything.

So these numbers really need some attention, I think, and I appreciate your sharing.

I would yield to the gentleman from Louisiana.

Mr. SCALISE. As we look at all of these numbers—and, of course, it can become overwhelming. It looks like something that's almost hard to believe when you look at these record levels. But I think all across the country what you're seeing is people really are looking at this level of spending, and it is something that people don't want to stomach. It's something that they don't feel comfortable with. They realize how reckless this level of spending is.

In fact, all across the country right now we're starting to see TEA parties sprouting up. These are things that aren't being even organized. There was one I heard of in Orlando, Florida, the other day. Two housewives got very angry. They got mad. They wanted to channel all their anger that's been going on in Washington and all of the borrowing from our children and grandchildren, and they decided they were just going to put together a protest against all of this spending. Over 3,000 people showed up at this rally. In my district on April 15 in the largest parish in Louisiana they are planning a TEA party.

They are also planning another one in a place called St. Tammany because people are angry about the spending. They want to stop this because the good news is—and as we have been talking about all of this there is a silver lining—and the silver lining is this budget has not passed yet. This budget has been proposed by President Obama, but I think as he's laid it out there, not just Republicans but Democrats, Independents all across the country are speaking up just like we are here tonight on the House floor. People all across the country are speaking up saying, Enough is enough. Stop this runaway spending. And I think that's encouraging because there is an opportunity to slow this train down to regain fiscal responsibility.

Mr. AKIN. You talked about the TEA party. We were flushing a little tea down the Mississippi River from St. Louis. We had a TEA party, too, and I don't know whether that's gotten down to Louisiana yet. But we had the same thing. We have people saying, Wait a minute. This spending is out of control. Some of the money that we had on the chart here has already been spent. But there is a tremendous amount more spending that is being proposed. And we don't have to keep spending.

We did the $300-some billion bank bailout. That water is over the dam or down the river, however you want to look at it. And that porkulus bill at almost $800 billion, you know, you're talking about more than the war in Iraq and Afghanistan added together. We're talking about just 5 weeks here in the Chamber, and we have gone hugely into debt.

I am on Armed Services. One of the most expensive things we buy on my committee is aircraft carriers. We have 11 of them in the U.S.A., and this bill, for $800 billion, we could get 250 aircraft carriers. End-to-end I can't even imagine how many aircraft carriers that would be. We only have 11. The debt service and the money would buy 9 brand new aircraft carriers. We're talking a lot of money, and the American public is starting to get wise to this deal.

Mr. CARTER. I was thinking as you all were talking, these numbers will glaze over the eyes of almost anybody listening to them because there is such a tremendous amount of money that people just kind of go, whoa, this is more than I can think about. And I think that could happen.

There's been several examples that have been coming out. Recently I saw one in either Roll Call or The Hill, just the day before yesterday, where they were talking about if you spent a dollar a second, that 32,000 years from now you would have spent $1 trillion.

Mr. AKIN. Thirty-two thousand years? Now, wait a minute. What year is this? This is 2009 and you're saying 32,000?

Mr. CARTER. Yes. Thirty-two thousand years from now you'd spend $1 trillion.

Mr. AKIN. This isn't the year of 32,000. This is the year 2009.

Mr. CARTER. It's a number that shakes the imagination.

But there is more in this budget that we ought to be talking about that I think and I want to suggest, do you have information about this carbon tax?

Mr. AKIN. Oh, yeah.

Mr. CARTER. Let's talk about the carbon tax because I think that's something that people can relate to.

Mr. AKIN. Reclaiming my time.

The special hour that the Democrats did just before we came on here, they were talking about the glories and the benefits of this carbon tax and all the things they're doing with renewables and those kinds of things. But a tax is a tax is a tax.

What we're talking about here is this thing that's called cap-and-trade. I would call it cap-and-tax. This is $646 billion. This is another one of these things you have got to be real careful what you hear when you get an address from the President. Because as he was in this Chamber 6 or 8 weeks ago, he gave us a State of the Union or State of the State, whatever the address was called, he said, Look. I am going to guarantee you something. If you're making less than $250,000, I have got good news for you. I am not going to tax you.

He said that. We were sitting in here. And then he's proposing this cap-and-trade which really is a tax on the use of energy, particularly carbon.

And who is it that uses this carbon? Well, anybody who's got a house that's heated with fuel oil or coal or electricity or natural gas. All of those things are going to get taxed.

So this little tax, this $646 billion tax, is going to come from somebody. Guess who? The average homeowner. In fact, it has been estimated by one organization that you're talking about $3,100 per average household. That's some money for a lot of us.

Mr. CARTER. If you look at that, divide that $3,100 by 12, it's, what—I am not a mathematician—about $300.

Mr. AKIN. Three hundred dollars a month.

Mr. CARTER. A $300-a-month increase in your fuel bill.

Now, the way to remember all of this, when you think of this national energy tax that they are proposing, is from now until we get through with this debate, every time you turn off a light or turn on a light, realize that you have increased out of your pocket probably 50 cents. Every time you turn one on and maybe if you turn it off you're saving 50 cents.

But the bottom line is about $300 a month, next month, if this tax were to go into effect, would be coming out of your pocket. Okay. It wouldn't be something you did. And the real issue is more important because let me point out, and I pointed this out the other night.

Everything in this room was brought to you by a truck, including the clothes on your back and the food that you ate for lunch. And that truck ran on diesel, and diesel is going to be taxed. Therefore, that tax is going to be passed on to who? The consumer.

So everything in here is going to go up by a percentage.

Mr. AKIN. If you buy a chair or a table or a microphone, anything that you see sitting around us, you're going to move that by rail.

Mr. CARTER. Or the wood or the plumbing or the cement or the carpet or the clothing or the food you eat.

Mr. AKIN. There is energy tied up in everything. And it's all going up.

Mr. CARTER. Just the transportation costs are going to go up.

People need to realize if it's raising your heating bill and air-conditioning bill $300 a month, then some percent of everything else you're going to have is going up in value and cost.

Mr. AKIN. Reclaiming my time.

I don't want you to make things too gloomy here. We're not just talking about gasoline and natural gas and propane and electricity.

Mr. CARTER. And coal.

Mr. AKIN. We're talking about the price of all of the things that that energy goes into as well.

□ 1900

That would affect small businesses, too. I yield to my good friend from Louisiana and I know that you have had some small business experience. Maybe you can share your thoughts about does this make sense for us to be doing this great big tax increase on energy when the economy is struggling? Does that make sense to you? I yield.

Mr. SCALISE. It absolutely does not make sense to be doing this in good times or in bad, but especially when we talk about the economic times our country's facing, where unemployment is going up and just exceeded 8 percent nationally.

The estimates that are just starting to come out on the President's cap-and-trade—and he calls it a cap-and-trade bill, but clearly, this is an energy tax, a tax on energy to the tune, according to the President's budget, and this is not our number. This is the numbers that the President gave us. He expects to generate over $640 billion in new revenue through this energy tax, and this is something that's going to be paid for by every American family.

His budget director, Peter Orszag, a year ago when he was working for the Congressional Budget Office actually said this type of plan, this cap-and-trade energy tax, would cost every American family that uses energy roughly $1,200 a month minimum more in their electricity bill. Plus, anything that is produced by energy, any product that's produced by energy, would also increase in cost because this tax would be passed on.

And so, as the judge said, these goods, food, clothes, anything that's shipped by rail, by car, by truck, by ship, all of these goods will be taxed through this energy tax, the cost being passed on to the consumer.

What's more, early estimates in the first year alone, numbers we got from the U.S. Chamber of Commerce, showed that we would lose, the United States, would lose over 600,000 jobs that would leave this country. And we talk about the dangers of exporting jobs, losing jobs to foreign countries. Countries like China and India are not be going to be complying with this tax.

I will give you an example of a business, an opportunity, that is delayed right now, a job-creating opportunity in a time when we want to be creating jobs. In south Louisiana, there is a steel mill that a company from North Carolina was going to be building, and they're right now deciding between two sites. One site's in the United States, and it's in south Louisiana right outside of my district, but it's in south Louisiana. The other alternative location is in Brazil. So they're not even looking in the United States if they don't go to this location.

Mr. AKIN. Reclaiming my time a second, what you are saying is you've got some very hard manufacturing jobs. These are the kind that support other jobs in the community. You're talking about steel mill. You're talking about production. You're talking about a lot of investment, good solid jobs in the community, and your competition is not Missouri, is it?

Mr. SCALISE. The competition is not Missouri. In fact, the only competition is really the United States Congress is because what this company has said is they want to build this plant in the United States. They want to keep these jobs in the United States. This is a $2 billion investment, and we're not talking about government money. We're not talking about bailouts. It seems like some people in the White House and the leadership in Congress, they only want to give taxpayer money away to people to create jobs.

This is a private company that wants to spend $2 billion of their own money to build this steel plant which would create 700 good, high-paying jobs, and they want to do that here in United States. And they said there's one thing holding them back, and that's the President cap-and-trade plan. If the President's cap-and-trade plan, the energy tax, passes, they will not be able to build that plant in the United States.

Now, that plant will still be built. So people that think that this plant's going to do some damage to the environment, first of all, they don't have science backing them up on that. But if they think that, first of all, they're wrong because that plant will be built, but it's going to be built in Brazil. Those 700 good, high-paying jobs, the $2 billion of private sector investment will all be sent to Brazil. And Brazil's not going to use the same environmental controls, the same safeguards that we would use if that plant was run here.

So that's a real direct example, and that's one example. That's one of countless examples of what the President's cap-and-trade energy tax would do, not only to raise taxes on every American family, as even his own budget director pointed out, but also the direct loss in American jobs that would be shipped overseas if this plan passed. And this isn't something that we're just coming up with. This is something a corporation has said publicly that they want to spend $2 billion to create 700 jobs here in America.

Mr. AKIN. Reclaiming my time, these are hard jobs. This is a proposal by a company. I used to be in charge of maintenance in a steel mill. I didn't know if you knew that, but I did. In fact, my great-grandfather started a steel mill. I can tell you one thing about steel mills, they use energy. They use a lot of energy. If you're going to put this big, whopping tax increase on energy, guess what you're going to do. You're going to do the same thing that's going on here. You are sending jobs straight out of our country, and that's not what we should be doing in these economic times. It makes no common sense whatsoever.

Mr. CARTER. If the gentleman would yield for just a moment, in the Washington Post a couple of weeks ago, I saw an article about Germany, and Germany has had a cap-and-tax procedure over there now for 5 years. I believe that's what the article said.

Mr. AKIN. And how well is it working?

Mr. CARTER. Well, according to the scientists, they actually are putting more carbon in the air and in the atmosphere since they put the cap-and-trade proceedings in because those

companies that were dirty could just pay the tax and continue to be dirty. If you have got a dirty plant that's putting carbon dioxide, if it's bad, into the atmosphere and they say, well, fine, how much is the tax, here's the tax, I will pass it on to my customers down here that are buying my product, does that keep this stuff from going into the air? No. It's still there in the air.

Mr. AKIN. Reclaiming my time, what you're talking about, we see this when you really look at legislation we pass all the time, we pass legislation that's supposed to do one thing, and frequently it does the exact opposite. You know what I'm thinking, if I'm from the good old State of Missouri, we have plenty of guys. There's a lot of oak trees and a lot of chain saws, and you all of the sudden start taxing people's natural gas or their propane or if they have electric heat pumps and things and their family budget gets tight, guess what's going to happen. That old, dead oak tree out behind in the back 40, they're going to get that chain saw, they're going to fire that thing up, and they're going to get themselves a big, old, wood burning stove. And it may not be very efficient, and they're going to really put some CO_2 out.

And the thing that is supposed to be not making CO_2, instead of building a nuclear plant that makes no CO_2, which is if you were really serious that you're worried about CO_2, well, then you'd want to go with a nuclear because it makes no CO_2. But by doing this tax, all that's going to happen, we're going to make more CO_2. It doesn't even make a whole lot of sense, does it?

Mr. CARTER. It doesn't make sense. And the other thing is, at least some people who are very zealous on this theory say we're going to tax everything that produces carbon, and my thoughts were, we've been sitting here breathing now for 30 minutes, and every time we breathe out, we breathe out carbon. So are we going to have a little monitor that sits right here that monitors how much carbon we breathe as we go through the day?

It's ridiculous to talk about taxing something like that if it's not preventing the situation. You're right, nuclear is a major solution to big power. I'm all for alternative vehicles, and they will be a solution at some time that will help a lot and let's do it. But we don't have an electrical engine big enough to pull a big load down the highway unless it's a ship engine which is as big as this room.

So we've got to be practical about this stuff and say, all energy sources, let's clean them up, make them as good as we can, but let's continue to thrive by being the most productive place on the face of the globe.

Mr. AKIN. Just reclaiming my time, you know, the thing I'd like—we're going to be wrapping things up here pretty soon, and one of the things sometimes that there's some that would like to portray us as being just say ''no'' on everything. I think we need to deal with that for just a minute in our discussion here.

It's not that we think ''no'' on everything. We really think ''yes'' on everything, on a whole lot of things. We just don't believe that the solution to the economic problems that have been created by these bad loans and bad mortgages and things, which were a failed socialist policy, there was no failure of free enterprise. We don't think the solution to the economy is just spending tons and tons of money. And so that doesn't make us just ''no.''

There are ways to get an economy that's in a recession getting it going, and we've seen examples of people that have done it. Why don't we copy what works? JFK did it, Ronald Reagan did it, and Bush 2 did it in some of the tax cuts. If you do tax cuts and you cut Federal spending and you allow small business entrepreneurs, investors to have enough liquidity to invest, then you can get the economy going.

And so we've got a bunch of different kinds of solutions, but the bottom line is you've got to back off on the Federal Government sucking all of the liquidity out of the economy, and you have got to allow small businesses to invest. And you don't do that by taxing them to death, taxing them on their energy, taxing anybody who makes over $250,000. That's more than half of the small business owners in the country.

And so we've got a solution, don't we? It's not like we're saying ''no.'' Our solution is straightforward. You have to allow the investors and the small businesspeople to have enough liquidity to get the free enterprise system going and you've got to get the government in this incredible overspending off of their backs.

I wanted to make sure we're talking positively because we love America. This country has been through a lot of crises, and we're in a whale of a crisis now because of mismanagement. That doesn't mean we have to keep going down the same, dumb path that didn't work for FDR. It didn't work for the Japanese. We need to go for the things that work.

So what we are saying is we're opposed to stuff that doesn't work. We love our country, and we know how to make it better.

Mr. CARTER. If the gentleman yield, here's not a ''no'' issue on the CO_2 but an opportunity. We right now know that we can recapture oil in played out oil fields by charging those oil fields with, guess what, CO_2. So there's an industry out there for capturing CO_2 and charging oil fields with it. Louisiana knows about it, Texas knows about it, and so does the rest of the world.

That means if you put together a plant that captures the CO_2, rather than paying a tax so you release it in the atmosphere, and then you take it and put it in trucks and take it down there and put it in the oil fields, you actually produce more of the oil and gas energy that's in the ground, and the CO_2 is in the ground. That will actually keep CO_2 out of the environment.

Mr. AKIN. That seems like a whole lot better idea than taxing everybody that uses any form of energy and adding that to the price of everything else. That's just brutal in a rough economy. There's a lot of families in my district that are hurting, and to be doing this kind of budget imbalance, take a look at this, these are President after President after President, you can see, you know, this is the wrong track. This is just not the way to do something. The gentleman from Louisiana.

Mr. SCALISE. There are a lot of things that we are saying ''yes'' to. We are saying ''yes'' to fiscal responsibility. We're saying ''yes'' to lower taxes. I think people all across the country are saying ''yes'' to that, too, and that's why they're all pointing to Washington, and they're saying, ''no,'' don't continue going down this road of runaway spending, runaway deficit, runaway borrowing from our children and grandchildren.

We can pursue new technologies, as the judge talked about. There are companies right now pursuing technologies for carbon capture and sequestration where they literally would be going into those coal plants and capturing the carbon and storing it, holding on to it so it doesn't go into the air. We're pursuing and continuing to encourage the development of wind power, of nuclear power, of solar power, but all of those technologies combined are what it's going to take to reduce our dependence on foreign oil.

If that's our goal, and it should be our goal to increase our production of our own natural resources in this country, but what we've got to be very careful about as we discuss the dangers of this spending proposal and these taxes is what it does to future generations.

And there's one final chart I wanted to show, and that is what President Obama's budget does to raid the Social Security trust fund. This is a promise that was made not only to our senior citizens of today but to our workers of today and our children of tomorrow if they want to expect that Social Security program to be there for them, that they're paying into right now.

The fact, President Obama's budget in the first four years takes over $200 billion a year out of the Social Security trust fund. It actually raids those funds after the first four years of President Obama's term in office. He would raid over $900 billion from the Social Security trust fund alone, and then, of course, he still goes other places. He tries to sell debts to countries like China.

We just saw today—today, something very frightening happened. The markets reacted very negatively to it. They went out and tried to sell debt, as the country does throughout the course of each week. A few times a week the country goes and actually sells debt.

□ 1915

When they went today to sell debt, the number of people that wanted to buy that debt dropped to a low level—dangerously low level—and in fact they had to pull back. And you saw the markets drop dramatically because I think it is a sign. It's a sign that people are very concerned about these runaway deficits and what this is going to do to the value of the dollar down the road. And that's why we've got to be fiscally responsible. We've got to say ''yes'' to fiscal responsibility and stop this out-of-control spending that is going on in Washington.

Mr. AKIN. I guess you could say we are spending too much, we are taxing too much, we are borrowing too much. That is kind of a summary of it.

If you just take a look at these bar charts about the budget imbalance, you can see that. This is not the equation of how to fix an economy that's in trouble. That's not what JFK did. That's not what Ronald Reagan did. That's not what Bush II did to stop those recessions. This is even worse than what FDR did.

The problem we have is if something doesn't work, it just doesn't work. It's not like you're being negative. You're saying, Look, it's never worked in history. What we have to do is go back to the time-tested principles of the country we love—and that's just to trust the Americans, the inventors and the investors, the entrepreneurs, the people who love this country, who live the American Dream, who come here with some crazy new idea, give it a try and, by golly, the thing works.

They wake up some day and they've been sleeping under a park bench 10 years before and some guy and his wife realize they're millionaires and they didn't even know it was going to happen to them. That's what this country is all about.

The government can never create any wealth but, boy, we can sure keep other people from ever doing any by overtaxing them.

Mr. CARTER. I'm glad you made that point. What makes America great is the giving of the opportunity to succeed. The parents right now that are sending their children off to college and times are tight. Now they're not throwing money out the window for other projects. They're not going out and buying five flat screen TVs as a good idea to make things better for themselves. No. They're saving that money. They're cutting those costs. They're not eating out every night. They're doing these things so that they can do the projects that they want to do, which is send their kids to college.

That's normal budgeting. What we're doing here, what the President's proposing is not commonsense budgeting. It's voodoo economics.

Mr. AKIN. It strikes me as it may be worse than that. What we're doing here, we're killing the American Dream. That is what's going on. We're killing the dream for people that wanted to come to this country, own their own house, be able to send their kids to get a better education than they got before.

This is a country that is so unlike anything else in the world. We are such a special country. We are unique in so many different ways. Whenever you see there's a tsunami or hurricane, you see our people out there helping. We've been a bastion of freedom for people all around the world. They look at America and say, Hey those Americans have got it down. You could live the American Dream over there. They come flooding into our country. We're worried about the immigration because they understand what this country has always been about. It's never been about this kind of stuff—this irresponsible, runaway government spending. This is killing the dream that Americans have always come to believe in.

I yield to my friend from Louisiana.

Mr. SCALISE. Thank you. I see our time has about expired, but I think the important note that we're finishing on, and I appreciate your passion because there are so many people that are passionate, and that's what's great about this country, and we can stop this runaway train by continuing to have this debate tonight.

Mr. AKIN. This is taxing too much, spending too much, and borrowing too much.

STIMULATING THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Thank you, Mr. Speaker.

I enjoyed visiting with my neighbors and talking in the previous hour. They are welcome to join me if they would like to talk some more.

I'm going to be joined here in a minute by a good colleague of mine, LOUIE GOHMERT, a Congressman from east Texas, and we are going to talk about an idea that LOUIE has got. It's an idea that an awful lot of people find interesting. It's the idea that maybe the easiest way in the world to get money in the hands of the American people is to just give them their own money.

It's not real complicated. It's pretty simple. But I want to let him talk to you about it because the option that we've got right now is that as we look at that stimulus package that was supposed to stimulate the economy, and if you look closely at it—and I don't want anybody to take my word for it. I want you to go to the library or on the Internet and pull either a review of that bill, or that bill, and look into it and see how the money is spent. And you will see that it's spent on industries that don't exist, but maybe they can make them exist. It's spent on things that people wish existed, and maybe they can exist. But they are investing in those things.

Maybe they won't create jobs over the next 5 years, but maybe they will create jobs in the next 10 years. That's great, except that stimulus is supposed to be about now. It's supposed to be about doing it right now. If you believe that the economy gets saved by spending money, you need to spend the money now to stimulate the economy. If you're not, then you're putting off the rescue that you anticipate.

I would argue, however, that government spending was tried very extensively from 1931 until 1941, and the unemployment in 1939, according to the Secretary of the Treasury at the time, was the same as it had been in 1931. In that 10-year period, the largest expenditures in the history of the Republic at the time—we're fixing to top those tomorrow—but at the time had been spent, and we had not gotten out of what is called the Great Depression.

I want to make a point, too, that what TODD said in the other hour that I think is important that you hear. I want to tell you because I believe it's important that anybody that stands up here, confess your own sins.

We as a Congress cut taxes, but we failed to cut spending. We deserve to be told by the voters that we didn't do it. And they did. They told us. The Democratic Party said: We'll do it better. And they hired them to do the job.

But the key is both formulas cut taxes and cut spending and the economy will blossom. It has and it will. And it always has and always will. That's what the message is about.

People say, Well, that's the same old thing. I'm sorry, but let's be honest. Let's look at the last 8 years and then look at any time in the history of the country where you were involved in two major wars, came in with a recession, and had the largest single weather disaster in the history of the Republic in an 8-year period, and yet the economy after the first three quarters grew every quarter up until the last quarter of the Bush administration. This is what you look at to say: Are we in a recession or are we not in a recession? Are we growing? We were always growing. We are not growing now. Nobody's anticipating we're going to grow for the rest of this year, although some say maybe around Christmas Santa Claus is going to bring us some growth. And maybe he is. But I have my doubts.

My friend LOUIE GOHMERT, who should be here in a few minutes, has basically said, You know, if you want to stimulate the economy, there's an easy way to do it. Let's just give people a tax holiday. Just tell them for a couple of months, You don't have to pay taxes. You get your full paycheck. You know what? That might just be the solution.

So I'm looking forward to LOUIE talking about this tax holiday. In the meantime, let's talk about the budget just a little bit and what we're looking at.

I see that one of my classmates is here, all dressed up and looking dapper.

Doctor, would you like to let me yield you a little bit of time to say a couple of things?

Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I appreciate very much my good friend JOHN CARTER for yielding time. I know I came in kind of late in the discussion, but I had a couple of things that I wanted to offer as suggestions.

As we look at the budget and what President Obama and the Democratic majority want to do in regard to spending, it's based on some projections. I was watching television this weekend and I think the chairperson of the Council of Economic Advisers, Christina Romer, was saying over and over how confident she was that this budget and this plan of stimulating and restoring the vigor in the economy would work and that the President would be able to afford to cut taxes, let the Bush tax cuts expire, and that the GDP would grow and be robust.

Her projections that I recall were 4 percent GDP growth for a number of consecutive quarters. Of course, at this high unemployment rate that we're facing right now, my colleagues, it would come back down to the 6 percent range.

Well, here's a suggestion. Why don't we put some triggers on this budget and say that you can't let those tax cuts expire until you've had two or three consecutive 4 percent or more growth in the GDP and until the unemployment rate comes back down to 6 percent. If you're that confident in your program, put those triggers in there.

If my colleague will continue to yield, I've got one other suggestion, and that's based on this new program that we heard from Secretary Geithner and the Federal Reserve in regard to buying those toxic assets or troubled assets. They want the government to go—we, the taxpayers, Mr. Speaker—to go into partnership with the private sector. But who they mean by the private sector is these Wall Street Fat Cats—maybe some of them who got us in trouble in the first place. They've got cash on the sidelines. So they go into this partnership with the Federal Government but they get the best end of the deal and we, the taxpayer—my colleagues may have already gone over this, Mr. Speaker—but it's like the private sector has everything to gain, very little to lose, and the public sector—we, the taxpayer—has very little to gain and quite a lot to potentially lose.

Here's what I would suggest. If it's so good a program, why don't we just simply do this: To every person in this country who has an IRA or 401(k), maybe they're retired, to be able then for a one-time deal to put up to 10,000 extra dollars in their IRA and put that into a government fund and let them have the opportunity to invest in these troubled assets. Let the public invest and not just give this sweetheart deal to all these Wall Street Fat Cats and we, the taxpayer, who don't want to be involved in that, we would not be on the hook at all.

Honestly, I think a lot of people who have sat here and watched over the last year and a half, particularly the last 6 months, Mr. Speaker, their IRA value, their 401(k)s drop by 40 percent, the value of their home drop by 40 percent, this would give them an opportunity—praise God, hopefully—to recoup some of their money.

I just wanted to make those suggestions. It was brought to me by one of my constituents and a good friend in my district.

Mr. CARTER. Reclaiming my time, it's pretty amazing because I got an e-mail from a very good friend of mine, a very good businessman, John Avery back in my district, basically saying exactly the same thing. He said it would be criminal for the people who put us in this position to able to put 5 percent down and get 50 percent of the profits from buying up these assets. It would be criminal. And I happen to agree with him.

I actually think you have put forward a good plan—a place where those who have seen their 401(k)s go to 201(k)s, as we like to joke, that they be able to invest in people who would offer a group—but become involved in buying these at 5 percent down and 50 percent of the profits, these bad assets.

□ 1930

But don't let the guys that put us here get out of the mess and make 50 percent of the profit for a 5 percent investment. As my friend from back home said, it is criminal. And I agree with you, I think that may be part of what the plan is. And it frightens me with this bonus money we have already battled with that someone would plan a $1 trillion expenditure of our Federal funds that basically is going to prop up the very guys that put us in this mess.

Mr. GINGREY of Georgia. If the gentleman would yield for just 15 more seconds. I want to pay attribution to my colleague, a financial wizard, really, and a good friend, Tom Garr from Marietta, Georgia in the 11th Congressional District. Because it is, Mr. Speaker, our constituents a lot of times that bring us these great ideas. And we think we know everything up here in the halls of Congress, and sometimes we don't, or a lot of times we don't and it gets to be bizarro world, I call it. Even though the President is a great basketball fan, there is no place in this Congress or over down there on Pennsylvania Avenue for March Madness. It seems like that is what we have had here for the last couple or 3 weeks, and we need to get over that and move on. And I yield back to my friend.

Mr. CARTER. I am going to yield some time to another good Georgian, Dr. BROUN, to take as much time as he chooses to use.

Mr. BROUN of Georgia. I want to commend Dr. GINGREY, because we have been proposing all along some method of trying to develop a market for these toxic assets so that the taxpayers don't have to bail out Wall Street by giving money to the individuals that have created this mess through their own greed, through seeking their own end and putting the bill on the backs of the taxpayers, in fact, the people who can least afford to have that burden put on them, and that is small business in this country.

I want to remind the Speaker, as well as those here in the House and those listening, that Republicans offered an alternative to the TARP bill that was presented in the last Congress. Secretary of Treasury Hank Paulson was totally wrong. A lot of us on the Republican side voted against it, there were some Democrats even that voted against it. And we had an alternative, an alternative that would not have created this huge debt on the backs of the small businesses and the taxpayers of this country, and we need to find solutions.

We have proposed suspending capital gains tax. That would bring in a tremendous influx of cash offshore that is just sitting there. It would bring in a tremendous influx of cash into the financial system that would be placed in banks so that they would have money to capitalize loans. And, it would help stop some of the problems that we have with frozen credit markets in this country.

We have proposed suspending the mark-to-market accounting that the Federal regulators are still requiring the banks to go by, which is continuing to freeze up assets so that banks cannot lend out money to people with good credit. It makes absolutely no sense. We need to suspend mark-to-market and find some other means of accounting that makes sense, that doesn't just totally torpedo the capital assets of all these financial institutions.

Republicans have presented these plans. Unfortunately, the leadership, last year President Bush and under the directions of Hank Paulson, wouldn't even listen to us. They wouldn't consider those things. And it is one of the big mistakes I think that the last administration made. But, more importantly, we see the same kind of policy coming on right now today through Secretary of Treasury, as well as this current administration, as well as the leadership here in this House. And we as Republicans presented proposal after proposal after proposal, and the leadership here in this House and in the Senate have been obstructionist. They will not listen to any other alternative but their own steamroller of socialism that is being shoved down the throats of the American public. And it is going to strangle the American economy. It is going to choke the American people economically.

So I commend Dr. GINGREY for a proposal of creating a market for these so-called toxic assets. They have value as you, Judge CARTER, and Dr. GINGREY

were just discussing, and I applaud that.

We can solve an economic problem, and we can do it in the private sector, without increasing the debt of the Federal Government; because the Federal Government is borrowing too much, it is taxing too much, and it is spending too much, and we have got to stop it. I believe very firmly that if we don't have these alternatives considered, that it is going to strangle the American economy, it is going to lengthen the recession, it is going to deepen the recession, and maybe even push us into a frank depression. And we have got to stop it; not only for the good of small business, which is the engine that creates jobs and is the economic engine that pulls along the train of economic prosperity here in America, but also for the people who are going to be most disserved by this philosophy that the leadership in this House and the Senate are proposing, and that is, it is going to hurt the people on limited incomes, it is going to hurt the people that are on the lower end of the economic ladder here. We need to help them up the ladder by giving them good jobs, good-paying jobs. And the policies that have been proposed by this administration, particularly this new budget, are going to hurt the people that our colleagues on the other side supposedly want to help the most. But it is going to hurt those poor people. It is going to help to put those people in more economic straits, dire straits, where they are going to be struggling even more.

So I do congratulate Dr. GINGREY for bringing us another proposal, one that makes sense economically, one that makes sense to get us out of this economic downturn that we are suffering under.

Mr. CARTER. Reclaiming my time, if I may. Actually, I agree with everything you have to say.

And the real point here is that the American people have common sense. We talk about all of this budgetary language here. If we are honest, it is confusing to us, and it is certainly confusing to the American people. But they understand that when they have a budget shortfall in their budget back home, they have either got to make more money, work harder and make more money, or they are going to have to save. And if they don't have the opportunity to make more money, they are going to have to cut back on something.

Like I said a minute ago, you know, I have talked to people who say, I am sending my kid to a State school in Texas, which we are very blessed to have. They are expensive, but they are still reasonable, State schools. And, I have found that if my wife and I will just cut out buying our lunch every day at work and just take a sack lunch from home, we have got almost enough money to pay the tuition. We save almost enough money to pay the tuition.

So the American people know how to budget. They know how to look at what they have got and what they have got to get, and figure out a way to make it work.

So Dr. GINGREY's suggestion, which happens to be a suggestion of one of my constituents, too, is an outstanding suggestion because it basically makes sense. Sure as heck, if somebody puts the country at risk by their poor decisions on investing, then certainly don't let them get the benefit of a government program spending $1 trillion worth of taxpayers' money by letting them bail themselves out with a 5 percent investment. I agree with that. That is perfectly good common sense. And I think every American in America would say, I don't want those guys that created these bad assets to be able to pay 5 percent of the value that they are going to set, understand that, and then get 50 percent of the profits when they clean up those assets and sell them. And that is what is available potentially under the plan that has been put forward by Secretary Geithner.

Now, if he will step up, and I think we owe a duty now to tell him the American people don't want that, so that he can make rules that say all you guys that bought all these bad assets, don't you come in here with your 5 percent and try to bail this deal out. We have other people who want to invest in it. And then a great idea would be let people who lost on their 401(k)s join investment pools and maybe invest in some of these that might make them good money. A 50 percent return on a 5 percent investment is not a bad deal.

Mr. BROUN of Georgia. If the gentleman will yield.

Mr. CARTER. Yes, I will.

Mr. BROUN of Georgia. I appreciate the gentleman for yielding.

You made a couple points that I would like to point out to the folks who are listening to us tonight, is that we have a proposal by the Democratic leadership, by Secretary Geithner and by the administration, that is going to continue to borrow and borrow and borrow. And who are they borrowing from? Short term, they are borrowing from China and other foreign entities; but long term, they are borrowing from our children and grandchildren.

But, Judge CARTER, you made an excellent point, a good commonsense point that people all over this country do when they have economic problems, and that is that they tighten their belt and stop spending. And that is exactly what the Federal Government needs to do. We need to live on a balanced budget, just like the American people do every day. Unfortunately, there is not much common sense around here in the Federal Government, and we just see this policy of borrowing and borrowing and borrowing. We are borrowing way too much. And all it is going to do is just continue us into a deeper and deeper hole, because you cannot borrow and spend yourself to prosperity. And I think that is a great point that you just made.

And these assets, these so-called toxic assets have value, they have real value. They are not zero that the mark-to-marketing accounting rules require banks to mark them down to just because they don't have a market today.

Mr. CARTER. Reclaiming my time. I think we have made an excellent point here, as we both talked about; we came here because our good friend LOUIE GOHMERT, my colleague from Texas, has a proposal that deserves to be heard. And so I am going to yield such time as my good friend LOUIE GOHMERT may choose to use tonight, and I will just be here to try to help.

Mr. GOHMERT. I appreciate my friend from Texas yielding, also a former judge. Actually, he served on the bench longer than I did. And, Mr. Speaker, we appreciate the opportunity to try to point out some of these things tonight.

What struck me months ago was hearing that trillions and trillions of dollars were being committed on behalf of the Federal Government to try to help the economy recover. So I wanted to know how much money gets spent into the Federal Government by taxpayers just paying their taxes, ordinary individual taxpayers. And the answer we got was $1.21 trillion was what was expected to be paid from individual taxpayers for the entire year of 2008.

So I am thinking $1.21 trillion, that is less than supposedly Fed Chairman Bernanke and Chairman Paulson and now Secretary Geithner are committing of our money. Can you imagine what would happen with the United States' economy if you just told all the taxpayers in America: No taxes. For the whole year of 2008, no taxes. And if you paid it, you are going to get it back; and if you haven't paid it yet, don't worry about it before April 15th, because you are getting all your money that you have already paid in.

Can you imagine the cars that would be bought, the car dealers and the car manufacturers that would be bailed out by Americans choosing which car they wanted to buy? That was my thinking. That was the thought process.

I got a message from Newt Gingrich; he liked the idea. He said, what would you do if you added FICA in there? Well, if you added FICA, that is $65 billion per month. You could have 2 months of allowing every American to get back every dime that was being withheld for Federal withholding, both FICA and individual income tax, and do that for 2 months and still have spent less than the $350 billion that the Obama administration was looking to get from the half that was left over.

□ 1945

It turns out there was more than half left over. There may have been $450 billion from the original 750. We haven't got the final figures, which is another reason we all opposed that bailout back in September. It was a terrible idea because it was just too open-ended.

So anyway, Human Events had an article, this was their headline, Nobody

Pays Taxes For 2 Months, the Gohmert Tax Holiday Plan. Now one Texas conservative is challenging Congress and the White House with a commonsense plan that is much more likely to help our economy recover more than bank bailouts or any handouts to car makers. Two months' break from income or withholding for all taxpayers. The total cost would be actually less than $350 billion. It is effectively a 70 percent tax reduction for a year.

Also it was indicated by Moody's Economy, they did their own study and found that this idea would increase the 1-year gross domestic product more than any other plan that involved taxes. So I thought it was a good idea. And then I had my friend, Judge CARTER from Texas, point out that apparently other people had beat me to the tax holiday idea.

Mr. CARTER. I have been on the floor of this House talking about the fact that we need to resolve some ethics problems that are out there so that we can be sure that we feel comfortable trusting people that are making decisions around here. And then when my friend, Brother GOHMERT, talked to me about his tax holiday, I realized that I've been talking about two tax holidays now for a month. Mr. RANGEL took a tax holiday for $10,800 for 20 years. He didn't pay his taxes on his Dominican Republic rentals for 20 years. He took a tax holiday. And then when he finally ended up paying them, he didn't pay any penalty or any interest. So that's a tax holiday.

Mr. GOHMERT. What gets interesting, CNN had this report and had the quote from our President. He said, ''I campaigned on changing Washington and bottom-up politics. I don't want to send a message to the American people that there are two sets of standards, one for powerful people and one for ordinary folks who are working every day and paying their taxes.'' That was February 3, 2009.

Well, here is a chart that indicates that may have been going on, anyway, in spite of what the President said. You have got some powerful people here that have taken a tax holiday for a number of years, no penalties, no interest, where on the other side you have ordinary folks who are paying their taxes, and that is the quote from our President, ''ordinary folks who are paying their taxes,'' he said he didn't want two sets of standards. Well, we have had two sets of standards. They don't get any tax holiday. The leadership here has fought it tooth and nail. If you don't make your payments, there are no excuses. They come after you for the penalty and interest and all kinds of stuff to go with it. So, unfortunately, despite the assurances of the President, there are two standards that have been taking place here.

Mr. CARTER. Reclaiming my time for just 1 minute.

That has been my exact point. And that is why I introduced legislation to put forward the Rangel Rule. And the Rangel Rule is very simple. Everybody that owes taxes that doesn't want to pay penalty and interest, just write at the bottom of your tax form ''exercising the Rangel Rule,'' and the IRS won't be able to charge you penalties and interest. They will have to treat you just like Mr. RANGEL. I thought that was fair. And I thought I was being reasonable about that.

Then we have the Secretary of the Treasury come along, and he took a 4-year tax holiday on $43,200. Although he did pay some interest, he still hasn't had any penalty assessed against him either. So I guess we could change it to the Rangel-Geithner tax holiday or the Rangel-Geithner Rule. But I just kind of like Rangel Rule. It has a nice ring to it.

Mr. BROUN of Georgia. Will the gentleman yield?

Let's call it the Rangel Dangle Rule. I like that better.

It seems like people around here don't mind, there are a number of people around here that don't mind raising other people's taxes because they don't pay any themselves. So I compliment the gentleman. I appreciate your allowing me to throw in that. But I like your Rangel Rule. Can I do that?

Mr. CARTER. Reclaiming my time, you can certainly sign on to my Rangel Rule bill, and we are going to try to get that thing before this Congress, and we are going to start getting pretty serious about getting it done.

Mr. GOHMERT. It is really ironic, but it has been about 30 years ago, back then, a comedian, he wasn't so much an actor back then, I think he had been with a group called the Nitty Gritty Dirt Band. But he was out on his own as a comedian. Steve Martin was originally from Waco, Texas. He went to Waco High. Anyway, as part of his comedy schtick, he would say, you know, I'm going to write a book, ''How to Have $10 Million and Not Pay Taxes.'' And then he would lead the audience on. Well, they would want to know, how do you get $10 million and not pay taxes? He would eventually say, okay, okay, I'll let you in on the secret how you do it. First, you accept $10 million, which is pretty funny, because nobody just gets themselves $10 million unless you're a special person or something. And then he said, you just don't pay taxes. This is what Steve Martin said 30 years ago. Just don't pay taxes. And if they ever catch you, all you have to do is say, ''I forgot.''

Now, 30 years later, it is basically what we are seeing. People, powerful people. We don't want two sets of standards, one for powerful people. Well, the powerful people are able to file their forms, and if they have not paid their taxes, then they could just write, yes, ''Rangel Rule,'' or perhaps they could say, ''I forgot.'' Or ''it was just an honest mistake,'' or, the favorite one apparently of powerful people, ''Look, I used TurboTax. It's not my fault. TurboTax did that. I didn't do it.'' And then that saves you penalty and interest. So there ought to be a number of things, Rangel Rule perhaps, but TurboTax Rule. Maybe that would also free you up from interest or penalty on your taxes.

I yield back to my friend.

Mr. CARTER. And I thank you.

We have got here, what's really interesting is when the IRS gives you the money to pay the taxes, and gives you a form that tells you you owe the taxes, and says, now here is the check, you're responsible for your own taxes, be sure and pay them, and you sign that form agreeing to pay them, and then you say, it was only $42,000, and I just forgot. I mean, that is kind of what like our friend, Mr. Martin, said.

We make a little bit light of this, and we do that because, quite frankly, I don't want to be accused of being mean-spirited. But the facts are that we want people that are giving us ideas to save us from what could be an economic disaster. We want them to speak openly and honestly and come from a situation that we can trust them. And my whole issue that I have been raising are these issues of trust. I am not doing what has been done in the past and accusing people of being corrupt and that type of thing. I am not doing that.

I am pointing out accusations made by other people. And I'm saying that these accusations need to be resolved so the American people can trust the folks they are counting on to fix this economy. And the head of the tax committee of the House of Representatives, they need to be confident they can trust him. Our Ethics Committee needs to finish the investigation and get that done. And if he is exonerated, wonderful. But the American people have the right to know. The Americans have the right to know, can they trust the Secretary of the Treasury when he doesn't pay his taxes and he says, ''TurboTax messed up''?

First off, I kind of thought he was in a pay grade a little higher than TurboTax. But the point is, it's about trust. It is about the American people trusting the people they send here. That is why I continue to come up here every week and talk about these issues of lapse of memory or whatever it may be, and they need to be resolved by a finder of fact, whoever that may be, to resolve this issue.

Let me yield to my friend from Georgia for a moment.

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

We were just speaking a few moments ago about many alternatives that have been presented to this House that would be in the private sector that wouldn't borrow from our grandchildren, and our good friend, Mr. GOHMERT, with his Federal tax holiday, has provided us with a plan that would stimulate the economy and help hardworking Americans without growing the size of government.

My friend from Texas serves as a constant reminder that we are spending

the people's money and that policies like those supported by Secretary Geithner are just the most recent examples of policies from this administration that are not for the people, of the people, or by the people.

Mr. GOHMERT's plan is especially necessary as Secretary Geithner attempts to increase his power while moving away from the dollar, now that he is apparently open to moving the world economy towards an IMF-controlled currency system. Maybe he was at IMF too long and he is embracing a world currency based on IMF. I believe that the Secretary of the Treasury needs reminding that we are part of a government that is directed by the Constitution of the United States.

In fact, Congresswoman BACHMANN just yesterday asked him where in the Constitution is the authority that he is wanting to claim and expand his powers? He couldn't answer that because there is none there.

And that document, the Constitution, does not provide for any evolutionary changes in the Secretary's power without explicit Congressional approval, and, by extension, approval from the people of the United States.

Right now, neither has granted such approval.

This expansion of the powers of the Treasury Department is a cause of great concern and should be of great concern to every American. I was concerned when former Secretary Henry Paulson first started us down this path towards nationalization and government-run industries. And I'm even more concerned as I stand before the American public today and before this House today.

There are many good and justified actions that Congress can take to get us back on the path to economic prosperity, like a Federal tax holiday of Mr. GOHMERT's. But these recent developments, spearheaded by Secretary Geithner, are not only ill-advised, but they do not begin to fall into the realm of constitutional duties or authority.

I hope and pray that there is economic success in America's near future. But I believe that any gains to be made will come in spite of the actions of Treasury Secretary Geithner and not because of them.

It is my sincerest hope that people all over this great Nation will contact their friends, contact their family and contract their elected representatives to tell them to prevent the unconstitutional extension of the Secretary's power.

I'm pleased that Mr. GOHMERT has led the charge today to discuss these commonsense plans to restore power back to the people of this country, and I wish that congressional leaders would spend much more time considering our, the Republicans', commonsense alternatives that return power to the people instead of promoting the Treasury's grab for more and more power, particularly in view of the fact that it is unconstitutional and they have no constitutional authority to do that. I am very concerned about the Secretary's grab for power, nationalization of banks, nationalization of all businesses, such as they want to control AIG and others.

We have got to stop it. We have a steamroller of socialism going on here. That steamroller of socialism is being shoved down the throats of the American people. It is going to strangle the American economy. It is going to choke the American people economically. That steamroller of socialism is being driven by NANCY PELOSI, HARRY REID and the President of the United States. And that steamroller needs a speed bump. It needs a stop sign.

□ 2000

And Mr. GOHMERT's plan is an excellent plan. In fact, I'm a cosponsor of your bill. And I applaud this ingenious way of helping to stimulate the economy. And I'm also, should be a cosponsor of Judge CARTER's bill, for the Rangel rule. I love it. I think it's a commonsense way of saying that everybody should be treated equal under the law. That's what the Constitution calls for. Everybody should be treated equal under the law. And if Mr. RANGEL, Mr. Geithner, and others have the ability to do that, every American in this country should have the ability to write ''Rangel rule'' on the bottom of their tax form. And I love it. I think it's something that just puts a microscopic focus on the problem we have in this country today. The powerful, the elite, want to live in a way that all the other people in this country cannot, and it's wrong. It's absolutely wrong. And we must stop it. And I congratulate you, Judge CARTER.

Mr. CARTER. Reclaiming my time, and I thank you for those comments. Now I'd like to yield so much time as he chooses to consume again to my friend, LOUIE GOHMERT from Texas.

Mr. GOHMERT. Thank you. I appreciate the time. And I appreciate your leading this debate.

Mr. Speaker, it's good to have a chance to talk about these things. And I appreciate so much my friend from Georgia, Dr. BROUN, points being made. And as he said, this is an incredible power grab that's going on.

Now, we've had, made some light and been a little tongue-in-cheek tonight. But it's a little scary what's going on. And when you look at all the things that have happened so fast in 3 months, I'm telling you, I had no idea we could ever move this far this fast down the wrong road. And some say, a road to socialized, or to socialism like Europe, European socialism. It's not European socialism. It's socialism. That's what it is.

And what I struggled with, as I heard our President saying not only are we going to make it harder to get energy, because for folks, Mr. Speaker, that might not know at home, today, we passed an omnibus land bill that was 170 different land bills combined into one, 100 of which or so that had not been properly through committee process and had the vetting they required. And so many of those put more and more land off limits to production of energy, took natural gas and oil away. It's going to help raise the price of gasoline at a time when people have lost their jobs, other people are cutting what they're willing to take, so that others will keep from losing their jobs. It is a tough time for many people.

Now, I really feel like if the President would quit spreading the gloom and doom that our President did start—George Bush went out first and said, you know, depression's coming. But, good grief, you know, President Obama, with his gifts of communication, I thought, would help turn that around. Then he came in and also tried to set the bar low so it would be easier to get over it. Turns out that's been hurting the economy. Market's up a little bit this week, but good grief, at what price? Look at what's happened in the past.

So then when I hear our President say, you know what? We're going to cut the amount you can deduct for charitable deduction. And as I heard him, as I heard a replay of the interview, he said, basically, that a deduction shouldn't be the reason that you make a contribution to a charity. Well, that's nice. But it encourages people to make charitable deductions. So we start demeaning people who are making charitable deductions. Goodness, they shouldn't be doing it just to get a—you shouldn't make charitable contributions to get a deduction. So you're going to belittle the people that are helping the charities, when most of us know it's the charities, after a disaster, that can move straight in and immediately start helping people, not only in this country, but in other countries around the world. But whereas the U.S. government, we have to go through the government in another country, and often, whether it's a famine or something, we've been propping up governments that had no business being propped up because we're trying to get charity to the people, whereas charities can run right in and take care of it.

But anyway, I've struggled. Now, why would the President here, at this time when we're taking over AIG, taking over the car dealers, taking over Wall Street, why, at this time, would you choose to limit the deductible of charitable contributions?

And then it hit me. It hit me. It's all about the GRE. All about the GRE. That's what all of this is about, the GRE, the Government Running Everything. That's what it's about, the Government Running Everything. And that's what all of these things are about.

You know, people in positions that should have known better, not paying taxes. People, I mean, Secretary Geithner, for goodness sakes. I was on a conference call with constituents.

One lady I didn't know before the call was telling me she had just retired from the IRS. She said, IRS employees are incensed that they now have a boss who didn't pay his taxes when he knew he was supposed to.

And she went on to say at one point, I'd gone over to the boats at Bossier City in Louisiana, and won $600. And when I went to file my tax return and filed it, I forgot I had gotten that $600 that I won over there. So I immediately filed an amended return. And because I was filing an amended return, under the IRS rules, she said, an IRS agent who underpays taxes, no ifs, ands or buts, there's no excuses. You're fired. That's it. No recourse.

She said, I was being fired, and the only thing that saved me was my supervisor pointed out that I had not underpaid my taxes. I was getting money back, so the amended tax return didn't actually cause her to have to pay anything. Therefore, she was able to scramble, with her supervisor's help, and keep her job over $600, where she'd paid all the taxes that was due.

But now, everybody else in the IRS has a boss that has done exactly what she was about to be fired for if she hadn't overpaid her taxes.

It isn't right. And it appears that there are two standards already under this administration, one for powerful people, and then the other one for ordinary folks who are working every day and paying their taxes. That isn't right.

And we don't need the government running everything. Look at what we've done. You know, the government should be about making sure there's a level playing field so everybody can play fairly. And then we're to provide for a common defense against enemies, foreign and domestic. That means cheaters. So if people are cheating out on the playing field, we move in, we go after them.

But it turns out we have been so busy trying to tell auto makers how to make cars, trying to tell banks who they have to loan to, what they have to do, we have been so busy trying to tell everybody how to run their life, the government running everything, that we haven't been taking care of going after the cheats like Madoff. That should never have happened. I don't care which administration's in charge. Apparently it was going on under a lot more than one. It doesn't matter. The government needs to quit trying to run everything. Go after the cheats. Make sure everybody plays by the same rules, and if they don't, then punish them. But we should not be running everything, and that's what we see over and over.

And I hope the American people will think about these things, Mr. Speaker, as they start seeing gas prices go higher and higher, at the very same time we're putting more and more of our energy, our own energy off limits. And we're making, having more and more dictation, this cap-and-tax, going to add thousands of dollars to people's budgets they have to pay when we've got a budget here running out of control. And it is deeply disconcerting.

I know there are some people that are saying, well, maybe the American people will forgive the Republicans for overspending previously now that they've seen the Democratic majority has just more than doubled anything Republicans ever did, and give us another chance. I hope they will. I know those who were pushing the overspending before have learned their lesson.

But the trouble is, I don't know how much more of this damage to the country we can survive for the next year and a half before the next election. But I appreciate the chance to point these out.

And I would yield back to my dear friend, fellow former judge, Judge CARTER.

Mr. CARTER. Reclaiming my time, I thank Judge GOHMERT, Congressman GOHMERT, for a really heartfelt explanation of why he is trying to come up with alternative ideas. It's the same reason that Dr. BROUN and I are trying to come up with alternative ideas. We just see this phenomenal number that is looming on the horizon of expenditures, and we can't help but be just absolutely scared to death as to what it means for our grandchildren. I don't have any right now, but, by golly, I plan to, and I want to make sure that when I do, that I'm not leaving them $100,000 a person debt, which is something that at least one of the pundits has said, that when they finish with this, every American's portion of the debt will be over $100,000. That's today, without any interest stacking up on it. What's it going to be for our grandchildren and our great grandchildren? Because, believe me, the kind of numbers that they, the Obama administration, is putting forward in 60 days, they've done almost $3 trillion. There's another trillion on the drawing board that we just heard about that we're going to bring out of the Fed, which is ultimately still got to be paid back. We're not even looking at the numbers that are over in the Fed. And then we've got a $3.6 trillion budget proposed, which supposedly is going to be crammed down our throats next week, without much participation on the side of the minority.

So, yeah, we're worried. And yeah, that's one of the reasons that I come up here every week and talk about it's time for us to resolve these issues of trust. And I want to make it very clear, I sat here, when we were in the majority, in the chair that the Speaker's in sitting here tonight, and heard the term ''corruption'' used to every member of the Republican Party every single night. And I'll tell you, there were some people that deserved it. But the vast majority of the people didn't. And those issues got resolved, and they got it resolved in the Court and they got it resolved by the rules of the Republican conference.

There's nothing resolving the issues that are being brought up. And there's lot more than I've talked about here today, and I will talk about those too, because nobody's accusing anybody of being corrupt, but somebody is saying there are accusations that should be resolved. And it's a trust issue.

Can the American people trust our economy, trust our soldiers on the battlefield, trust our health care to people who have trust issues with the American people?

And I think the American people should say, whoever's in charge of resolving it, resolve it. Tell us, is this something we should be concerned about? Because they are. Or shouldn't we be concerned about it?

That's the reason I'm here. I think that's the reason Dr. BROUN's here. We're here to say, these are serious issues, serious issues for the American people.

I would like to have a little more time at the end. But I would like to yield some time to my friend, Dr. BROUN from Georgia.

Mr. BROUN of Georgia. Thank you, Judge CARTER. I appreciate your yielding.

You brought up a whole lot of very, very good points here. The American people should not trust this budget that's being presented because all it's going to do, in my opinion, is deepen the depression or recession, and probably put us into a recession.

I believe very firmly that if there is corruption, people should go to jail. If there are people who we cannot trust, as Congressman GOHMERT was talking about, if an IRS agent can't be trusted, they're fired. The American people need to be firing people who can't be trusted.

And we, as Republicans, are presenting a lot of things that the American people can trust in that look to the private sector, and will solve this economic problem. I applaud Congressman GOHMERT's plan of a 2-month tax holiday. That's the reason I very strongly endorsed his bill. In fact, I presented my own bill, or actually it was an amendment to that stimulus or nonstimulus, ''porkulus'' bill that we had here. My idea was if the Democratic majority was so bent on spending $835 billion, let's just divide it amongst the American people who are taxpayers, legal resident taxpayers in this country, and bail them out, instead of bailing out Wall Street. And if you divide that out, per legal resident taxpayer, we would have sent every single legal resident taxpayer in this country right at $9,000. A couple would have got almost $18,000.

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But the Democratic majority would not consider my amendment, one which makes sense and one which does not borrow from our grandchildren and put them in hock the way we see with this new budget coming forth on this floor next week.

So I applaud you, Judge CARTER, for bringing out these issues of trust. I know the American people did not trust Republicans, and they took us out of the majority in 2006. I was not here then. In 2008, they actually took more Republicans out of office.

We have, I think, presented many things to the American people that they can look at, and they can trust the Republicans to bring forth ideas and to stand firm on good ethics. On the trust of the American people, we are presenting solutions after solutions that make sense economically and that do not borrow from our grandchildren, and hopefully, the American people will trust us.

I just applaud what you are doing, Judge CARTER. I yield back.

Mr. CARTER. I thank you for your comments.

I want to thank my friends for coming out tonight and for joining me in this hour of talk and discussion. I want to thank the Speaker for being patient with us tonight and for staying here with us, and I thank those who work to make a recording of what is said here, which I happen to know from long years of experience is a very difficult job, and I always have a lot of sympathy for the court reporters who have to take down people who talk like I do, so I want to give them some credit here tonight.

I want to thank the American people. To those who did listen in, let's use some common sense, and let's get everything out on the table, and let's resolve any ethics issues we've got so that America can trust the people who are talking to them. If we talk straight and if we try to come up with straight ideas, I think the American people know that good, solid, commonsense ideas can fix things. I hope that they will participate in this representative form of government by contacting their Representatives and by making suggestions. I have gotten good ones from my constituents. They will send me more good ones, and I hope that everybody in America will contact their Representatives and will let them know how they feel about things and will give them the good ideas, because that is what a representative form of government is all about, and that is why we have a Republic. I am proud to be a small part of this Republic.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today and the balance of the week on account of an illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. RUPPERSBERGER, for 5 minutes, today.

Mr. KRATOVIL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. GUTHRIE) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, April 1.

Mr. JONES, for 5 minutes, April 1.

Mr. BURTON of Indiana, for 5 minutes, March 30, 31 and April 1.

Mr. CASSIDY, for 5 minutes, March 30, 31 and April 1.

Mr. FORBES, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BARTLETT, for 5 minutes, today.

Ms. EDWARDS of Maryland, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, March 26, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1048. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of the result of a public-private competition, in accordance with 10 U.S.C. 2462(a); to the Committee on Armed Services.

1049. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference [DC103-2051; FRL-8775-3] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1050. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Greene County 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2007-0176; FRL-8777-3] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1051. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to the Open Burning Regulation [EPA-R03-OAR-2007-0200; FRL-8773-1] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1052. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Clearfield/Indiana 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2007-0624; FRL-8777-4] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1053. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Alabama; Update to Materials Incorporated by Reference [AL-200822; FRL-8759-9] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1054. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Permits by Rule and Regulations for Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-OAR-2005-TX-0026; FRL-8780-5] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1055. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Determination to Approve Research, Development, and Demonstration Request for the Salt River Landfill [EPA-R09-RCRA-2008-0354; FRL-8777-9] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1056. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0513; FRL-8400-1] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1057. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0936; FRL-8402-8] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1058. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference [MD202-3118; FRL-8775-2] received 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1059. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of

a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more (Transmittal No. DDTC 147-08), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1060. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Australia (Transmittal No. DDTC 144-08), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1061. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Republic of Korea (Transmittal No. DDTC 148-08), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1062. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1063. A letter from the Chief Executive Officer, Neighborhood Reinvestment Corporation, transmitting the Corporation's Fiscal Year 2008 Annual Program Performance Report, prepared in accordance with the provisions of The Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

1064. A letter from the Chairman, Railroad Retirement Board, transmitting a copy of the annual report for Calendar Year 2008, in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

1065. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, ''Report of the Proceedings of the Judicial Conference of the United States'' for the September 2008 session and the June 2008 special session; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 608. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes (Rept. 111–53, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 608. Referral to the Committee on House Administration extended for a period ending not later than April 24, 2009.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALTMIRE (for himself, Mr. TIM MURPHY of Pennsylvania, and Ms. ESHOO):

H.R. 1699. A bill to require that certain complex diagnostic laboratory tests performed by an independent laboratory after a hospital outpatient encounter or inpatient stay during which the specimen involved was collected shall be treated as services for which payment may be made directly to the laboratory under part B of title XVIII of the Social Security Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mrs. CAPITO, Ms. NORTON, Ms. KAPTUR, Ms. DELAURO, Ms. BORDALLO, Mr. MORAN of Virginia, Ms. WATSON, Ms. HIRONO, Ms. FALLIN, Ms. KILPATRICK of Michigan, Mrs. BLACKBURN, Ms. SCHAKOWSKY, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1700. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Transportation and Infrastructure.

By Mr. JONES (for himself and Mr. TAYLOR):

H.R. 1701. A bill to amend title 10, United States Code, to direct the Secretary of Defense to establish a special review board for certain former members of the Armed Forces with post-traumatic stress disorder or a traumatic brain injury, and for other purposes; to the Committee on Armed Services.

By Mr. MILLER of North Carolina (for himself, Mr. PRICE of North Carolina, Mr. CASTLE, Mr. HINCHEY, Mr. ELLISON, Ms. MOORE of Wisconsin, and Mr. JACKSON of Illinois):

H.R. 1702. A bill to authorize assistance for affordable housing and sustainable urban development in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FATTAH:

H.R. 1703. A bill to require a study and comprehensive analytical report on transforming America by reforming the Federal tax code through elimination of all Federal taxes on individuals and corporations and replacing the Federal tax code with a transaction fee-based system; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:

H.R. 1704. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself and Mr. MILLER of North Carolina):

H.R. 1705. A bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty; to the Committee on Financial Services.

By Mr. RUSH (for himself, Mr. WAXMAN, Mr. DINGELL, Mr. DOYLE, Mr. MARKEY of Massachusetts, Mr. STUPAK, Ms. SCHAKOWSKY, and Ms. DEGETTE):

H.R. 1706. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. WOLF, Mr. YOUNG of Florida, Mr. KING of New York, Mr. CRENSHAW, and Mr. BURTON of Indiana):

H.R. 1707. A bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself and Mr. TERRY):

H.R. 1708. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. LIPINSKI, and Mr. EHLERS):

H.R. 1709. A bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. KENNEDY, Mr. GRIJALVA, Mr. HARE, and Mr. YARMUTH):

H.R. 1710. A bill to include family therapists on the list of professionals recognized to provide public school mental health services under the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. ABERCROMBIE (for himself, Mr. SABLAN, Ms. HIRONO, Mr. YOUNG of Alaska, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, and Mr. KILDEE):

H.R. 1711. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Natural Resources.

By Mrs. BLACKBURN (for herself, Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. WESTMORELAND, Ms. GINNY BROWN-WAITE of Florida, and Mr. PITTS):

H.R. 1712. A bill to amend title II of the Social Security Act to establish a Social Security Surplus Protection Account in the Federal Old-Age and Survivors Insurance Trust Fund to hold the Social Security surplus, to provide for suspension of investment of

amounts held in the Account until enactment of legislation providing for investment of the Trust Fund in investment vehicles other than obligations of the United States, and to establish a Social Security Investment Commission to make recommendations for alternative forms of investment of the Social Security surplus in the Trust Fund; to the Committee on Ways and Means.

By Mr. BOREN (for himself, Mr. COLE, Ms. FALLIN, Mr. SULLIVAN, and Mr. LUCAS):

H.R. 1713. A bill to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley ''Wes'' Watkins; to the Committee on Agriculture, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 1714. A bill to require that the Board Compensation Committees required for financial institutions receiving assistance under the Troubled Assets Relief Program include the representation of the financial institution's lowest paid employees; to the Committee on Financial Services.

By Ms. DEGETTE:

H.R. 1715. A bill to amend the Public Health Service Act with respect to the protection of human subjects in research; to the Committee on Energy and Commerce.

By Mr. HILL (for himself, Mr. ADLER of New Jersey, Mr. CARSON of Indiana, Mr. BURTON of Indiana, Mr. DONNELLY of Indiana, Mr. VISCLOSKY, and Mr. STUPAK):

H.R. 1716. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for real property taxes on the principal residences to all individuals whether or not they itemize other deductions; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mr. CAMPBELL, Mr. CANTOR, Mr. CARTER, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CULBERSON, Ms. FALLIN, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. INGLIS, Mr. ISSA, Mr. JONES, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LINDER, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MCHENRY, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. THORNBERRY, Mr. TIAHRT, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H.R. 1717. A bill to allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students; to the Committee on Education and Labor.

By Mr. KIND (for himself, Mr. HERGER, Mr. DAVIS of Alabama, Mr. PASCRELL, and Mr. THOMPSON of California):

H.R. 1718. A bill to amend the Internal Revenue Code of 1986 to treat amounts paid for umbilical cord blood banking services as medical care expenses; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California:

H.R. 1719. A bill to amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote the use of the Internet by State and local election officials in carrying out voter registration activities, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 1720. A bill to permit statues honoring citizens of the District of Columbia to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. PALLONE (for himself, Mr. DINGELL, and Mr. KENNEDY):

H.R. 1721. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. LYNCH, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, and Mr. RUPPERSBERGER):

H.R. 1722. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. STARK (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mrs. MALONEY):

H.R. 1723. A bill to provide for a paid family and medical leave insurance program, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself and Ms. SUTTON):

H.R. 1724. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the remediation of contaminated sites; to the Committee on Ways and Means.

By Mr. VAN HOLLEN (for himself, Ms. PINGREE of Maine, Mr. RUPPERSBERGER, Mr. KRATOVIL, and Mr. RAHALL):

H.R. 1725. A bill to amend title XIX of the Social Security Act to require, at the option of a State, drug manufacturers to pay rebates to State prescription drug discount programs as a condition of participation in a rebate agreement for outpatient prescription drugs under the Medicaid Program; to the Committee on Energy and Commerce.

By Mrs. BACHMANN (for herself, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. SHADEGG, Mr. KIRK, Ms. FOXX, Mr. PITTS, Mr. BARTLETT, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Mr. WAMP, Ms. FALLIN, Mr. FLEMING, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. AKIN, Mr. ISSA, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. GOHMERT, Mr. THOMPSON of Pennsylvania, Mr. LAMBORN, Mr. PAUL, Mr. CULBERSON, Mrs. BIGGERT, Mr. BROWN of South Carolina, Mr. JONES, Mr. POSEY, Mr. ROE of Tennessee, and Mr. CONAWAY):

H.J. Res. 41. A joint resolution proposing an amendment to the Constitution of the United States to prohibit the President from entering into a treaty or other international agreement that would provide for the United States to adopt as legal tender in the United States a currency issued by an entity other than the United States; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H. Con. Res. 81. Concurrent resolution recognizing the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawai'i; to the Committee on Education and Labor.

By Mr. THOMPSON of Mississippi:

H. Con. Res. 82. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring James Chaney, Andrew Goodman, and Michael Schwerner; to the Committee on Oversight and Government Reform.

By Mr. FLAKE

H. Res. 286. A resolution raising a question of the privileges of the House.

By Ms. BEAN (for herself, Mr. COOPER, Mr. KIND, Mr. HELLER, Mr. FLAKE, and Mr. CAMPBELL):

H. Res. 287. A resolution directing the Clerk of the House of Representatives to post on the public Internet site of the Office of the Clerk a record, organized by Member name, of recorded votes taken in the House, and directing each Member who maintains an official public Internet site to provide an electronic link to such record; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. FATTAH, Mr. SHERMAN, Mr. DICKS, Mr. KLINE of Minnesota, Mr. WALDEN, Mr. SMITH of Washington, and Mrs. BONO MACK.

H.R. 31: Mr. LATOURETTE.

H.R. 67: Mr. VAN HOLLEN.

H.R. 111: Mr. WAXMAN and Mr. CASSIDY.

H.R. 154: Mr. HINOJOSA.

H.R. 179: Mr. DOYLE.

H.R. 197: Mr. MICA, Mr. KLINE of Minnesota, Mr. POE of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. TIAHRT, Ms. FOXX, Mr. BILIRAKIS, Mr. JORDAN of Ohio, and Mr. MORAN of Kansas.

H.R. 272: Mr. BOSWELL.

H.R. 303: Mr. GRIFFITH, Mr. DOYLE, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 327: Mr. PIERLUISI.

H.R. 422: Mr. MCNERNEY.

H.R. 444: Mrs. CHRISTENSEN.

H.R. 498: Mrs. MYRICK.

H.R. 560: Mr. OLSON and Mr. MARCHANT.

H.R. 574: Ms. SHEA-PORTER.

H.R. 606: Mr. MOORE of Kansas.

H.R. 618: Mr. DAVIS of Alabama.

H.R. 622: Mr. PERRIELLO.

H.R. 626: Mr. SERRANO, Mr. SESTAK, and Mr. MOORE of Kansas.

H.R. 650: Mr. BOREN.

H.R. 653: Mr. SESTAK.

H.R. 699: Mr. SESTAK.

H.R. 729: Mr. SPRATT, Mr. MURPHY of Connecticut, Mr. CHANDLER, and Ms. JACKSON-LEE of Texas.

H.R. 745: Mr. CARNEY.

H.R. 775: Mr. BARRETT of South Carolina, Mr. LATTA, Mr. HIGGINS, and Mr. BISHOP of Georgia.

H.R. 785: Mr. SESTAK.

H.R. 873: Mr. MATHESON, Mr. SHERMAN, Ms. KILPATRICK of Michigan, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 927: Mr. KAGEN.

H.R. 936: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LUJÁN, Mr. BACA, Ms. GIFFORDS, Mr. COHEN, and Mr. BLUMENAUER.

H.R. 946: Mr. SIRES.

H.R. 949: Ms. CORRINE BROWN of Florida, Mr. WALZ, and Mr. DOYLE.

H.R. 953: Ms. GINNY BROWN-WAITE of Florida.

H.R. 958: Mr. MCHUGH, Mr. ROSS, Ms. Linda T. Sánchez of California, and Mr. SESTAK.

H.R. 978: Mrs. BACHMANN, Mr. MOORE of Kansas, Mr. MCMAHON, and Mr. MCHENRY.

H.R. 985: Mr. MAFFEI.

H.R. 997: Mr. CAMPBELL and Mr. THOMPSON of Pennsylvania.

H.R. 998: Mr. YOUNG of Alaska.

H.R. 1083: Mr. LAMBORN.

H.R. 1171: Mr. MICHAUD.

H.R. 1185: Mr. MCMAHON.

H.R. 1189: Mr. SESTAK and Mr. GALLEGLY.

H.R. 1210: Mr. DAVIS of Alabama.

H.R. 1214: Ms. WASSERMAN SCHULTZ.

H.R. 1220: Mr. LUCAS and Mr. BURTON of Indiana.

H.R. 1231: Mr. SERRANO and Mr. SIRES.

H.R. 1232: Ms. JACKSON-LEE of Texas.

H.R. 1242: Mr. ROONEY.

H.R. 1255: Mr. MCGOVERN and Mr. BOUSTANY.

H.R. 1256: Mr. SESTAK and Mr. MASSA.

H.R. 1261: Mr. SHUSTER and Mr. KISSELL.

H.R. 1264: Mr. HARPER and Mr. GRAYSON.

H.R. 1274: Mr. SERRANO.

H.R. 1285: Mr. FATTAH.

H.R. 1303: Mr. RANGEL and Mr. SESTAK.

H.R. 1305: Mr. COSTA and Mr. DOYLE.

H.R. 1330: Ms. WASSERMAN SCHULTZ and Mr. MOORE of Kansas.

H.R. 1339: Ms. KILPATRICK of Michigan.

H.R. 1341: Mr. ETHERIDGE.

H.R. 1380: Mr. SIRES, Mr. MEEKS of New York, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. BARROW, Ms. NORTON, Mr. JACKSON of Illinois, Mr. HONDA, Mr. MCMAHON, Mr. SARBANES, Ms. HIRONO, Mr. KENNEDY, Mr. HOLT, Mr. SESTAK, Mr. BRALEY of Iowa, Ms. SHEA-PORTER, Mr. ALTMIRE, Mr. CUMMINGS, and Mr. SPACE.

H.R. 1385: Mr. KILDEE.

H.R. 1404: Mr. TEAGUE and Mr. COFFMAN of Colorado.

H.R. 1406: Mrs. BLACKBURN.

H.R. 1427: Mr. KINGSTON.

H.R. 1437: Mr. OLSON and Mr. CARNEY.

H.R. 1449: Mr. DUNCAN.

H.R. 1454: Mr. KIRK, Mr. BOOZMAN, and Mr. SHUSTER.

H.R. 1458: Mr. SESTAK.

H.R. 1460: Mr. SESTAK and Mr. YOUNG of Florida.

H.R. 1470: Mr. MILLER of Florida, Mr. THORNBERRY, Ms. SCHWARTZ, Mr. GERLACH, and Mr. SMITH of Nebraska.

H.R. 1475: Mr. BRADY of Pennsylvania.

H.R. 1509: Mrs. MCMORRIS RODGERS, Mr. SMITH of Nebraska, and Ms. KOSMAS.

H.R. 1521: Mr. DENT, Mr. SMITH of Nebraska, Mrs. MYRICK, Mr. ALEXANDER, and Mr. SCOTT of Georgia.

H.R. 1548: Mr. CARSON of Indiana.

H.R. 1550: Mr. BLUMENAUER and Mr. YARMUTH.

H.R. 1569: Mr. JACKSON of Illinois and Ms. KILPATRICK of Michigan.

H.R. 1585: Ms. SLAUGHTER, Mr. ELLISON, Mrs. BONO MACK, Mr. SESTAK, Mr. MCNERNEY, Mr. BERMAN, Ms. KILPATRICK of Michigan, Mr. REYES, and Mr. CLEAVER.

H.R. 1615: Mr. TOWNS, Mr. HUNTER, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. GORDON of Tennessee, and Ms. ROS-LEHTINEN.

H.R. 1616: Ms. NORTON and Mr. SERRANO.

H.R. 1624: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1625: Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. JACKSON of Illinois, Mr. ROGERS of Alabama, Mr. ROSS, Mr. ISRAEL, and Mr. VISCLOSKY.

H.R. 1660: Mr. MASSA and Mr. LEE of New York.

H.R. 1663: Mr. ROONEY.

H.R. 1670: Mr. RANGEL, Ms. SCHAKOWSKY, Mr. LOEBSACK, Mr. GRIJALVA, Mr. NADLER of New York, Mrs. DAVIS of California, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mr. POLIS, Mr. REYES, Mr. SERRANO, Ms. DEGETTE, Ms. CLARKE, Mr. MCHUGH, Mr. FRANK of Massachusetts, and Ms. SLAUGHTER.

H.R. 1683: Mr. DOGGETT.

H.R. 1684: Mr. THOMPSON of Pennsylvania, Mr. DREIER, Mr. ROONEY, Mr. MORAN of Kansas, Mr. NYE, Mr. PAUL, and Mr. CASSIDY.

H.R. 1685: Ms. DELAURO and Ms. LEE of California.

H.R. 1694: Mr. MCGOVERN.

H.J. Res. 18: Mr. ROTHMAN of New Jersey.

H. Con. Res. 36: Mr. BILIRAKIS.

H. Con. Res. 42: Mr. LEWIS of Georgia.

H. Con. Res. 43: Mr. LEWIS of Georgia.

H. Con. Res. 60: Mr. GONZALEZ, Mr. MASSA, Mr. BACHUS, Mr. REYES; Ms. GINNY BROWN-WAITE of Florida, and Mr. MCHUGH.

H. Res. 20: Mr. YOUNG of Alaska.

H. Res. 65: Mr. SESTAK.

H. Res. 86: Mr. PLATTS.

H. Res. 111: Mr. ALTMIRE, Mr. DEAL of Georgia, Mr. ISRAEL, Mr. LINCOLN DIAZ-BALART of Florida, Mr. NEUGEBAUER, Mr. SARBANES, and Mr. JORDAN of Ohio.

H. Res. 130: Mr. MOORE of Kansas and Mr. WU.

H. Res. 164: Mr. MCCOTTER.

H. Res. 171: Ms. SLAUGHTER.

H. Res. 175: Mr. WU and Mr. LAMBORN.

H. Res. 244: Mr. LAMBORN.

H. Res. 254: Mr. MAFFEI, Mr. LYNCH, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. HARE, Mr. ENGEL, Ms. MCCOLLUM, Mr. MORAN of Virginia, Ms. KILPATRICK of Michigan, Mr. PAYNE, Mr. WEXLER, Mr. KILDEE, Mr. KENNEDY, Mr. PASCRELL, Mr. MARKEY of Massachusetts, Mr. BISHOP of New York, Mr. DAVIS of Tennessee, Mr. CROWLEY, Mr. DUNCAN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KANJORSKI, Mr. BOSWELL, Ms. HIRONO, Mr. CARNEY, Mr. HIGGINS, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, and Mr. TONKO.

H. Res. 258: Mr. SIRES, Mr. ORTIZ, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Mr. FILNER, and Mr. POLIS.

H. Res. 268: Ms. ZOE LOFGREN of California, Mr. MORAN of Virginia, and Mr. CARNAHAN.

H. Res. 269: Ms. BORDALLO, Mr. PLATTS, and Mr. BROWN of South Carolina.

H. Res. 272: Mr. CHAFFETZ.

H. Res. 274: Mr. BRALEY of Iowa, Ms. DELAURO, Mr. HINCHEY, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mr. DONNELLY of Indiana, Mr. COURTNEY, Mr. MURPHY of Connecticut, Mr. PALLONE, Mr. BUTTERFIELD, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Ms. DEGETTE, Ms. BERKLEY, Mrs. MCCARTHY of New York, Mr. TOWNS, Ms. WATSON, Mr. KLEIN of Florida, Ms. WOOLSEY, Ms. HIRONO, Mr. LIPINSKI, Mr. SNYDER, Mr. MCNERNEY, Mr. SHULER, Mr. ELLSWORTH, Mr. BOREN, Mr. NYE, Mr. HILL, Mr. TANNER, Mr. CARDOZA, Mr. GRIFFITH, Mr. KRATOVIL, Mrs. MALONEY, Mr. DRIEHAUS, Mr. MINNICK, Mr. WALZ, Mr. CAPUANO, Mr. BERRY, Mr. MELANCON, Mr. SIRES, Mr. BARROW, Mr. SERRANO, Mr. GRIJALVA, Mr. CARNEY, Ms. VELÁZQUEZ, Mr. SARBANES, Mr. HODES, Mr. MCCARTHY of California, Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, Mrs. CHRISTENSEN and Mrs. CAPPS.

H. Res. 283: Mr. MCCOTTER, and Mr. MURPHY of Connecticut.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendments to be offered by Representative Hastings of Washington or a designee to H.R. 146 the Omnibus Public Land Management Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, MARCH 25, 2009 No. 51

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Most holy and gracious God, who turns the shadow of night into morning, thank You for the gift of this new day. As we work for You and country, let the light of Your countenance shine upon our lawmakers, calming their troubled thoughts and guiding their feet in the way of peace. Lord, give them the ability to see the small things that need their attention and the courage to see the things that are not and ask ''Why not''? Turn their minds and hands to the tasks that bring glory to Your Name, and may their words and thoughts be acceptable to You. May the knowledge of Your blessings to our Nation awaken in them a deeper commitment to You.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL 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 leaders' remarks, we are going to have morning business for up to 1 hour. The first 30 minutes will be controlled by the Democrats and the Republicans will control the second 30 minutes. During that time, Senators will be allowed to speak therein for up to 10 minutes each.

Following morning business, we will proceed to, once again, take up the National Service Reauthorization Act, H.R. 1388. At noon, we are going to vote on the confirmation of David Kris to be Assistant Attorney General. We have a special Democratic caucus from 12:30 to 2 p.m. today. The President will be at that caucus. After the caucus, the Senate will resume consideration of the national service legislation. Rollcall votes are expected to occur throughout the afternoon. We are not going to be in recess from 12:30 to 2 p.m.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we will be in recess from 12:30 until 2 p.m. I said that we would not be, but there is already an order to that effect. I wanted to explain that.

RECOGNITION OF THE REPUBLICAN LEADER

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

AMBASSADOR RYAN CROCKER

Mr. MCCONNELL. Mr. President, it is appropriate for us to honor, from time to time, outstanding public servants whose work on behalf of the American people might otherwise be overlooked.

Next week, Ambassador Ryan Crocker will return home to Washington State after a remarkable career promoting America's interests abroad. In a career spanning nearly 40 years, Ambassador Crocker has represented the United States in some of the most challenging environments. So it is fitting that we pause to honor him for a job well done.

A graduate of Whitman College in Washington, Ryan Crocker joined the Foreign Service in 1971, beginning a career that would take him to diplomatic posts in Iran, Qatar, Egypt, Lebanon, and Iraq. Ambassador Crocker served as Ambassador to Syria, Kuwait, Lebanon, Pakistan, and, most recently, Iraq. Clearly, he has not shied away from a challenge. And he has excelled at every one.

Earlier in his career, Ambassador Crocker served in Lebanon during the Israeli invasion of 1982 and the bombing of the U.S. Marine barracks in 1983—experiences from which he would later draw important lessons while serving in Iraq, particularly in 2007, when Shia militias and Sunni insurgents fed sectarian tensions and tribal feuds.

Ambassador Crocker's career spanned the entire Middle East and recent U.S. history. But he will undoubtedly be remembered most for his service in Iraq.

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

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Success in Iraq was never ensured, but it was made far more likely by the presence of Ryan Crocker. As Ambassador from March 2007 to February 2009, he was instrumental in carrying out the diplomatic tasks required to implement the counterinsurgency strategy, and to successfully defend that strategy before a skeptical Congress. He also carried out the negotiation that produced the Status of Forces Agreement, and he helped Iraqis through provincial elections. In all this, Ambassador Crocker forged a strong partnership with GEN David Petraeus that protected our Nation's interests in Iraq at a moment of peril.

Ryan Crocker has served his Nation with honor, and our country owes him a debt. He is a diplomat's diplomat, the best of the best, and a tribute to the State Department that he has served. He is also a very fine man, and I wish him well in retirement and the best of luck in the future. Ambassador Crocker may be leaving the stage, but his service to our Nation will not be forgotten.

I yield the floor.

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

Mrs. BOXER. Mr. President, what is the order?

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business 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 California is recognized.

THE BUDGET

Mrs. BOXER. I came to the floor to talk about the budget debate. I think it is very important that we let the American people know where we are on the budget and what this debate is really all about.

We have a new President and we have a new budget, thank goodness. We have a budget that reflects the hopes and dreams of the American people. We have a budget that is going to cut the deficit in half by the time this President's term is over. We have a budget that is absolutely open in terms of the way it spends our money and the way it saves our money.

It is important that we take a look at the type of economy this young President inherited: Record deficits. Record deficits that President George W. Bush's own party supported. It is very important that we remember that when George W. Bush got the key to the Oval Office, we had surpluses. Then we saw a 50-percent increase in spending. We saw a debt that was about to be put away go up in major proportions. We are seeing the playing out of the worst recession since the Great Depression, a financial market in crisis, and a housing market in crisis because of the deregulation that was the centerpiece of George W. Bush's and the Republicans' leadership.

We are paying the price of those years today. We have a young President who came into office and said: Be patient, we are going to change the way we do business in this country. And we are going to do that. We started with the stimulus bill that got not one Republican vote on the House side, although some of my Republican friends over there are running around my State taking credit for the bill they voted against. We had three Republicans over here, whom I praise mightily for having the courage to do the right thing and get this economy back on track.

We have seen the loss of 3.3 million jobs in the last 6 months. The President is dealing with two ongoing wars that, by the way, were never paid for in the budget. They were taken off the budget. He now puts them in the budget so that the American people can see the truth. President Bush put them in emergency spending even though we knew he needed to fund them.

What we have in the President's budget is a refreshing change of reality, honesty, integrity, and investments that have to be made. What are we getting from our Republican friends? We are getting just what we got when the Clinton budget passed without one Republican vote. I want to take us back to that because I think it is very interesting, intriguing, and enlightening to see what our Republican friends said about the last Democratic President's budget. You would have thought the sky was falling. You would have thought the universe would never survive. I have some of the quotes they made about the Clinton budgets.

If people will remember, Al Gore, as Vice President, had to come over here and cast the tie-breaking vote on that budget. Here is what happened as a result of that budget; we will talk about that first. As a result of the Clinton budget, we saw 23 million new jobs created in this country—not millions of jobs lost but 23 million jobs created. What happened to the deficit under the Clinton budget? It went down, down, down, and we wound up with a surplus. We voted for the Clinton budget, the first Democratic budget in a while, and what happened? Twenty-three million new jobs were created and the budget was in balance.

As a matter of fact, George W. Bush, when he took the keys to the Oval Office, had a surplus. What happened with the Republican rule? Deficits as far as the eye can see. These are the facts. This isn't rhetoric—debt of $10 trillion, $11 trillion.

Let's look at what the Republicans said about the Clinton budget that we know, because time has passed, history has shown, created 23 million jobs, stopped the deficits, turned them into surpluses, and got the debt going on the way down. What did our Republican friends say then?

Wayne Allard said then as a Representative:

> In summary, the plan has a fatal flaw—it does not reduce the deficit.

Wrong. Wrong. Wayne Allard continued:

> So we are still going to pile up some more debt, but most of all, we are going to cost jobs in this country.

That is what Republican Wayne Allard said about the Clinton budget—''. . . we are still going to pile up some more debt, but most of all, we are going to cost jobs. . . .'' Wrong—23 million jobs created.

Senator Pete Domenici said of the Clinton budget that created 23 million jobs and turned the deficit into a surplus:

> It's just a mockery.

Our friend, Senator ORRIN HATCH, a leader of the Republicans, still here and going strong, I am happy to say, he is my friend—he said:

> Make no mistake, these higher rates will cost jobs.

Talking about the Clinton budget and the taxes in it.

> Make no mistake, these higher rates will cost jobs.

Wrong—23 million jobs created.

How about Senator Phil Gramm, one of the leaders of the Republicans in the Senate at the time of the Clinton budget that created 23 million jobs, took the deficit, turned it into surplus, what did he say?

> I want to predict here tonight that if we adopt this bill, the American economy is going to get weaker and not stronger, the deficit 4 years from today will be higher than it is today and not lower. . . . When all is said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

Wrong. Phil Gramm was wrong. Oh, Phil Gramm, he is the one who said this recession was in our minds.

Here is another quote of Phil Gramm—remember, he was a leader of the Republicans then—talking about the Clinton budget that created 23 million jobs and cut our deficit and turned it into a surplus:

> . . . [T]his program is going to make the economy weaker. . . . Hundreds of thousands of people are going to lose their jobs as a result of this program.

Guess what he also said:

> I believe that hundreds of thousands of people are going to lose their jobs as a result of this program. I believe that Bill Clinton will be one of those people.

Bill Clinton got reelected and the economy created 23 million jobs, the

deficits went down, we had a surplus, and the debt was almost eviscerated.

What did our good friend CHUCK GRASSLEY say? CHUCK GRASSLEY is our good friend. He has taken a lead against this budget document. He is one of the leaders against the Obama budget. Let's see what he said about the Clinton budget that created 23 million new jobs and cut the deficits, turned them into surpluses, and had the debt going down, one of the most prosperous times in our history as a result of the Clinton budget. What did CHUCK GRASSLEY say?

> I really do not think it takes a rocket scientist to know this bill will cost jobs.

Wrong.

Connie Mack, another leader, a friend of mine, now retired, a Republican leader—this is what he said about the Clinton budget:

> This bill will cost America jobs, no doubt about it.

Bill Roth said:

> It will flatten the economy. . . . I am concerned what it will do to jobs. I am concerned what it will do to our families, our communities, to our children's future.

Senator Roth was wrong—23 million jobs created, one of the most prosperous times in our Nation's history, deficits went down, debt on the way out.

So our Republicans have a visceral reaction when there is a Democratic President. They come and they excoriate our Democratic President, and they are wrong. They are wrong. Look at the record. This is the beauty of what I am saying. I do not have to defend it. I know what they said, and I know what happened to the economy.

Newt Gingrich—still a major leader in the Republican Party, some people say the leader—about the Democratic President's budget, Bill Clinton: ''It will kill jobs.'' Wrong. It will ''lead to a recession, and the recession will force people off of work and onto unemployment and will . . . increase the deficit.'' Wrong.

John Kasich—we have seen him on television a lot. He was a leader then in the Republican Party. This is what he said about Bill Clinton's budget, not dissimilar to the Barak Obama budget in the sense that it is a plan to cut the deficit and make investments—make good investments. This is what he said:

> This plan will not work. If it was to work, I'd have to become a Democrat . . .

John, if you are watching me, it is your time because the plan worked—23 million jobs. You didn't become a Democrat. You said you would.

Peter King—what did Peter King say about the Clinton budget that created 23 million jobs and cured the deficit problem?

> [I]t is because of budgets such as this that the economy is going to be damaged.

Wrong. Wrong.

Flash forward. We know what happened under Bill Clinton. We know about the 23 million jobs. We know what happened to the debt. It went down. We know what happened to the deficits. They turned into surpluses. George W. Bush takes the White House, the Republicans take over, and what happened? The worst recession since the Great Depression, terrible loss of jobs, deficits record high, which they never complained about, debt record high. We get a new President who comes in and says: I have a plan to turn it all around. What do they do? They come down to the floor with the same old politics.

If I gave you the quotes I am hearing of my colleagues—Senator SHELBY is all over, they are all over the place—disaster, Armageddon, the world is ending, we are going to lose jobs, we are going to have deficits as far as the eye can see; what a nightmare. It is the same old politics and, by the way, the same old policies, which is tax breaks for the wealthiest among us, shorting the investments that the people of this country need, not tackling health care, not tackling energy, not tackling education—all the things this President wants—not tackling the deficits, and we have to know they got us into this crisis.

I do not enjoy reiterating all of this because it brings back some fights I was in. But I am going to do it every day as long as I hear the same rhetoric, the same politics, the same policies that got us into this mess in the first place.

The American people had a choice in November. They had a choice in Senate races, they had a choice in House races, they had a choice in the Presidential race. Did they want the same old politics, did they want the same old policies that got us into the crisis? Guess what they said. They wanted change, and they are getting change. We have the same rhetoric flowing from my friends on the other side of the aisle. I thought they were going to change the image of their party. I thought they were going to change the message of their party. It is the same old stuff. You could substitute a name for a name. It is the same thing they are saying about the Barak Obama budget that they said about the Clinton budget, and it doesn't fly because our new President understands we have to make some changes. He understands we need to invest in America's future, in jobs, in health care, in energy independence, and in education.

We know the deficit predictions are different coming out of the Congressional Budget Office than they are coming out of the White House office. Everybody knows we are going to adjust this budget here and there to make sure the numbers reflect reality. This President understands that. I watched him at his press conference. He said: What I care about is jobs, health care, energy independence, education, and deficit reduction, he added. That is a major focus of his agenda. He says: As long as I get jobs, health care, energy independence, education, and deficit reduction, I am a happy person.

The President is coming today to the Hill to meet with us. I am very much anticipating his presentation.

We know what this President inherited. We know the fiscal mismanagement. We know the misplaced priorities. We know, we know, we know. The American people understand that is why this President, despite getting pounded day after day on this floor, on the airwaves, and on conservative talk shows, is still maintaining a strong majority of Americans who say: Give this man a chance.

Who else in history inherited two wars and the biggest economic nightmare since the Great Depression? Nobody. The wars were not of his making, and the economic mess is not of his making. He is addressing them. He addressed it in the stimulus package that is going to start to pay off for us.

It is tough times, but he is doing what has to be done. He went forward and he said: You know what, I have a plan to get these banks on their feet. He was honest. He said: I have bad choices and worst choices.

If there is a tragedy in our families and we find out one of our loved ones has cancer and the doctor comes to us and says: There are two treatments. There is a tough chemotherapy treatment and there is a tough radiation treatment. You have to pick between those two treatments to cure this cancer. It is a hard choice. Our President faces very hard choices when it comes to straightening out this mess. But the American people want him to try and try he is.

If we can get these bad assets off the hands of these banks and get them lending again, we basically save the financial system. If we don't save the financial system, we are going to have to take it over. This President does not want to do that and I do not want to do that and I do not think most Americans want that. So he is doing what it takes.

The housing crisis—I am so happy to hear people are refinancing. It is very important. That is going to put more money in the pockets of people. It is going to make it more affordable for them to stay in their homes.

Our President has a budget blueprint to get us out of this mess. We all know he is not going to get every line in there he wants. He knows that. Senator CONRAD is working with him. We will have a reserve fund in there for the things we want to do for health care and energy, and I am going to work very hard so we can, in fact, have a cap-and-trade system that brings funding in and puts people to work, it gets us off dirty energy. We will have the ability to do that. The point is, this President deserves to have his priorities in place.

I wish to say in closing to my Republican friends: Go back a few years in time. See how wrong you were. Admit that you were wrong. Then go back and see what you said about the Bush budget. I didn't get a chance to go through

those quotes. I will do that the next time I take the floor. When the Bush budget came down and we saw what happened with the Bush budgets, they were adopted by Republicans, and they received lots of votes from their side, unanimous. All we had out of that was unemployment and deficits. They said: Oh, this is going to be a great budget. They are wrong. They have been wrong—wrong on the Clinton budget, wrong on the Bush budget, and now they are wrong on the Obama budget.

As one Senator, I wish to say this: I never forget. I forgive all the time, but I never forget. I have these quotes. They are real. They are in the RECORD. I am going to bring them out constantly.

Remember, when you hear these Republicans come out and trash Barak Obama's budget, it is the same thing they did to the Clinton budget and they were wrong—wrong then and they are wrong now.

We have to give this President the support he needs. Not that we are going to give every line—I don't agree with every line in it—but basically the thrust of what he wants, the investments and the deficit reduction.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. 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.

APPROPRIATIONS PROCESS

Mr. CORKER. Mr. President, I rise today to talk about the appropriations process we conduct here in the Senate, and have come here, as you have, in the not too distant past and been absolutely amazed by the lack of fiscal discipline that exists here in Washington. I know the Presiding Officer probably shares some of my views about the way we go through the appropriations process and the fact that at the end of the year, on many occasions, we end up with a large omnibus bill that does not give the American public, certainly not Senators and House Members, the ability to actually go through this process in a thoughtful way that respects the fact that these are our citizens' resources which we tend to bulk together in a way that it is not transparent.

Our President, on March 11—and I agree with him very much on this—said that future spending bills should be debated and voted on in an orderly way and sent to his desk without delay or obstruction so we don't face another massive last-minute omnibus bill like this one—and he was talking about the bill that we passed. I could not agree more with the President in that regard. I think what we have seen is that we have not had the ability to examine the thousands of earmarks that are placed in these bills. We have not had a process that is transparent. In an effort to aid this process in such a manner that we do have some degree of fiscal discipline in this body, 41 Republican Senators have signed a letter which states that we believe that by the August recess at least eight appropriations bills should be voted on in singular fashion—eight single bills by the August recess.

This body has on many occasions taken up each appropriations bill by itself, fully debated it, discussed the earmarks, discussed the things that cause these bills not to be appropriate, had amendments, and passed these bills out of the Senate. So these 41 Republicans stand together urging the leader of the Senate, urging the Appropriations Committee to follow this best way of doing business, and that is to vote on these bills individually. Obviously, we hope this occurs. And certainly as part of the Senate process, in the event that we are not able to meet those objectives, we will avail ourselves of all appropriate procedural methods to ensure that is the case.

Mr. President, I thank you for the time this morning, and I ask unanimous consent to have printed in the RECORD the letter signed by all 41 Republican Senators.

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

U.S. SENATE,
Washington, DC, March 24, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC,

DEAR MAJORITY LEADER REID: As you develop the legislative calendar for the rest of this fiscal year we believe it is critical to allocate an appropriate amount of time for the Senate to consider, vote and initiate the conference process on each of the twelve appropriations bills independently through a deliberative and transparent process on the Senate floor.

For a variety of reasons, over the past several years, the Senate has failed to debate, amend and pass each of the bills separately prior to the end of the fiscal year. Far too often this has resulted in the creation of omnibus appropriations bills that have been brought to the floor so late in the fiscal year that Senators have been forced to either pass a continuing resolution, shut down government or consider an omnibus bill. These omnibus bills have not allowed for adequate public review and have clouded what should otherwise be a transparent process. As our President said on March 11, 2009, he expects future spending bills to be, ''. . . debated and voted on in an orderly way and sent to (his) desk without delay or obstruction so that we don't face another massive, last minute omnibus bill like this one.''

The Senate should begin floor consideration of the appropriations bills during the early summer months to ensure that an appropriate amount of time is available to examine, debate and vote on amendments to the bills. We believe the Senate should pass at least eight of the appropriations bills by the August recess. In order to press for a more transparent process, we will consider using all available procedural tools to guarantee regular order for appropriations bills.

Noting our intentions, we hope you will plan accordingly as you work with the leadership of the House to develop the legislative calendar for the rest of this fiscal year. Thank you for your time and consideration.

Sincerely,

Bob Corker; Thad Cochran; John McCain; Judd Gregg; Roger F. Wicker; Jeff Sessions; David Vitter; Jim DeMint; John Thune; Lindsey Graham; Lamar Alexander; John Ensign; Saxby Chambliss; James M. Inhofe; Tom Coburn; Robert F. Bennett; Jon Kyl; Richard Burr; Mel Martinez; James E. Risch; John Barrasso; Michael B. Enzi; Christopher S. Bond; Pat Roberts; George V. Voinovich; Chuck Grassley; Mike Johanns; Arlen Specter; Richard C. Shelby; Mike Crapo; John Cornyn; Orrin G. Hatch; Olympia J. Snowe; Susan M. Collins; Richard G. Lugar; Johnny Isakson; Kay Bailey Hutchison; Lisa Murkowski; Jim Bunning; Sam Brownback; Mitch McConnell.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Would the Chair please advise me when I have used 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

THE BUDGET

Mr. ALEXANDER. Mr. President, one of the encouraging things that happened in Washington this year is that the President sent us a budget that was more transparent and more open than previous budgets. It was a 10-year budget instead of 5 years. It gave us a blueprint for the future in that way, the way we ought to be thinking about things. It included some things that had not been included before: the cost of the war; the so-called AMT fix—to address the millionaire's tax the Congress passed in the 1960s designed to catch 155 people who were not paying any taxes, but today will catch 28 million people, mostly middle-class Americans, unless we fix it; and what around here is irreverently called the ''doc fix,'' to deal with the mandated 20-percent cut in what Medicare pays its physicians. That cut in physician payments is not going to happen, we know that, so the President included that in the budget. There was money for helping to fix the banks, to get the toxic assets out of the banks and get credit flowing again, get the economy moving again, and that was in the budget.

On big issues like health care, the President said: Let's work in a bipartisan way. I invite the Congress to come up with a bill. Many Members of Congress said the same thing. The President held a health care summit earlier this month. I agree with the President we should try to reform

health care this year. Most Republicans agree with that, that we need to make it possible for every single family to afford health insurance. People who are losing their jobs today or were between jobs ever understand what difficulty this causes families. So that was encouraging.

Now, I hear some very different sounds coming from around the Congress. It makes me wonder who is in charge here. I hear that instead of a 10-year budget, we may have a 5-year budget. The problem with the 5-year budget is most of the problems in the 10-year budget are in the second 5 years. This budget spends too much, taxes too much, borrows too much. It doubles the debt in 5 years, the national debt, and it nearly triples the national debt in the 10-year period. So we need to know where we are headed with this budget, and we will not know if we just talk about the next 5 years.

I hear that we are going to act like the so-called millionaire's tax, the AMT, is fixed. That is not fixed; we have to deal with it. The ''doc fix'' to avoid cuts in physician payments? We are just not going to include that in the budget, so I hear. We are going to have to deal with that. We all know we are going to have to deal with that. We ought to put that in the budget. The cost of the war should be there. We need to recognize the first order of business in this country is to fix the banks and get credit flowing again.

Secretary Geithner came forward with a plan on Monday that I hope works. At least for the first time we are beginning to address the central problem of what we do about the toxic assets in the banks that are causing the banks to freeze up and not loan, bringing everything to a halt. Get the toxic assets out and lending increases, houses begin to sell, jobs begin to be created again, people go back to work, the economy improves.

So it was a very prudent thing for the President to put in his budget a $250 billion placeholder for the banks. He may need to ask us for that. In my view, I thought he should have asked us for it in January.

I thought, instead of passing a $1 trillion stimulus bill, borrowing and spending money we don't have, that it would have been better for President Obama to do now as President Eisenhower did in 1952 when he said: I shall go to Korea. And he went to Korea. That was the issue then. It was not the only issue then, just like today there are lots of different things Presidents need to do. But Eisenhower said: I will go to Korea. He arrived there just a few days after Thanksgiving. He said: I will honorably focus my attention on the war until it is ended. The people elected him for that and he did that and he gained the confidence of the American people.

I and most Americans have great confidence in this President. If President Obama, in the same way that President Eisenhower said he would go to Korea, says he will fix the banks and he will get credit flowing and he will honorably concentrate his focus on that until the job is done—I think we believe he can do that. So he was right to put the money in the budget, which I understand now may be coming out.

So we have a budget that is not really a budget anymore. It is not a clear picture. While I have been very complimentary of the President for his straightforwardness in the budget, that does not mean I have to like what is in the budget because I do not. But before I get to that part of it, let me talk about the two things that concern me most about what may be coming down the road and which I hope do not come. One of them is the idea that we would use the budget to pass a health care bill to transform the health care system and the American economy. The second is the idea that we would use the budget to impose a national sales tax on electric bills, gasoline prices, and all energy—in other words, to impose a cap-and-trade system on virtually the whole economy.

We need to reform health care. We need to debate climate change and cap and trade. But we need to do it in the way the Congress is supposed to do it, not by slipping it through with 51 votes when we are supposed to be making a budget, just because we can do that.

Think about that for a moment. The President has created this tremendously good environment for dealing with health care. He ran on a campaign: I am going to change the way things are done in Washington. People need to work across party lines to get things done on big issues that affect the country.

That is what the President said. He is right about that. There are a lot of new Senators who were elected saying the same thing. There are a lot of Senators who have been here before, like me, who said exactly this—I am here to try to work across party lines to get results on big issues. There is not a bigger issue than health care, after we get through fixing the banks.

The President had, as I mentioned, the health care summit at the White House—off to a much better start, this President, than President Clinton was when he tried to deal with the same issue early in his administration. The President also had a fiscal responsibility summit in February that I attended where health care was a major topic. We were all there, and various people got up and said: We need to work on this, do this together. The President wisely said: I am not going to send a proposal. I am going to let the Congress develop a proposal. We will work with you on these things.

Well, all of a sudden, we hear that the health care plan might be coming through on the budget. How can we possibly do that? If the President and Senate Democrats try to use this arcane budget procedure to reform health care, it will be the Parliamentarian and his wonderful staff who will end up writing the health care bill.

Health care is 17 percent of the American gross domestic product. These are big issues. Are we going to have a single-payer system? Is everybody going to have Medicare? Is anybody going to have a choice of a doctor? Is anyone going to have a choice of an insurance policy? What about the guaranteed costs? Will all Americans have the same kind of health coverage that Federal employees, including Senators, have? Is that a good idea? Will we give more permission to large employers to connect behavior to health care premiums so that we can have more prevention of disease? How much do we spend on people who are older and where we are spending more time?

Mr. President, I do not believe there is another Republican speaker. I ask unanimous consent to speak another 5 minutes.

The PRESIDING OFFICER (Mr. BENNET) Without objection, it is so ordered.

Mr. ALEXANDER. The health care bill ought to be written by, as Senators BAUCUS and GRASSLEY have said, the Health and Finance Committees, by the full Senate, with full participation. I mean, technically, you know, the Democratic majority can say: We won the election, we will write the bill. President Bush was Commander in Chief, and technically he could wage war in Iraq without the bipartisan support of Congress. But that helped him lose the support of the country. It damaged his Presidency. And it will do the same for President Obama if he is not allowed to continue on the path he began on, which is a bipartisan effort in the Congress to bring a health care bill this year.

I mean, the Republican leader of the Senate, in his first speech, went to the National Press Club here in Washington and he said: Mr. President, I am ready to work with you across party lines on entitlements. The most explosive, runaway cost in Government is Medicare and Medicaid. And it is better to reform health care before we put reduced costs on Medicaid. If we just put caps on the existing system, it would blow up.

So we are ready to do that. I don't know what more the Republicans could say to send this clear message: We are ready to work across party lines. And the President has said it himself. So why are we having this debate about whether to pass a health care bill as part of the budget. That is not right for the country, and it needs to stop today.

The idea of passing a so-called cap-and-trade energy tax in the middle of a recession as part of the budget—that is equally unwise. This is a major new idea and proposal, to impose this national tax on the country that produces 25 percent of all of the money in the world and 25 percent of all of the energy in the world. And we have no idea what it would do. We do know one thing it would do: it would raise prices a lot. It would raise the price of your electric bill by a lot, and it would raise

the price of your gasoline at the pump by a lot. That may not be as much of a problem today as it was a year ago. When gas goes back up to $3 or $3.50, you can be sure there will be plenty of people worrying about it. And when they hear that a national energy tax applied to gasoline, to fuel, has the effect in the first several years of raising the price of gasoline but not reducing the carbon that causes climate change, they are going to be really mad about that because they will say: Then why did you do that? I care about climate change, they may say, but why would you impose a remedy on me that raises my price but doesn't do anything about the carbon I am worried about?

Some might say: Well, what we should have done is have a low-carbon fuel standard that would gradually kick in, give the economy a chance to adjust, so that we can, for example, be driving electric cars which we can plug in at night using power generated by existing nuclear plants and coal plants. We don't have to build one new power plant, not one new coal plant, not one new windmill for the purpose of charging these new electric cars. So we could have a low carbon fuel standard, plug our plug-in cars in at night, and that would be a better result than putting a big, new national sales tax on the economy in the middle of a recession.

There are a lot of questions about this proposal even if we weren't in a recession. Creating a big slush fund here in Washington—nothing more dangerous than that. You saw that with the stimulus bill. Put a trillion dollars out here, and Congress goes crazy. Everybody has an idea about what to do. We can all spend money. And if we bring all of this money in here, Congress will find a way to spend it. And I guarantee, it is a lot of money. This tax would raise $60, $80, $100 billion a year and bring it to Washington. The President says: Well, we ought to give most of it back to the people. Well, which people? In what way? Why not all of it? That should be a debate.

Should this tax be economy-wide, if we ever have it? Why not do as I have suggested and just put a cap and trade on power plants—that is 40 percent of carbon—and a low-carbon fuel standard on fuel—that is another 30 percent. So why do you need an economy-wide cap and trade to affect small business and farms and manufacturing?

And then who gets all of the money raised from this energy tax? A lot of the big companies came up to Capitol Hill when they first heard about this cap and trade proposal. They saw a lot of money coming into Washington and they thought they might get free allowances to produce carbon. But now the President wants to spend all of that money, and the companies are not so sure they like the idea anymore.

What about offsets? Offsets are a racket. You know, they have become a racket. Somebody saves a little carbon in Madagascar. Well, you get credit for it in the United States. There is not much of a way to police that, and it is not a very good idea.

This carbon tax, this national sales tax, goes all the way to 2050. So it takes $60, $80 $120, $150 billion a year out of the economy—maybe not doing everything it's expected to do—in the name of dealing with climate change.

Well, the first thing is, imposing this new tax in the middle of a recession is a supremely bad idea.

Second, that doesn't mean we have to stop our efforts to deal with climate change and clean air. In fact, we can accelerate our clean energy efforts. They begin with the 2005 Energy bill. I see the ranking member of the Energy Committee on the floor, Senator MURKOWSKI. She was a major part of that, and she will be a major part of this debate as we go along. But we can promote conservation and efficiency without having a national tax on every electric bill.

As Al Gore has said, buildings are 40 percent of carbon. So let's go to work on that. I know that in Tennessee we waste more energy than any other State. We have the highest use per capita of electricity. If we just changed 12 lightbulbs in each house, we could save the equivalent of a nuclear power plant. That would be a smart thing to do. Let's start with conservation and efficiency. Let's electrify half of our cars and trucks. We can do that because the automobile companies are building the cars and trucks. Let's plug them in at night when the electricity is cheap. We don't have to build one new power plant, the Brookings Institute says.

Three, let's make solar power cost competitive with power from fossil fuels. We have been really miserly about energy research and development, and we ought to be bending over backward to put money wisely to make solar costs competitive, as the National Academy of Engineering says, to find a way to capture carbon from existing coal plants, to find ways to reprocess nuclear waste.

While we are worrying about carbon, why don't we set as a goal to build 100 new nuclear power plants. Nuclear power is 20 percent of our electricity, but it is 70 percent of our carbon-free, nitrogen-free, sulfur-free, and mercury-free electricity. Why are we going slow on it?

So we would say no to higher taxes, higher prices, and more subsidies—certainly not in the middle of a recession—and yes to more conservation, more efficiency, more nuclear power, more electric cars, and more research and development on solar, advanced biofuels, nuclear, and carbon capture. That is a pretty good agenda for dealing with clear air and climate change, and it doesn't impose an unwise, multibillion dollar national tax on electric bills in the middle of a recession, which would hurt the economy.

Mr. President, I ask unanimous consent to have printed in the RECORD a couple of letters. One is a letter from a number of Senators—looks like more than two dozen—opposing using the budget reconciliation process to expedite passage of climate legislation. A second letter comes from the Republican members of the Committee on Environment and Public Works. It objects to collecting $646 billion in new climate revenues from the American people in the middle of a recession.

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

U.S. SENATE,
Washington, DC, March 12, 2009.

Hon. KENT CONRAD,
Chairman, Committee on Budget, U.S. Senate, Washington, DC.

Hon. JUDD GREGG,
Ranking Member, Committee on Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CONRAD AND RANKING MEMBER GREGG: We oppose using the budget reconciliation process to expedite passage of climate legislation.

Enactment of a cap-and-trade regime is likely to influence nearly every feature of the U.S. economy. Legislation so far-reaching should be fully vetted and given appropriate time for debate, something the budget reconciliation process does not allow. Using this procedure would circumvent normal Senate practice and would be inconsistent with the Administration's stated goals of bipartisanship, cooperation, and openness.

We commend you for holding the recent hearing, entitled ''Procedures for Consideration of the Budget Resolution/Reconciliation,'' which discussed important recommendations for the upcoming budget debate. Maintaining integrity in the budget process is critical to safeguarding the fiscal health of the United States in these challenging times.

Sincerely,

Mike Johanns; Robert C. Byrd; David Vitter; Blanche L. Lincoln; George V. Voinovich; Carl Levin; Johnny Isakson; Evan Bayh; Christopher S. Bond; Mary Landrieu; James E. Risch; E. Benjamin Nelson; Lamar Alexander; Robert P. Casey, Jr.; Michael B. Enzi; John McCain; Tom Coburn; Jim Bunning; John Barrasso; John Ensign; Bob Corker; James M. Inhofe; Chuck Grassley; Roger F. Wicker; Mike Crapo; Susan M. Collins; Thad Cochran; Kay Bailey Hutchison; Mark L. Pryor; Lisa Murkowski; Pat Roberts; Saxby Chambliss; Sam Brownback.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, March 19, 2009.

DEAR COLLEAGUE: The President's 2010 Budget proposal contains a risky, ill defined new energy tax that has the potential to continue the economic recession for many years to come. We are writing this letter to alert you to this situation and ask that you join us in a budget resolution amendment to strike any such provision.

Specifically, the President's 2010 Budget proposal asks to collect $646 billion dollars in new ''Climate Revenues'' from the American people. The government will collect these new revenues through a cap and trade scheme in which ''allowances'' are sold to the highest bidder. The government won't tax consumers directly, but it will impose new costs on energy producers and users who will in turn pass those higher costs on to consumers, which will result in higher electricity bills, gasoline prices, grocery bills, and anything else made from conventional energy sources. In short, consumers will feel as if they are paying a new tax on energy.

The stated price tag for this new energy tax is $646 billion, yet recent news reports indicate that administration officials are privately admitting their program will actually generate between ''two and three times'' this amount of revenue, or between $1.3 trillion and $1.9 trillion, However, these numbers represent only the cost from 2012 through 2019. The budget summary describes the energy tax extending at least through 2050. At the 2012 through 2019 average annual rate, families and workers would face through 2050 between $6.3 trillion and $9.3 trillion in higher energy taxes.

On the Environment and Public Works (EPW) Committee, we have had experience with these types of proposals. We, and the full Senate, debated a proposal by Senators Boxer, Lieberman and Warner that the sponsors themselves indicated would generate $6.7 trillion from consumers. As you may recall, the Senate defeated this proposal, in part because the U.S. Environmental Protection Agency (EPA) estimated that by 2050 it would annually cost the average family $4,377 and raise gasoline prices $1.40 per gallon. Experts estimated it would kill up to 4 million jobs by 2030. As you can see, a $4,377 per family total cost or a lost job would greatly outweigh any $800 per family payroll tax break offered by the administration.

The budget resolution is not the right place for the careful bipartisan dialogue we need to get these issues straight, or to fully account for the legitimate concerns of energy consumers, economists, and industry. While the budget resolution the Senate will debate is not yet available, we will offer an amendment to strip any climate revenue provision it contains. We urge you to be ready to join our efforts to resist the erosion of proper democratic principles.

Sincerely,

SENATOR JAMES M. INHOFE,
Ranking Member.
JOHN BARRASSO,
U.S. Senator.
DAVID VITTER,
U.S. Senator.
MIKE CRAPO,
U.S. Senator.
CHRISTOPHER S. BOND,
U.S. Senator.
GEORGE V. VOINOVIDH,
U.S. Senator.
ARLEN SPECTER,
U.S. Senator.
LAMAR ALEXANDER,
U.S. Senator.

Mr. ALEXANDER. Senator BYRD, our senior Member of this body, wrote the budget legislation that created the reconciliation process. He has told us that. He has reminded us of that. He talked about how he sat in his office for 10 days and did it to get it right. This is what he said:

I was one of the authors of the legislation that created the budget reconciliation process in 1974. I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

That is Senator ROBERT BYRD, the senior Democrat, the senior Senator who wrote budget reconciliation.

Senator CONRAD, Senator BAUCUS, Senator DORGAN, Senator CARPER, and many others have said basically the same thing: We agree. Don't use the reconciliation to ram through health care reform.

So let's take the budget in the next 10 days, let's debate it, let's have our differences of opinion, but then let's follow the President's wise beginning on health care and reform it this year in the way he has suggested and the way he campaigned on. And let's take the energy issue and the climate change issue and let's look carefully at how we have the right clean energy strategy, which some of us believe is different from just taxes and high prices and more subsidies.

As far as the budget in general, we believe it spends too much, it taxes too much, and it borrows too much. If I could conclude with only one example of how that excessive borrowing will hurt the economy and hurt the country—an example that helps to illustrate why this 10-year budget the President set is a blueprint for a different kind of country, one with less freedom, one with more Government, and one which our children cannot afford—if there were any one example of why that is true, this would be it: It would be the amount of interest on the debt we will be paying in the 10th year of the budget sent by President Obama.

In that year, interest on the debt will be $806 billion. The amount of spending on defense by the Federal Government in that year is projected to be $720 billion. So we will be spending more on interest than we do on defense.

Federal spending on education in that year would be $95 billion. So we would be spending eight times as much on interest as we would on education.

In the 10th year of the budget, $100 billion is allocated for transportation spending by the Federal Government on things like roads and bridges that need to be fixed—we agree on that, and we would like to have the money to do it. But we will be spending on interest alone eight times what we will be spending on transportation.

When I was Governor of Tennessee, we were a low-tax, low-debt State. The reason we did not have much debt is because for every penny we did not have to pay in interest, we could pay it for a teacher's salary, we could improve a prenatal health care clinic, we could build a road, we could have a center of excellence at the university. So low debt means more money for the things we really want to have to invest in this country to make it a better place.

The President's budget is straightforward. Give the President credit. The attempts by Congress to make it gimmicky and less transparent are deplorable. The idea of trying to pass a health care reform proposal that affects 17 percent of the economy and to impose a national sales tax on the entire energy system during a recession is a bad idea.

What we should do is take this 10-year budget, whittle it back to size so it doesn't spend so much, doesn't borrow so much and doesn't tax so much and move ahead with a blueprint that maintains our freedom, that limits our Government, that preserves choices and that our children and grandchildren can afford.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL SERVICE REAUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1388, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1388) to reauthorize and reform the national service laws.

Pending:

Mikulski amendment No. 687, in the nature of a substitute. Crapo-Corker amendment No. 688 (to amendment No. 687), to increase the borrowing authority of the Federal Deposit Insurance Corporation.

Johanns amendment No. 693 (to amendment No. 687), to ensure that organizations promoting competitive and non-competitive sporting events involving individuals with disabilities may receive direct and indirect assistance to carry out national service programs.

Baucus-Grassley amendment No. 692 (to amendment No. 687), to establish a Nonprofit Capacity Building Program.

AMENDMENT NO. 691 TO AMENDMENT NO. 687

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I understand that an amendment is pending; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. MURKOWSKI. I ask unanimous consent to set aside the pending amendment for purposes of offering an amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself, Mr. DORGAN, Mr. BINGAMAN, and Mr. BARRASSO, proposes an amendment numbered 691 to amendment No. 687.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify certain provisions relating to Native Americans)

Section 129(d) of the National and Community Service Act of 1990 (as amended by section 1306) is amended by striking ''and to nonprofit organizations seeking to operate a national service program in 2 or more of those States'' and inserting '', to nonprofit organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes''.

Section 193A(b)(23) of the National and Community Service Act of 1990 (as amended by section 1704(1)) is amended by striking ''and collect information on challenges facing Native American communities'' and inserting ''collect information on challenges facing Native American communities, and designate a Strategic Advisor for Native American Affairs to be responsible for the

execution of those activities under the national service laws''.

Ms. MURKOWSKI. Mr. President, before I speak to the amendment I have sent to the desk on behalf of my colleague, Senator DORGAN, and others, I would like to speak generally to the measure before us, the Serve America Act. I am a strong supporter of volunteer service, including Global Youth Service Day. I am proud and pleased that this reauthorization has been developed and brought to the floor in a bipartisan manner. The work done on this legislation is the product of the best tradition of the Senate HELP Committee and of the Senate itself. I offer my congratulations to those who have worked very hard on this—Senators KENNEDY, MIKULSKI, HATCH, ENZI—and all their very hard-working staff who do a good job.

I also thank some very professional and dedicated people in the State of Alaska for their thorough review of and comments on the various drafts of the legislation. We would send it off to them and get good response back, good feedback. I appreciate that.

They include: Nita Madsen, executive director of Serve Alaska, and her staff; Rachel Morse and all the great people at RurAL CAP who implement AmeriCorps and VISTA programs; Denise Daniello at the Alaska Commission on Aging; Angela Salerno at the Alaska Department of Health and Social Services; and many others who were helpful in providing insights from the providers' perspective.

AmeriCorps and the VISTA programs are a vital part of Alaska's communities. I would like to take a few minutes this morning to give some of the examples of their valuable work in the State and to congratulate the volunteers for their service.

For more than 10 years, AmeriCorps volunteers with the Student Conservation Association have served Alaska and the Nation on our public lands in Denali National Park and Preserve, the Kenai Fjords, and Lake Clark National Park and Preserve. Every year over 1 million people visit Alaska to see these natural resources, to hike and camp and fish and explore. The conservation service provided by these students helps protect scenic beauty of our State, including the volcanoes, glaciers, wild rivers, and waterfalls.

My family and I hiked the Chilkoot Trail a couple years ago and ran into a group of AmeriCorps volunteers who were out on the trail building and refurbishing some of the old historic cabins along the way and making the trail safe for its many visitors.

The students also research and monitor fish and wildlife populations as well as watersheds that are essential for the red salmon. This year 80 of SCA's AmeriCorps volunteers will work in Cook Inlet in the watershed there to monitor and support active fish management. In addition to providing natural resource stewardship, visitor services, and environmental education, their work supports Alaska's key economic engines which are our fisheries and tourism.

In 2008, SCA placed over 236 high school students and college interns in Alaska who provided over 76,000 service hours, valued at over $1.5 million. In Alaska last year, there were also 64 VISTA volunteers who served with 18 project sponsors. I will give a little snapshot of one of those projects. It was at Juneau-Douglas High School, the CHOICE project. The CHOICE Program, which is Choosing Healthy Options in Cooperative Education, focuses on improving the academic achievement of 100 at-risk students at Juneau-Douglas High School. The VISTA volunteers help the students develop a sense of belonging and ownership within CHOICE, the high school, and the community at large. So VISTA not only involves the CHOICE students in the community; they also involve the community in the education and learning of the students. Our VISTA coordinator, Jennifer Knaggs, recruited 42 community members to provide internships in State and local offices in the agencies and in the local businesses. In conjunction with the National Council on Alcohol and Drug Dependency, she helped facilitate three Alaska teen institute retreats. She also organized and coordinated the Beyond School Program, in which six community volunteers teach small groups of high school freshmen a hands-on, real life skill, such as Tlingit carving, writing and producing radio public service announcements about healthy choices, creating short video biographies of tribal elders, and visual promotions of healthy choices within the school.

In a small community such as Juneau, retention of internships is no small feat. Students have reported very positive experiences with their internships and their hosts, and the performance we are seeing coming out of these kids is great. They are proud of their accomplishments. The students have become involved in the community, and it is a real win.

The great public servants who run Alaska's national service programs have noted the many positive aspects of this reauthorization for increasing the recruitment and retention of volunteers, focusing on directions Alaska has already begun to move toward, and increasing the accountability for positive outcomes. In their view, there are a few items they look to in the Serve America Act that are especially helpful. The first is the increase in the living allowance and education awards. It has the potential to increase the recruitment and the retention of AmeriCorps members, especially from rural Alaskan communities. Also, it allows senior volunteers to transfer the education award to a child or a grandchildren. Again, this will help with recruitment efforts. It increases focus on individuals with a disability, paralleling one of the focus areas of our Alaska State Commission. Increasing the connection with the Commission on Aging and Intergenerational Programs also meets another one of Alaska's performance measures. So having this provision in the act will assist with moving this partnership forward.

The accountability provisions will strengthen the State service plan. Having a minimum amount for the formula grants for both AmeriCorps and Learn and Serve is very good for the State of Alaska and other States that have equally small populations. The increase for the operation of the State Commission is a positive; even if obtaining the required 1-to-1 match will be challenging for a State such as ours, we believe it is a positive step.

From the perspective of one of Alaska's largest service grantees, they noted the following: The effort to expand and improve opportunities for national and community service should positively benefit Alaska's engagement in the service; the grouping of ''corps'' for the service programs into Education Corps, Healthy Future Corps, Clean Energy Service Corps, Opportunity Corps or Veterans Corps, coupled with defined performance indicators, will add value to the existing Corporation for Community and National Service framework; linking the value of the education award to the maximum value of the Pell grant will improve the strength and success of AmeriCorps programs in Alaska; increasing the AmeriCorps living allowance from $16,000 to $18,000 will especially benefit the programs serving rural Alaskan communities.

Let me speak to the amendment I have called up. This is amendment No. 691, offered on behalf of my colleague, Senator DORGAN. This amendment to the Serve America Act designates a tribal liaison for the Corporation for National and Community Service and keeps Indian tribes as eligible under existing law for nationally competitive grants. The corporation has recognized the need for a tribal liaison position and has designated an individual to reach out to Native American communities. This amendment will make that position permanent. The tribal liaison will work across all programs and support units to increase Native participation in national service and help to develop and enhance programming to address the unique needs of Native American communities.

In addition, we propose to keep Indian tribes as eligible under existing law for nationally competitive grants. Current law allows tribes to compete for funds with States and national nonprofit organizations. This amendment would maintain the eligibility of tribes to compete with States and national nonprofit organizations for national competitive grants. Many of these activities and indicators under the proposed corps in this act are directly applicable to Indian Country, and access to these grants with the assistance of a

tribal liaison is important. We recognize that the education of American Indians and Alaska Natives lags far behind that of the rest of the country, and the provisions of the Education Corps will help address these needs by providing mentors and tutors to Native students. Likewise, the Healthy Futures Corps would help address the lack of access to health care on many of our reservations.

Likewise, the Healthy Futures Corps will help address the lack of access to health care on many of our reservations. American Indians have higher disease rates and lower life expectancy than the general population. Volunteers serving in the Healthy Futures Corps could assist those who live on reservations or in Alaskan communities in obtaining health services.

I encourage my colleagues to look at the amendment and provide support for this important tribal liaison and in retaining tribal eligibility for competitive grants within the Corporation for National and Community Service.

I thank Senators KENNEDY, MIKULSKI, HATCH, and ENZI for their dedication to public service and congratulate them on what I believe is good legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I, personally, congratulate the distinguished Senator from Alaska for her comments. She has a very important amendment to this bill. I assure her we will work that out so we don't have to have a vote on it. If we do have to go to a vote, we will, but the fact is I think we can work that out. It is a very good amendment. Personally, we want to have those funds as part of this bill. We will work it out.

I want to take a few minutes and pay tribute to some of the wonderful national service efforts that have gone on in my home State of Utah. As I have said throughout this debate, Americans are the most generous and energetic people in the world. Indeed, a volunteer spirit is encoded into our country's cultural DNA. Nowhere is this concept better exemplified than in my home State.

According to the Corporation for National and Community Service, between 2005 and 2007, an average 792,000 Utahns gave 146.9 million hours of service every year. Using Independent Sector's estimate of the dollar value of a volunteer, the estimated contribution of these efforts is $2.9 billion annually. Nearly 44 percent of all Utahns do some sort of volunteer service every year, making Utah's volunteerism rate No. 1 in America, more than 4 percent higher than the State ranked second.

Salt Lake City, UT the second-highest volunteerism rate of any major metropolitan area in the country at 37.2 percent. Among midsize cities, Provo, UT has the Nation's highest volunteerism rate at 63.8 percent, with Ogden, UT coming in at No. 4 with a rate of 41 percent. Much of this volunteer work is done by members of the Mormon church in food canneries and storehouses as they stockpile food and supplies for those in need, whether they be members of the church or nonmembers. As with any community, volunteerism in Utah comes in a variety of forms.

In addition to the privately-led projects throughout the State, national service programs have had a profound impact on communities throughout the State of Utah. For example, there is the Utah AmeriCorps Literacy Initiative, which currently manages programs in 66 schools covering the entire State of Utah, including both urban and rural communities. There are 87 AmeriCorps members in the program who recruit and train community volunteers to tutor struggling readers.

Unfortunately, the current budget situation in Utah is similar to those faced by State governments around the country. As a result, Utah schools have been required to cut their budgets 4 percent this year and 5 percent for next year. However, national service participants have been able to step up and fill the void in schools left by the reduction in the State education workforce. Several teachers' aides whose positions have been downsized due to the budget cuts will be qualified to participate in the Literacy Initiative next year and, accordingly, will receive a small living allowance and an educational award which will allow them to get further training, broadening their skills to obtain gainful employment.

Over the past 5 years, this program has helped over 8,000 elementary schoolchildren serve as mentors, helping younger children improve their reading. The average growth in reading for both the mentor and the mentee they are helping has been one full grade level over the course of the 9-week program. In addition, through this initiative, over 2,000 children have received one-on-one tutoring from community volunteers twice a week over the course of a 30-week program. These are children who did not pass the Utah State End of Level tests the previous year. After 1 year of tutoring through the Utah AmeriCorps Literacy Initiative, 62 percent of the students passed that test at a proficient level.

I think this program exemplifies what we are trying to accomplish with this legislation. All of this work, which has improved the education of literally thousands of students and leveraged the efforts of thousands of other students and community volunteers, has been anchored by a small group of only 87 AmeriCorps members. That is pretty phenomenal when you think about it. Why wouldn't we want to expand this approach? It seems to me it is something we ought to be doing everywhere.

I am convinced that, once this bill is passed, we will see more programs such as this spring up over time, not only in Utah but throughout the country. They will be buoyed by the increased direction, efficiency, and accountability that this legislation will add to the existing national service structure. In the end, more people will be helped, more traditional volunteers will be put to work in their communities, and more of our Nation's problems will be solved.

That is precisely the point of this legislation.

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. HATCH. 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. HATCH. Mr. President, thus far, we have had what I believe to be a constructive discussion regarding the Serve America Act. We have seen some fine amendments, and Senator MIKULSKI and I are working together to try to accommodate as many Members as possible. I said at the outset that I hope we can avoid a situation where too many changes to this bill would eventually split the bipartisan support the bill has enjoyed. So far, this does not appear to be a problem.

As we continue to debate this important piece of legislation, it is my hope these constructive efforts will continue. This is a good opportunity for us to set aside partisan differences and do some good for the American people. I once again thank Senator MIKULSKI for her efforts here on the floor to see this effort through.

I thank Senator KENNEDY as well. Even though he has not been here, except for the last cloture vote, he certainly has been working it from home, and he has been on the phone regularly. We also have others who have worked on our side very diligently to try to make sure this bill passes, and in the form it is in.

I mentioned yesterday that I believe the Serve America Act should be a bipartisan bill, not because I believe it is either liberal or conservative but because it is both. I think the bill plays to the greatest strengths of those on both sides of the aisle. It marries what is typically thought of as a ''liberal'' instinct for Government to make proactive efforts to help those in need with the typical ''conservative'' desire to place more power in the hands of individuals instead of the Government. It is not all that often we are able to work together to find ways to satisfy both of these ideals, but I believe we have done so with this legislation.

For me, the conservative case for this legislation has been obvious from the beginning. Indeed, many of the provisions in the bill have what I consider to be very conservative roots. In 1990, William F. Buckley, Jr., one of the fathers of modern conservatism, who had served in World War II, published a wonderful book called: ''Gratitude: Reflections on What We Owe to Our Country.'' He became a staunch advocate of

national service, which he believed, ''like gravity, is something we could accustom ourselves to, and grow to love.''

Buckley believed we owe a debt of gratitude to our country and offered creative ideas for a plan for universal voluntary national service for men and women 18 years and older. While the Serve America Act is not so ambitious as to contemplate that national and community service will become universal, it does provide more Americans opportunities to serve, in the belief that our democracy and the values of our free society take constant vigilance to preserve their vitality and health. It is citizens, acting at the local level, who should play the prominent role, not Government.

For the past several years, I have supported efforts to reposition our Government's support of national and community service from the perception of paying Federal ''volunteers'' to a more effective model where Government provides a small amount of infrastructure and support to community-based groups that are recruiting, training, and deploying traditional volunteers. That model has worked. The number of traditional, nonsubsidized volunteers who are leveraged into service by existing national service programs dwarfs the number of participants receiving Government assistance—by a ratio of nearly 30 to 1. We have heard that statistic quoted many times during this debate, but I believe it bears repeating.

This model is based on our faith in civil society—not distant Government agencies—and a focus on the efforts of the traditional volunteer. We know so many Americans show up to volunteer—to help with a cause or to serve in the aftermath of a disaster—and are turned away or are not well used. This is a waste of very precious resources. The Serve America Act will help fix that by establishing a volunteer generation fund that will help already successful service programs devote more resources for the recruitment of volunteers, allowing them to expand their efforts.

Help offered by a compassionate neighbor will always be superior to Government-driven approaches designed in Washington. In recognition of this fact, the Serve America Act ensures that the vast majority of service efforts will be generated by local and private organizations responding to community needs.

Young Americans, whose rates of unemployment have soared to more than 21 percent in a tough economy, with college graduates having the highest unemployment rates ever, will be given new opportunities to serve. The good news is that research tells us this is a sound and efficient investment. Not only does it put many unemployed Americans to work at a low cost to Government and meet urgent national needs, those young adults most at risk in our communities gain more by serving others than they do by being passive recipients of services. During their terms of service, they gain valuable skills that help them secure permanent employment at higher wages. They also outpace their nonnational service peers in remaining committed to volunteer service for the rest of their lives.

These platoons of civil society more often than not consist of faith-based institutions. More Americans perform volunteer service through church-sponsored and faith-based organizations than any other venue. The Serve America Act continues the tradition of enabling volunteers to serve through faith-based institutions in a variety of different ways, including its new Serve America Fellowships and the State competitive and formula grants that may be given to faith-based institutions providing social services. This legislation also introduces new indicators of accountability to ensure that investments generate significant returns. For the Education Corps, for example, we want to know how programs are improving student engagement, attendance, behavior, academic achievement, graduation rates, and college-going rates at high schools with high concentrations of low-income students. Eligible entities for funding through the Education Corps must have a proven record of improving or a promising strategy to improve performance based on these indicators.

The days of simply funding programs that might make us feel better but not generate results are over. Effective programs over time should and will continue to get support, and ineffective programs will ultimately be closed down. These indicators will help us make those decisions.

America utilizes a number of indicators to regularly track the country's economic progress, including unemployment, GDP, housing starts, and more. But our country does very little to measure indicators of our civic health. Even though an active, well-connected, trusting, and engaged citizenry is fundamental to our vibrant communities, a strong democracy is important, and our personal welfare is important as well. So the Serve America Act provides for the collection of data that can give us a snapshot every year of how communities throughout the country are stacking up with respect to rates of volunteering, charitable giving, connections to civic and religious groups, knowledge of American history and government, and more. Policymakers can use this data to strengthen efforts to increase these activities. Indeed, this civic health index will pay dividends through the policy spectrum.

Although some of my colleagues may argue otherwise, the Serve America Act reflects what I believe are conservative values, and because of this I believe many of my Republican colleagues will be on board with this legislation. The bill is founded on a fundamental belief in the power of people working at the local level to improve their communities and country, a belief in looking first to community and faith-based institutions to help solve our toughest challenges, a belief in public-private partnerships where the cost is low to the Federal Government and the return on investment very high, and a belief in tough accountability for results and making sure we support only programs that work and end the programs that don't.

But the Serve America Act is also about something deeper that we all value whether we are liberal or conservative, Republican or Democrat. It is about fostering a spirit of patriotism, a love of country, at a time when that patriotism has been fractured somewhat by a tough economy, institutions that fail, individuals whose schemes hurt people, and distrust in government itself to have the answers.

Benjamin Rush, one of our Founding Fathers, wrote a brief text called ''On Patriotism'' in 1773 that captures my view of the subject and the role that service plays. Here is what Benjamin Rush, one of the Founders of this country, said:

> Patriotism is as much a virtue as justice, and is as necessary for the support of societies as natural affection is for the support of families. The love of country is both a moral and a religious duty. It comprehends not only love of our neighbors, but of millions of our fellow citizens, not only of the present, but of future generations.

I often think of our Nation's veterans when I read those words. I think of the men and women serving during wars and campaigns from the American Revolution through Operation Iraqi Freedom who literally had us in mind when they sacrificed their own lives so those in future generations might be free. Those who serve today—whether it is in the military, in government, in national community service, or as traditional volunteers—truly connect themselves to millions of their fellow citizens, not only of today but of the future. Such service is not only the means to our own happiness, it strengthens and makes this country better. It makes better this country that we love so much.

These principles and ideals are the driving force behind this legislation. Every Member of this body, whether they support this bill or not, loves this country and has devoted his or her life to serving it. I believe it is this devotion that we all share—the common belief in something bigger than ourselves—that has led so many to support this legislation. While I am convinced the final result will be pretty lopsided in favor of passing this bill, I am going to keep trying to get it as close to unanimous as I can. Toward that end, I urge all 99 of our Senate colleagues to support the Serve America Act.

I notice the distinguished majority whip is here and would like to speak, so I will reserve my time and speak a little later on some of the other aspects of this bill.

So with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my friend and colleague from Utah, Senator ORRIN HATCH—and he is my friend. We have had many political battles in the past, but we have also joined forces in doing some things that I think are important for our Nation. I wish to thank him for his continued support of the DREAM Act. This is a bill which we kind of fought over on initial introduction; we both had the same idea. We are going to continue to work together on that in years to come and, I hope, see it to its successful conclusion. It is the kind of commitment Senator HATCH has made to the ideals of our Nation which he makes again in this Serve America Act.

This act is known on the Senate floor, depending on which side of the aisle you sit, as the Kennedy-Hatch Act or the Hatch-Kennedy Act. It is fitting that Senator HATCH would be teamed up with his old friend and political rival from time to time, Senator TED KENNEDY, as they both came together in a common effort to pass this important legislation.

I spoke earlier this week about the Serve America Act which is now pending before the Senate and what it would mean to our Nation. Let me tell my colleagues a few stories that I think illustrate it.

In my home State of Illinois, each year, 2.7 million volunteers dedicate 302 million hours of service. The estimated economic worth of that contribution and voluntary service is almost $6 billion a year. More than 66,000 of these volunteers participate in national service programs through 144 different projects and programs. Each of them has a story to tell about a life they have influenced or changed: a mother they have helped feed her family, a child they have helped to learn, or a community that is cleaner and safer because they are working and volunteering to make it that way.

All of these volunteers can also tell about how their time and service improved their lives. Let me mention a few stories.

In Chicago, the City Year Program places young volunteers to work full time in some of Chicago's neediest schools. They serve as tutors and mentors and role models to the kids. A volunteer I talked to recently tutored a young girl named Zariah. She was struggling with a lot of problems in school, with reading and behavior. I won't hold it against her—her behavior problem; I had the same problem, and I ended up in the Senate. Zariah was in jeopardy of failing the fourth grade, so this volunteer showed up and decided to take a personal interest in her.

A few weeks after tutoring Zariah, this volunteer heard a little voice cry out as he walked by the school. It was little Zariah, and she was yelling to this volunteer tutor: I passed fourth grade. I passed fourth grade.

What a reward for that volunteer and what a happy moment for that child.

In Waukegan, IL, four AmeriCorps volunteers helped Habitat for Humanity construct homes and train and recruit volunteers. One of the AmeriCorps members told a story that I think is so heart-warming about driving by a school every morning as an AmeriCorps volunteer, in their notable jackets, and seeing a woman wave and cheer as they came by. She wasn't a homeowner or volunteer herself. She was just a member of the community, and she recognized the AmeriCorps jacket. She knew what the volunteers were doing, and she wanted to say thank you with a wave and a cheer each morning.

Throughout Illinois, the Equal Justice Works Summer Corps Program provides crucial legal assistance to communities. Law students give their time and talents in exchange for a very modest AmeriCorps educational award of $1,000 for a summer of work, many of them turning down far more lucrative opportunities in the private sector.

In 2008, the Summer Corps Program had 23 members serving in my State, and they served over 1,000 low-income people who couldn't afford a lawyer any other way. One of those corps members was Nichole Churchill of Chicago. She spent a summer serving with the Children's Project of the Legal Assistance Foundation working with parents, foster parents, and adoptive parents. This is what she said about her time there:

> It has opened my eyes to the myriad of problems that many of our low-income clients face on a daily basis. This experience has only strengthened my resolve to continue this kind of work and to effectuate meaningful change in their lives.

Those are only a few of many stories told from my State of Illinois.

This week we are considering a bill that will dramatically expand the opportunities for voluntarism and service across America. The Serve America Act will triple the number of national service participants to 250,000 participants within 8 years. Along with this dramatic expansion, it is going to create a new corps within AmeriCorps focused on areas of national need such as education, environment, health care, economic opportunity, and giving a helping hand to our veterans.

We are expanding opportunities to serve for Americans at every stage of life, too. Middle and high school students will be encouraged to participate in service projects during the summer or during the school year. By serving their communities early in life, these students will be put on a path to a lifetime of service.

For working Americans who can't commit to a full-time volunteer job, the bill provides opportunity for them to work part time in their community. Retirees can be given a new opportunity to serve with the existing Senior Corps and through new expansion.

The bill also increases the education award for the first time since the creation of the national service program. I think that is a perfect complement, that these good, well-meaning Americans would serve their Nation and in return we would help them, give them a helping hand with their education at a time when education is so expensive for so many students. The education award in this program will be raised to the Pell grant level which makes it easier for college students with significant student loan debt to consider national service. The award is transferable so that older volunteers can transfer the education award to their children or grandchildren—a perfect generational legacy.

Each American has the power to make a small difference in the success of a child, the health of the environment, or the lives of their hungry neighbors. All of those small differences repeated over and over again can add up to something truly powerful, truly inspiring. This bill will expand the opportunities for Americans to serve their communities. President Obama has urged us to pass this on a timely basis, and I am going to encourage my colleagues to fight off the amendments which have nothing to do with this bill. Let's get this one done and done right. Let's not get bogged down in a lot of other issues that might be presented. They are all, I am sure, equally meritorious and worth our consideration, but we need to finish this one. Let's get this bill done so that we can expand service and make an even stronger Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am pleased to support the Serve America Act, which expands opportunities for Americans to serve their country at a time of critical need. I thank Senator KENNEDY and Senator HATCH for their willingness to work with my staff to include language that ensures the volunteers funded by this bill can also work on service projects that expand access to affordable housing in our communities. Providing more affordable housing is one of Wisconsin's most pressing needs and language that Senator REED and I worked to insert will help ensure that volunteers can build, improve, and preserve affordable housing throughout the country.

Just as voluntarism plays a crucial role in strengthening our communities and building a stronger America, that same energy, compassion, and knowledge must also be harnessed to help rebuild our image abroad as it has been severely damaged over the past 8 years.

The amendment I am offering today with Senator VOINOVICH encourages

those efforts by strengthening and expanding the Volunteers for Prosperity program authorized in title V of the bill. This program provides a valuable tool to assist international volunteer service, and with my improvements I believe we can make it even more effective.

A recent survey released by the Pew Global Attitudes Project indicates that between 2002 and 2008, opinions of the United States declined steeply in 14 out of the 19 countries polled. And a similar 2007 survey of over 45,000 people in 47 countries found that ''[o]verall, the image of American people has declined since 2002,'' even among those who used to count us as friends and allies.

The Obama administration has already taken some important steps to rebuild our image abroad, such as the President's decision to close Guantanamo and redeploy troops from Iraq, and his recent address to the people of Iran. But individual Americans can contribute, too, and we can support those efforts by increasing the opportunities for Americans from all backgrounds and experiences to volunteer abroad.

While the surveys I mentioned showed worsening attitudes toward Americans and the declining popularity of the United States, studies have shown that in places where U.S. citizens have volunteered their time, money, and services, opinions of the United States have improved.

To put it simply, some of our best diplomats are our private citizens who spend time overseas working closely with small communities and spending time with the citizens of other countries. Their volunteer work is enhanced by their ability to share stories and create individual connections. Collectively the two are a force for positive global change and greater cultural understanding.

One example is a story from a constituent, Kathy Anderson from Marathon, Wisconsin, who shared with me her thoughts on the exchange opportunities she and her husband Mike have experienced, including a recent trip to Ukraine to discuss farming methods with folks under the Community Connections program:

> We have lots and lots of stories, but the headline may be that people interact with people at a very different level than countries interact with countries. I may not like what your country is doing, but if I get to know you as an individual, I can still build a connection. Programs like these put a face on the country, making it less abstract and impersonal. Once the guests get to know a farmer from Wisconsin, I'm sure they also have a better understanding that our country is more than the image they see presented by the politicians, or the sports figures, or the media folks. It's real folks with the same kind of dreams, hopes, and wishes for the future that they have. And perhaps we get a bit closer, one relationship at a time.

Our Federal Government should continue to recognize the important role that people-to-people engagement can play in countering negative views of America around the world and help facilitate such opportunities by promoting both short- and long-term international volunteer options for U.S. citizens. Existing programs such as the Peace Corps, Volunteers for Prosperity, and the exchange programs administered through the Department of State's Bureau of Education and Cultural Affairs already do tremendous work in this area. But even with these existing programs, we need greater, more varied and more flexible citizen diplomacy initiatives. Mr. President, we can and should be doing more.

In 2007, I introduced the Global Service Fellowship bill to offer U.S. citizens the flexibility and support they need to pursue international volunteering opportunities. This bill reduced barriers to volunteering by offering financial assistance and flexibility in the time period Americans could spend abroad—opening the door for more Americans to participate. This bipartisan bill was approved by the Senate Foreign Relations Committee last Congress.

Now, in title V of the Serve America Act, we have the opportunity to see a very similar program become a reality. This section authorizes the Volunteers for Prosperity Office created by Executive Order 13317 under President Bush. This program promotes short- and long-term international volunteering opportunities with specific development objectives, and establishes the Volunteers for Prosperity Service Incentive Program or VfPServe program which provides eligible skilled professionals with grants to offset the cost of volunteering abroad. This is a modest program costing only $10 million per year and yet it will significantly expand the numbers of Americans who can participate.

I support Volunteers for Prosperity and, in fact, my global service fellowship bill would have authorized that program. The amendment I am offering, which is based on my legislation, makes a few changes to the current language in title V. This is a modest amendment but reflects suggested improvements I have received from constituents, experts and organizations active in the field of international voluntarism. As we authorize the Volunteers for Prosperity office, we should make sure the office has the utmost ability to reach as many interested Americans as possible, particularly those who face financial barriers or time constraints.

In the current bill, VfPServe would help offset the cost of international volunteering expenses for prospective volunteers, provided that they match dollar-for-dollar any grant awarded through the program. VfPServe will enable many dedicated volunteers to raise the additional funds needed to pursue international projects—but by requiring the dollar-for-dollar match grants, participants in VfPServe would still be required to cover a substantial amount of their expenses.

Financial limitations are a common obstacle to international volunteering by Americans, and I have heard from many constituents who are interested in volunteering internationally but are unable to do so due to the cost. My amendment goes an extra step to ensure that even more Americans from a range of backgrounds can volunteer abroad—not just those with the resources or time to pay for half of their expenses.

My amendment complements VfPServe by establishing the VfP Leader Program to award fixed grants that would offset up to 80 percent of the costs of volunteering abroad, including any sponsoring organization fees. In return for this higher Federal contribution, VfP Leaders must commit to sharing their experiences with their communities when they return. By continuing to serve as ambassadors once they return home, VfP leaders will be ensuring that more Americans learn about the benefits of international volunteering, and about people and places beyond our borders. In addition, my amendment would give VfPserve participants the option of raising or providing private funds to meet their matching requirements. I have heard from many organizations that the inability to raise adequate funds has stymied a number of individuals from fully participating in the program. This small tweak will open the door wider to those interested to participate in either VFP program, who may be willing and able to spend some of their own money to do so.

The VIP Leader Program would be administered by the VfP office, along with the VfPserve program in the bill. The USAID Administrator would be in charge of awarding VfP leader grants and would develop the guidelines for selecting recipients, based on the objectives laid out in the underlying bill, which include a commitment to helping reduce world hunger and combating the spread of communicable diseases. My amendment adds a few mote objectives: providing disaster response, preparedness and reconstruction, providing general medical and dental care and promoting crosscultural exchange. These are all important priorities, and opportunities for Americans to bolster our global image while providing essential services.

Other than these additions, my amendment does not change the underlying authorization of VfP, nor does it change the total cost of title V. Authorization for title V will remain at $10 million annually for the fiscal years 2010 through 2014, with half of the money appropriated for grants going to the VIP Leader Program.

I would like to thank Senator VOINOVICH, who cosponsored the Global Services Fellowship Acts of 2007, 2008, and 2009 and who is a cosponsor of this amendment. This amendment is supported by 82 international volunteer organizations such as American Jewish World Service, Cross-Cultural Solutions, and the National Peace Corps Association as well as 91 university

international programs including the University of Maryland's Office of International Programs, its School of Public Policy and its Study Abroad office, and the Fletcher School at Tufts University in Massachusetts. I would like to submit the lists with all the supporting organizations and university international programs in their entirety for the RECORD.

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

COLLEGE & UNIVERSITY MEMBERS—MARCH 2009

American University; Boston College—The Center for Corporate Citizenship; Boston University; Boston University—Center for International Health and Development; California Colleges for International Education; California State University, San Marcos—Office of Community Service Learning; Cardinal Stritch University; Catholic University; Central Michigan University Volunteer Center; City College of New York; Chilean Ministry of Education—National Volunteer Center; College of William and Mary—Office of Student Volunteer Services; Columbia University—School of International Public Affairs; Cornell University; Dowling College; Drexel University; Duke University—Center for Engagement & Duke Engage; Duke University—Global Health Institute; Emory University; and Everett Community College—World Languages.

George Mason University—Multicultural Research and Resource Center; George Washington University; Georgetown University—Center for Social Justice; Georgia Institute of Technology—Community Service; Global Citizen Year; Hartwick College; Hillsborough Community College Grants Development; Iowa State University; James Madison College; John Hopkins University; Kennesaw College; Kingsborough Community College/CUNY—Academic Affairs; Lone Star College—Tomball; Lone Star College—Tomball—Academic and Student Development; Lone Star College System—International Programs and Services; Miami Dade College; Missouri State University—International Programs and Affairs; Monroe Community College Foundation; Montgomery College Office of Equity & Diversity; and Moore School of Business.

Mount Wachusett Community College; Mount Wachusett Community College—Community Relations; NC Campus Compact; New York Medical College; New York University—Office of Global Education; North Arkansas College—Institutional Advancement; Norwalk Community College—Academic Affairs; Ohio University; Onondaga Community College—Career and Applied Learning Center; Oregon University System; Palm Beach Community College; Palm Beach Community College—President's Office; Polk Community College—Grants; Ramapo College of New Jersey; Rutgers University; Santa Monica College—Communication; Skagit Valley College—College Advancement; Southwestern Oregon Community College Service—Leanring; Stanford University—Haas Center for Public Service; and State University of New York—New Paltz Center for International Programs.

StonyBrook University; Syracuse University Maxwell School of Citizenship and Public Affairs; Tufts, The Fletcher School; University of California, Berkeley—Blum Center for Developing Economies; University of California, San Diego—International Relations and Pacific Studies; Richard J. Daley College; University of Connecticut Center for Continuing Studies, Academic Partnerships and Special Programs; University of Connecticut Global Training & Development Institute; University of Denver—Graduate School of International Studies; University of the District of Columbia; University of Maryland—Office of International Programs; University of Maryland—School of Public Policy; University of Maryland—Study Abroad Office; University of Michigan—International Center; University of Michigan—Gerald Ford School of Public Policy; University of Minnesota—Learning Abroad Center; University of Missouri, St. Louis—Center for International Studies; University of North Carolina at Charlotte; University of San Francisco; and University of Texas at Tyler—Office of Community Relations.

University of Tulsa; University of Vermont; University of Virginia—Alternative Spring Break; University of Wisconsin-Madison Global Studies & Go Global!; University of Wyoming Center for Volunteer Service, Wyoming Union; Washington University in St. Louis—Center for Social Development; Washington University in St. Louis—Gephardt Institute for Public Service; Western Connecticut State University—International Services; Western Piedmont Community College Humanities/Social Sciences; Western Piedmont Community College Student Development; and White Plains City School.

VOLUNTEERING & SUPPORTING ORGANIZATIONS—MARCH 2009

ACDI/VOCA; Action Without Borders/Idealist.org; Adventure Aid; American Bar Association Rule of Law Initiative; American Jewish World Service; American Refugee Committee; Amigos de las Americas; AngelPoints; Atlas Corps; BeGlobal; Bridges to Community, Inc.; Building Blocks International; Catholic Medical Mission Board; Catholic Network of Volunteer Services; Catholic Relief Services; Child Family Health International; Christian Reformed World Relief Committee; Citizens Development Corps; Cross-Cultural Solutions; and Earthwatch Institute.

Experiential Learning International; Fly for Good (Fly 4 Good); Foundation for International Medical Relief of Children; Foundation for Sustainable Development; Global Citizen Year; Global Citizens Network; Global Medic Force; Global Volunteers—Partners in Development; GlobalGiving Foundation; Globalhood; Globe Aware; Greenforce; Habitat for Humanity International; Hands On Disaster Response; Health Volunteers Overseas; Hope Worldwide; Hudson Institute; Innovations in Civic Participation; InterAction; and International Assoc. for Volunteer Effort (IAVE).

International Medical Corps; International Partnership for Service Learning; International Student Exchange Programs; International Student Volunteers; International Volunteer Programs Association; International Volunteer Ventures LLC (INVOLVE); Karuna International; LanguageCorps; Lifetree Adventures; Manna Project International; Medical Teams International; Mobility International; National Association of Social Workers (NASW); National Peace Corps Association; Nourish International; Operation Crossroads Africa; Partners of the Americas; Partners Worldwide; Encore! Service Corps; and PEPY Ride.

Points of Light Institute; Prevent Human Trafficking; Projects Abroad; ProWorld Service Corps; Service for Peace; SEVA; Student Movement for Real Change; The Advocacy Project; The Volunteer Family; Travel Alive; UN Volunteers; United Planet; United Way of America; US Center for Citizen Diplomacy; Volunteers for Economic Growth Alliance (VEGA); Volunteers for Peace; Volunteers for Prosperity (USAID); Winrock International; World Hope International/Hope Corps; World Servants; Worldteach; and Youth Service America.

Mr. FEINGOLD. As we debate the Serve America Act and highlight the important role of volunteer service in our communities, we must not overlook the opportunities for volunteers to help restore our image and standing abroad. Wisconsinites have a strong tradition of public service, particularly among young people in my state and it is because of their consistent interest in such opportunities that I offer this amendment today.

International volunteering opportunities are an effective method of addressing critical human needs, building bridges across cultures, and promoting mutual understanding. In turn, this can bolster our national and global security. Though they may be working overseas, Americans who volunteer abroad are truly serving the interests of America.

The VfPServe and VfPLeaders Programs would be a valuable addition to our public diplomacy, to our development and humanitarian efforts overseas. I encourage my colleagues to support the amendment I will offer at a future time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 688

Mr. BOND. Mr. President, I rise today in support of the Crapo amendment which incorporates the Dodd-Crapo bill that I have cosponsored. Every Senator in this Chamber has heard from folks in their own communities who have lost jobs, families whose savings are disappearing, businesses that cannot meet payrolls. Unfortunately, until we solve the root of the economic crisis—our credit crisis—there will not be real relief or recovery for these struggling families and businesses.

The bottom line is our financial system is not working. It has become clogged with toxic assets. Some call them legacy assets, but they are toxic as well as old. Until they are removed, fear and uncertainty will continue to dominate the markets.

Earlier this week, Secretary Geithner released his long-awaited details on the administration's plan to solve the credit crisis. While Secretary Geithner did not take all of my advice, I am heartened that the administration has finally developed a plan to tackle the most pressing issue facing our Nation and the largest obstacle to economic recovery.

All Americans need this plan to work. Our Nation cannot afford another lost decade such as Japan faced in the nineties. No one wants to doom the Nation's families and workers to a recession any longer and deeper than the one we have already experienced. But before the Government commits trillions more in tax dollars, I hope Secretary Geithner will recognize that he owes the taxpayers some answers to some very important questions.

Unfortunately, under the previous administration and the current administration, there have been too few answers and too many questions for taxpayers about how economic rescue dollars are being spent. Instead, under both Treasury Secretaries Paulson's and Geithner's watch, billions in taxpayer dollars have been thrown down the rat hole, with no clear plan, no end in sight, and no positive return. So now, this week, the taxpayers need to hear how the administration's plan will provide accountability, transparency, and oversight of taxpayer funds.

First, Secretary Geithner needs to tell taxpayers how this plan will protect their hard-earned dollars. Taxpayers have the right to question whether they are getting a fair deal since the taxpayers are taking on the vast majority of the risks under the new public-private investment partnership initiative.

Right now, private investors only stand to lose a small amount with their invested capital, with opportunities for great returns. In other words, are we again privatizing profits but socializing losses? Do we run the risk that this ends up being ''heads they win, tails taxpayers lose''? This plan is dependent on taxpayers subsidizing and excessive leveraging of private resources to purchase these toxic assets. While it is important to encourage private capital, and I believe that is the best solution, we seem to be using the same formula—but this time risking billions of taxpayer dollars—that got us into the present situation. I am concerned that the administration's plan appears to be too generous to Wall Street investors, some of whom contributed to the crisis.

The second point is, what is the ultimate cost to taxpayers? Right now, the administration projects that its plan will initially require $100 billion in taxpayer funds to leverage up to $500 billion in taxpayer dollars. But most estimates show there are about $2 trillion of toxic assets in the system. I believe the taxpayers deserve to know how much Secretary Geithner's plan will really cost them.

Third, the administration and the Treasury Secretary need to explain how he will prevent the rules of the game from changing again. Since the initial rescue of Bear Stearns last summer, the previous and the current administrations have taken an ad hoc approach that has changed and shifted numerous times. This ''adhocracy'' has amounted to throwing billions of good taxpayers' dollars into failing banks, treating the symptoms rather than the cause, with no apparent exit strategy. This ''adhocracy'' has resulted in fear and uncertainty in our markets and has done nothing to hasten the much needed economic recovery. As a matter of fact, one skilled observer, Professor John Taylor, said the lack of certainty has been a great cause in the failure of the markets to respond positively to any of the previous activities.

Is the plan announced this week the one and final approach? Will the administration stick to the plan? And just as important, what about Congress? Will we allow the plan to work or will we come in later and change the rules of the game after they have been set? The administration, and I think we in Congress, must convince Wall Street and Main Street that the rules will not be changed again midgame. What expert after expert has told me, people who are looking at the market, people who want to see the market succeed, what the markets desperately need is certainty in a plan.

Finally, will banks and financial institutions holding toxic assets be willing to participate in the program? Despite what seems to be generous incentives for private investors to purchase the assets, it is not clear whether the banks will be willing to negotiate a fair deal with the Government and the partners. If banks are not willing to participate, then toxic assets will continue to clog the system. If they do not participate, will the administration finally turn to the Federal Deposit Insurance Corporation to resolve these problem banks?

Before closing, I note that we all understand we need to strengthen the ability of our regulators to prevent this kind of systemic failure from occurring in the future, but we need to consider any changes carefully. A critical first step would be our pending amendment which incorporates the Dodd-Crapo bill, S. 541, the Depositor Protection Act, to boost the FDIC's borrowing authority to deal with larger institutions and to prevent further substantial fee increases on good banks.

I heard from smaller, well-performing banks in Missouri that did not participate in the subprime and exotic loans that will bear more costs to cover the failures of the large banks that did. These smaller banks should not have to be a casualty of the mistakes of the larger financial institutions. Will the FDIC use the expanded authority that I hope we will give them to return FDIC premiums to their previous level? We need a diverse banking system. We need a system. There are over 8,000 banks of all sizes in communities and States throughout the Nation. It is my hope that this financial crisis resolution preserves that system instead of allowing it to be dominated by a few ''too large to fail'' institutions.

What else will the Treasury do? How will the Treasury assure these other banks will be strengthened when they are not in the top 20 on which the Treasury seems to focus?

These are just a few of the critical questions about Secretary Geithner's untested, complicated plan. We, on behalf of taxpayers, deserve answers. Taxpayers deserve to hear solutions that will work. It is more important than anything else in solving the economic crisis that we solve the credit crisis.

Our banking and financial system affects every American's standard of living, our ability to create and maintain jobs, and our ability to compete globally. We must tackle the root of this problem—the toxic assets—and lead us out of the economic crisis and help Americans get back to work.

I, like most Americans, am suffering from bailout fatigue. Rightfully so. Taxpayers are fed up over the waste of hard-earned tax dollars and the plans that have wandered all over the lot in the past. Secretary Geithner now has a tough challenge, and that is to convince the taxpayers that this plan is a smart investment that will solve the root of our economic crisis.

Mr. President, I urge my colleagues to support the Dodd amendment. I yield the floor.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

NOMINATION OF DAVID S. KRIS

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the nomination of David S. Kris to be Assistant Attorney General in the National Security Division of the Department of Justice.

Let me say preliminarily how nice it is to see the other—I shouldn't say ''the other Senator''—the Senator from Pennsylvania presiding today. I compliment Senator CASEY on an outstanding tenure for, let me see, 2 years and almost 3 months. I express my appreciation for his cooperation in working together on so many projects.

May I say further for the RECORD, since it is in black and white and not in Technicolor, I think there is a slight blush on Senator CASEY for the warranted praise.

Now on to the other subject at hand.

David Kris has been nominated for this very important position. He comes to it with excellent credentials. He is a graduate of Haverford College, a college I know very well, being my oldest son, Shanin, graduated there, and the Harvard Law School, an institution I don't know quite so well but one I hear is a very good school, not perhaps up to—well, I won't comment about that. After graduation from law school, Mr. Kris served as clerk to Judge Stephen Trott on the Ninth Circuit; was in the Criminal Division of the Department of Justice for 8 years; was Deputy Attorney General for 3 years. He has excellent academic and professional standards.

I ask unanimous consent to have Mr. Kris's resume printed in the RECORD at the conclusion of my comments.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, Mr. Kris has the commendations and recommendations of both Attorneys General for whom he worked—Attorney General Janet Reno and Attorney General John Ashcroft. John Ashcroft, our former colleague in the Senate who sat on the Judiciary Committee, described Mr. Kris's ''intelligence, independence,

and wisdom'' as ''valuable national assets.''

After years of public service, Mr. Kris joined Time Warner and even found time to write a legal treatise on national security investigations and prosecutions. He is considered an expert on the Foreign Intelligence Surveillance Act and leading authority on national security law.

I urge my colleagues to support his nomination.

I yield the floor.

EXHIBIT 1

DAVID S. KRIS, ASSISTANT ATTORNEY GENERAL, NATIONAL SECURITY DIVISION

Birth: 1966, Boston, Massachusetts.

Legal Residence: Bethesda, Maryland.

Education: B.A., Haverford College, 1988; J.D., Harvard Law School, 1991.

Employment: Clerk, Judge Stephen S. Trott, U.S. Court of Appeals for the Ninth Circuit, 1991–1992. Attorney, Criminal Division, U.S. Department of Justice, 1992–2000. Associate Deputy Attorney General, U.S. Department of Justice, 2000–2003. Vice President, Time Warner, Inc., 2003–2005. Chief Compliance Officer, Time Warner, Inc., 2005–Present. Senior Vice President and Deputy General Counsel, Time Warner, Inc., 2006–Present. Nonresident Senior Fellow, Brookings Institution, 2008–Present. Adjunct Professor of Law, Georgetown University Law Center, 2008–Present. National Security Adviser, Hillary Clinton for President and Obama for America, 2008. DOJ Agency Review Team Member, President-Elect Transition Team, 2008–2009.

Selected Activities: Award, Attorney General's Award for Exceptional Service, 1999, 2002. Award, Assistant Attorney General's Award for Special Initiative, 1998. Awards for Special Achievement (various dates prior to 2000). Member, Edward Bennett Williams Inn of Court, 1995–2007; Massachusetts Bar, 1991–Present; New York State Bar, 2003–Present; Maryland State Bar, 2008–Present.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I join with my colleague from Pennsylvania in urging my colleagues to give an overwhelming vote to David Kris. I have had the pleasure of working with him on national security matters in my position as vice chairman of the Intelligence Committee. I believe our national security will be well served by Mr. Kris. I wholeheartedly endorse his nomination.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I also wholeheartedly endorse his nomination. He is an extremely talented, experienced intellectual in the law. I expect him to be one of the best we have ever had. I am very proud he is willing to serve in this administration and go through the processes many people are trying to avoid at this particular point.

Let me just say, as the longest serving person on the Senate Intelligence Committee, we need people such as Mr. Kris in Government. I commend the administration in cooperating and appointing him.

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. 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.

EXECUTIVE SESSION

NOMINATION OF DAVID S. KRIS TO BE ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. 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 David S. Kris, of Maryland, to be Assistant Attorney General.

Mr. LEAHY. Mr. President, the Senate has confirmed four nominees to fill top leadership positions at the Justice Department officials, and today we take another step forward to put in place Attorney General Holder's leadership team. Today, the Senate turns to the nomination of David Kris to lead the National Security Division.

I thank the Democratic and Republican members of the Judiciary Committee for working with me to expedite this nomination when it was in committee. Senator FEINSTEIN chaired our Judiciary Committee hearing on his nomination on February 25. We were able to report his nomination out of the committee by a voice vote on March 5. The Senate Select Committee on Intelligence worked quickly to consider and report his nomination as well. Finally, the Senate today considers his nomination to this critical national security post.

The Judiciary Committee's renewed oversight efforts in the last 2 years brought into sharper focus what for years had been clear—that during the last 8 years, the Bush administration repeatedly ignored the checks and balances wisely placed on executive power by the Founders. The Bush administration chose to enhance the power of the President and to turn the Office of Legal Counsel at the Department of Justice into an apologist for White House orders—from the warrantless wiretapping of Americans to torture.

Attorney General Holder has already taken steps toward restoring the rule of law. With the confirmation of David Kris to lead the National Security Division, we fill another key national security position in the Department.

David Kris is a highly regarded veteran of the Department of Justice. He is former Federal prosecutor who spent 8 years as a career attorney in the criminal division at the Department, handling complex cases in Federal trial and appellate courts, including the Supreme Court. Mr. Kris was then a political appointee under both President Clinton and President Bush, serving as Associate Deputy Attorney General from 2000–2003, supervising the government's use of the Foreign Intelligence Surveillance Act, FISA, representing the Justice Department at the National Security Council and in other interagency settings, briefing and testifying before Congress, and assisting the Attorney General in conducting oversight of the U.S. intelligence community.

Mr. Kris understands the role the Bush administration's excesses have played in undermining the Department of Justice and the rule of law. In 2006, Mr. Kris released a 23-page legal memorandum critical of the legal rationale offered by the Bush administration, and in support of the legality of the National Security Agency's warrantless wiretapping program. Mr. Kris was an early advocate for the creation of the National Security Division he has now been confirmed to lead, leaving a lucrative practice as an in-house counsel for a major corporation to return to government service.

Mr. Kris' nomination has also earned support from both sides of the aisle. Former Bush administration Solicitor General Ted Olson, who worked with Mr. Kris at the Department, describes Mr. Kris as ''a very sound lawyer,'' who ''is committed to the defense of the United States and its citizens, and respects the rule of law and civil rights.'' Former Deputy Attorney General Larry Thompson, who asked Mr. Kris to remain in his post during the Bush administration, writes that he asked Mr. Kris to stay after finding that ''he had a passion for national security issues but also a deep respect and appreciation for the related civil liberties concerns.'' Former Bush administration Homeland Security Secretary Michael Chertoff and former Attorneys General Janet Reno and John Ashcroft have all written in support of Mr. Kris' nomination.

President Obama has reminded Americans and the world that, ''to overcome extremism, we must also be vigilant in upholding the values our troops defend—because there is no force in the world more powerful than the example of America.'' The President reminded us that ''living our values doesn't make us weaker, it makes us safer and it makes us stronger.''

David Kris understands the moral and legal obligations we have to protect the fundamental rights of all Americans and to respect the human rights of all. He knows, as do the President and the Attorney General, that we must ensure that the rule of law is restored as the guiding light for the work of the Department of Justice.

I congratulate Mr. Kris and his family on his confirmation today.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the nomination of David S. Kris to be Assistant Attorney General for National Security.

Mr. Kris was nominated by President Obama on February 11, 2009, to fill this important position. Since then, his

nomination has been considered by the Judiciary Committee and then sequentially by the Intelligence Committee. I had the honor of chairing both of these hearings, so am as familiar with any Member with his record.

Both the Judiciary Committee and Intelligence Committee favorably reported the nomination without dissent.

The position of the Assistant Attorney General for National Security was created in the USA PATRIOT Improvement and Reauthorization Act of 2005 out of recognition that there should be a single official in the Department of Justice who is responsible for national security.

The Assistant Attorney General is the bridge between our Nation's intelligence community and the Department of Justice. He or she represents the Government before the FISA Court and is also the Government's chief counterterrorism and counterespionage prosecutor.

David Kris is highly qualified for this critically important national security position.

He has both figuratively and literally ''written the book'' on national security.

Mr. Kris spent 11 years as a prosecutor in the Justice Department, and he knows its national security functions well.

During the Bush administration, he was the Associate Deputy Attorney General for national security, where he litigated national security cases and oversaw intelligence activities. When Congress considered merging the Department's national security functions under a single office, Kris was one of the experts consulted.

After leaving Federal Government service, Mr. Kris remained very active in the field of national security law. He coauthored of the most widely used legal treatise in this area. His book, titled ''National Security Investigations and Prosecutions'', provides a step-by-step analysis of all of the law that governs Government activity in response to terrorist threats.

During the debate last year over rewriting the Foreign Intelligence Surveillance Act, Mr. Kris spent significant amounts of his personal time meeting with personnel from both the Judiciary and Intelligence Committees to offer his expertise and judgment.

In addition to his expertise, Kris has received high marks for his commitment to the rule of law. Both committees to consider his nomination received numerous letters of support from distinguished legal and privacy rights officials and experts. Those letters are in the hearing records at both committees.

It is important for the Senate to consider this nomination and confirm Mr. Kris. Simply put, the Department of Justice needs him to get to work.

The Assistant Attorney General position, currently vacant, is the primary official overseeing the Foreign Intelligence Surveillance Act implementation and signs applications going to the FISA Court.

Because of the legislation passed last year, Mr. Kris will need to start immediately to prepare new certifications and supporting materials that the executive branch will have to submit to the FISA Court. As such, he would be the official at the Department of Justice most directly involved in questions of setting minimization and targeting procedures, reviewing the Attorney General's guidelines under the act, and making sure that the intelligence collection is carried out faithfully under the law.

Separately, an Assistant Attorney General should be playing a key role in the executive branch review of how to handle individuals currently held at Guantanamo Bay. Mr. Kris has answered numerous questions on this topic during his confirmation hearings and shares my view that there must be an appropriate legal process upholding any decisions to detain individuals. However, he also believes, correctly in my view, that great care must be taken to ensure that anyone at Guantanamo who is transferred to other nations must not be allowed to pose a continuing threat to our national security.

I am pleased that this nomination has finally reached the floor, and I urge the confirmation of David Kris.

The PRESIDING OFFICER. The Senator from Maryland.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of David S. Kris, of Maryland, to be Assistant Attorney General?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—97

Akaka	Casey	Hagan
Alexander	Chambliss	Harkin
Barrasso	Coburn	Hatch
Baucus	Cochran	Hutchison
Bayh	Collins	Inhofe
Begich	Conrad	Inouye
Bennet	Corker	Isakson
Bennett	Cornyn	Johanns
Bingaman	Crapo	Johnson
Bond	DeMint	Kaufman
Boxer	Dodd	Kerry
Brown	Dorgan	Klobuchar
Brownback	Durbin	Kohl
Bunning	Ensign	Kyl
Burr	Feingold	Landrieu
Burris	Feinstein	Lautenberg
Byrd	Gillibrand	Leahy
Cantwell	Graham	Levin
Cardin	Grassley	Lieberman
Carper	Gregg	Lincoln
Lugar	Reed	Tester
Martinez	Reid	Thune
McCain	Risch	Udall (CO)
McCaskill	Roberts	Udall (NM)
McConnell	Rockefeller	Vitter
Menendez	Sanders	Voinovich
Merkley	Schumer	Warner
Mikulski	Sessions	Webb
Murkowski	Shaheen	Whitehouse
Murray	Shelby	Wicker
Nelson (FL)	Snowe	Wyden
Nelson (NE)	Specter	
Pryor	Stabenow	

NOT VOTING—2

Enzi	Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

LEGISLATIVE SESSION

NATIONAL SERVICE REAUTHORIZATION ACT—Continued

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

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

AMERICAN AND CHINESE ECONOMIES

Mr. BROWN. Mr. President, the current financial crisis paints our economic relationship with China in broad relief. Our economies are not healthy, China's economy, the economy of the United States. And worse, these two countries' economies, ours and China's, are codependent.

The U.S. official unemployment rate is 8.1 percent. In my State of Ohio, it is 9.4 percent, the highest rate inflicted on our State in 25 years. Meanwhile, tens of thousands of factories in China have closed over the past 6 months.

China is one enormous export platform, and the United States is its biggest customer. We, for all intents and purposes, have stopped buying. Morgan Stanley economists report that exports account for 47 percent of the economies of China and other East Asian nations. Literally 47 percent of their economy, almost half of their economy, is devoted to export in China and other Eastern Asian countries, while in our country, the United States, consumption accounts for 70 percent of our GDP. This economic codependency has bred a dangerously skewed financial relationship. As revenues flow out of the United States and into China, China has become our biggest lender. Imagine what that is going to look like if we continue these policies in the years ahead. What it means for sovereign wealth funds, the collection of United States dollars held by Chinese banks, Chinese Government treasury, Chinese businesses, the number of United States dollars, because of their trade surplus, coming from our trade deficit situation—I do not need to detail the

risk that relationship breeds. But its roots lie in our economic codependency, and our economic codependency is rooted in our Nation's passive trade policy.

Senator SANDERS and Senator WHITEHOUSE, joining me on the floor, with the Presiding Officer, all understand what these trade agreements have done, this passive trade policy that we have practiced for more than a decade, what that has done to our country.

Ohio is one of the great manufacturing States in our Nation. We make paper, steel, aluminum, glass, cars, tires, solar panels—one of the leading States in the country manufacturing solar panels—polymers, wind turbines, and more. Look around you today and you will see, wherever you go, something that was made in Ohio.

So let's look at a typical Ohio manufacturer and compare that with a Chinese manufacturer. The Ohio manufacturer has a minimum wage to pay his workers, as he should. The Ohio manufacturer has clean air rules, safe drinking water rules, workplace rules, product safety standards by which to abide, helping to keep our workers healthy and productive, helping to keep customers safe, helping to create a better, more humane society.

Worker safety, environment, public health, treating workers properly, these are all things our country and the values it represents has brought to us. The Chinese manufacturer has no minimum wage to maintain, is allowed to pollute local water sources, is allowed to let workers use dangerous and faulty machinery and, frankly, whether it is in a vitamin or food of some kind, is allowed to use, too often, toxic substances, such as on children's toys with lead-based paint, things such as that. Chinese manufacturing doesn't do any of the things the Ohio manufacturer does.

The Ohio manufacturer pays taxes, health benefits, pays into Social Security and Medicare, typically allows family leave, and gives WARN notices when there is a plant closing. The Chinese manufacturer does little of that, but the Chinese manufacturer also allows child labor, which is expressly forbidden in this country. The Ohio manufacturer generally receives no government subsidies. The Chinese manufacturer often receives some subsidies for the development of new technologies and, often, subsidies for export assistance. The Chinese manufacturer benefits from China's manipulation of its currency which gives it up to a 40-percent cost advantage.

The Ohio manufacturer is going green, investing in new technologies and efficiency to create more sustainable production practices. Ohio manufacturers are part of the movement to become more energy efficient. They will do their job to reduce carbon emissions but not at the expense of jobs if China and other countries don't take comparable action. When an Ohio manufacturer petitions for relief, when he says, ''I can compete with anyone, but this is not a level playing field;'' when the Ohio manufacturer says he wants to emit less carbon but needs to see that his competitors from China bear the same cost on similar time lines, what does the Chinese Government say? They call it protectionism.

Last week Energy Secretary Chu noted in a hearing that unless other countries bear a cost for carbon emissions, the United States will be at a disadvantage. The Chinese official responded:

> I will oppose using climate change as an excuse to practice protectionism on trade.

Chinese officials are quick to call us protectionist, a country that has an $800 billion trade deficit, despite all the protections the Chinese afford its manufacturers. Meanwhile, the United States has the world's most open economy, as we should.

Of course, Chinese officials are often joined by highly paid American CEOs, by Ivy League economists, by editorial boards at darn near every newspaper in the country in calling any effort to rebuild American manufacturing protectionist. In newspapers around the country, when we fight for American jobs and say we need a level playing field, newspapers will say we are protectionist. That is why there is such a sense of urgency about changing this manufacturing policy. China's industrial policy is based on unfair trade practices. It involves direct export subsidies and indirect subsidies such as currency manipulation and copyright piracy, hidden subsidies such as lax standards and low labor costs, and unenforced environmental rules. In total, it results in millions of lost jobs—in Erie, Pittsburgh, Philadelphia, Cleveland, Youngstown, Sandusky, Zaynesville, and Lima, all over the States.

It is also depressing wage and income levels worldwide, while China's exploitation of environmental and health and safety standards injures Chinese, sometimes kills Chinese workers and citizens, and adds to our climate change challenges. The health of our economy, the strength of our middle class depends on how Congress and how the Obama administration engages with China on these issues.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate at 12:33 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. KAUFMAN).

NATIONAL SERVICE REAUTHORIZATION ACT—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that Senator REED from Rhode Island be recognized first, for up to 5 minutes, and then I be recognized, following him, for up to 10 minutes.

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

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of H.R. 1388, the Serve America Act. I particularly commend Senator MIKULSKI for her leadership on this very important initiative. She has done more than anyone to bring this bill to the floor and it being on the verge of successful passage. I say thank you, Madam Chairwoman as well as Senators KENNEDY, HATCH, and ENZI for your excellent work on this bill.

This bipartisan legislation reauthorizes the National and Community Service Act for the first time since 1993. It strengthens our commitment to the importance and value of national and community service for individuals of all ages.

I was pleased the American Recovery and Reinvestment Act that was signed into law last month included $154 million for AmeriCorps State and national programs and AmeriCorps VISTA. This funding is estimated to engage 13,000 additional individuals in service to their communities. In his address to Congress last month, President Obama encouraged ''a renewed spirit of national service for this and future generations'' and called for quick congressional action on the legislation we seek to pass today.

There are a variety of ways to serve your country. You can serve in the Armed Forces, as I did, or you can serve in your community, as so many Americans are doing today. More than ever, being a good citizen means not only working hard and providing for one's family but also being an engaged and contributing member of the community, and particularly to those most in need in your community.

We make ourselves better by engaging in service that gives back to our communities and makes our society better, through teaching, mentoring and tutoring children, cleaning up rivers and streams, building housing for the homeless, and addressing the medical needs of the ailing, to name a few endeavors that are so critical.

The AmeriCorps, Learn and Serve America, and Senior Corps programs have greatly benefitted my State. Rhode Island has a proud tradition of service and was one of the first States to embrace the AmeriCorps program. More than 14,000 Rhode Islanders participated in those programs last year.

Participants in these programs are given an opportunity to learn as well as an opportunity to serve. In the act of serving their community, participants often make a difference in their own lives—developing their own knowledge, skills, character, and self-esteem, and incorporating an ethic of civic responsibility for the rest of their lives.

As a cosponsor of this legislation, I am particularly pleased that this bill includes changes I advocated to maximize Rhode Island's funding through the AmeriCorps and Learn and Serve programs. The Serve America Act includes a statutory small State minimum for the AmeriCorps and Learn and Serve formula programs for the first time. It also includes a provision I authored to ensure that small, innovative AmeriCorps programs such as those found throughout Rhode Island get their fair share of competitive grant funding. Additionally, I am pleased that this legislation includes changes I sought to encourage volunteers to focus on helping low-income individuals find affordable housing.

This is legislation that is important. It is critical. It lives up to our highest traditions as a nation; that is, to be something more than one who enjoys their rights but also who discharges their responsibilities through service to the community and the Nation. I urge passage.

The PRESIDING OFFICER. The Senator from Texas.

THE BUDGET

Mr. CORNYN. Mr. President, I am a member of the Budget Committee. Senator CONRAD is our chairman. Senator GREGG is our ranking member. As the Senate knows, this week we will be taking up the President's proposed budget, and I want to speak for a few minutes about that subject.

Yesterday I had the opportunity to speak to a number of students who were here because they want to make sure Congress continues to provide them an opportunity to study at our Nation's community colleges. I am a strong believer in the role of community colleges as a less expensive yet outstanding opportunity to earn a good education, but it being also a part of our workforce development and training, where industry can come in and match up a curriculum to train people to perform jobs for which they can receive well-paying salaries.

But yesterday these community college students, of course, were here to talk about the issues that are on their mind. They heard from Dr. Jill Biden and Secretary Duncan, among others. I appreciate how eager they were to learn what is going on here in Washington. Indeed, I bet there are a lot of people who would like to know what is going on here in Washington.

I encouraged them to learn about the issues and express their views. I told them that as far as I can tell, their generation will bear the consequences of the reckless spending this Congress is engaged in, in a budget that simply spends too much, taxes too much, and borrows too much.

Students will ultimately end up—after they finish their education and enter the workforce—paying those higher taxes under this proposed budget. This proposed budget calls for $1.4 trillion in additional net taxes over the next 10 years.

Students are trying to figure out how these higher taxes will actually impact the opportunities they will have as they enter the workforce. Some of these taxes will hit these students at the toughest time; that is, right as they enter their first job.

We know the engine of job creation in America is our small businesses. In fact, of those small businesses that employ between 10 and 500 employees—which are the principal job creators in our country—50 percent of them will experience higher tax rates because many of them are not incorporated. They are sole proprietorships. They are partnerships. They are subchapter S corporations, where the income actually flows through and is reported on an individual tax return.

So it is not true to say these will only affect the rich. Indeed, these taxes will affect the very job engine that creates the jobs we ought to be worried about retaining and indeed creating more of.

I also talked to these students about how they will feel the impact of higher energy costs on their electric bill. You may wonder what I am talking about. Well, we all care about the environment. As a matter of fact, I reject the notion of people who actually say: Well, we care about the environment, and you do not care. I think we all care about the quality of the air we breathe, the quality of the water we drink. I cannot imagine someone who does not.

These students, though, I think are understandably skeptical of the complex and unproven cap-and-trade scheme the President's budget wants to import from Europe, which will actually ultimately increase the cost of energy, including electricity. That is why some people have called it a national sales tax on energy, if, indeed, this complex and unproven cap-and-trade plan is passed as part of the President's budget.

Then there is the issue of the caps placed on charitable deductions for taxpayers who take advantage of that tax break when they contribute money to good and worthy purposes. Many community college students receive scholarships from foundations that are funded by charitable contributions. As a matter of fact, charitable giving is one of the things that is part of our Nation's great tradition of voluntarism—something Alexis de Tocqueville called ''public associations''—things you do not get paid for but things that people do because they think it is the right thing to do and they have the opportunity to do in our great country.

This budget would actually cap charitable contributions, which will actually reduce the tax incentive for individuals to contribute money to good causes such as the Tyler Junior College Foundation in Tyler, TX. The foundation is understandably concerned that raising taxes without increasing the charitable tax deduction will limit their ability to offer as many scholarships in future years.

So these tax increases will, in effect, limit the opportunities for these community college students, including folks in my State, in east Texas, in Tyler, TX.

Then there is the issue of raising taxes generally and spending. These students know Congress is already spending a whole lot of their money because it is all borrowed money. In fact, we have spent more money since this Congress convened this year than has been spent for the Iraq war, the war in Afghanistan, and in Hurricane Katrina recovery. We have done that already. And this budget calls for doubling the debt in 5 years and tripling the debt in 10 years.

These students, understandably—because they are going to be the ones we are going to look to to pay that money back or bear that tax burden—should be concerned and, indeed, they are concerned that so much money is being spent so recklessly. In fact, it is impossible for me to imagine it will be spent without huge sums of money actually being wasted.

We have already seen evidence of that. In the stimulus bill—the President said he wanted on his desk in short order, which was rushed through the Senate and through the Congress—$1.1 trillion, including the debt and interest on the debt—we found out, once we passed the next bill, which was a $410 billion Omnibus appropriations bill, that, lo and behold, Congress had actually doubly funded 122 different programs in the bill. We acted with such haste, with such little care, with such little deliberation, that we found out we doubly funded 122 programs.

Indeed, we found out in recent days that in the conference report on the stimulus bill, there was a provision stuck in the conference report that protected the bailout bonuses for the executives of AIG. Then, of course, there was the understandable uproar over that. That is what happens when a bill is printed and circulated at 11 o'clock at night, on a Thursday night, and we are required to vote on it in less than 24 hours the next day. That is not the kind of transparency, that is not the kind of accountability, that is not what will actually give people more confidence in their Government-elected officials. To the contrary. There is another provision in this omnibus bill that has essentially started a trade war with Mexico, something that causes me grave concern.

So as we consider the President's $3.6 trillion budget proposal, we should remember the lessons of the past 2 weeks: spending so much money, so quickly, can lead to unintended consequences, to say the very least, but the biggest consequence of this budget is the amount of debt we are accumulating. I have already talked about it a minute.

But, of course, we were shocked, and I think even the President and the administration were shocked, by the Congressional Budget Office, the nonpartisan office which evaluates financial matters for Congress, which said the President's budget will actually create deficits averaging nearly $1 trillion a year for the next decade.

I mentioned the fact that it would double the debt in 5 years, triple it in 10 years. The Congressional Budget Office said the size of the national debt as a percentage of the economy will become the highest since the years after World War II.

So these students who start college this year will see their share of the national debt grow from $19,000 per student to more than $36,000 per student after graduation from a 4-year program. By 2019, their share of the debt will grow to more than $55,000 per person. Can you imagine, with the money they have to borrow to fund their education, with their credit card debt—and I do not know any student who does not have sizable credit card debt—we are going to heap $55,000 in additional debt on these students. That is a tough way to start out your life after school as you start your first job. Today's college students will ultimately have to pay back the debt, as well as the generations that succeed them. All bailouts, one way or another, will come out of their pocket.

I urge my colleagues to understand the impact on this younger generation of a budget that taxes too much, spends too much, and borrows too much. Because of our actions, the next generation will either have to raise more taxes or cut programs that are necessary or lower their standard of living.

I know from my parents, members of the ''greatest generation,'' the one thing they aspired to more than anything else was that my brother and my sister and I would have a better life, more opportunities, more freedom, a better standard of living than they did. And they were willing to sacrifice for that, and sacrifice they did. But it seems to me the sacrifices we are calling for today are all on our children and grandchildren, and none upon the present generation.

The President says he wants to make hard decisions. But I do not see any hard decisions in this budget. All I see is more borrowing, more taxing, and more spending, and that is exactly the wrong way we ought to be headed.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

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

Ms. STABENOW. Mr. President, we know our planet is in danger, and later this year we will be debating a climate bill to address our environmental challenges. I am glad to see my colleagues from the other side of the aisle are doing their part for the environment by recycling 15-year-old talking points on the budget.

President Bush left us a terrible mess: high unemployment, high deficits, millions without health care. I am referring to the first President Bush and the mess inherited by President Bill Clinton. One of my colleagues at the time said Clinton's budget would ''destroy the economy.'' Well, I think everyone knows the Clinton years did not destroy the economy. In fact, they created about 22 million new jobs.

Let's look at some of the newspaper headlines from back then. First of all, just this week, Politico's banner headline was: ''GOP Warns About Budget Hardball.'' That is what we have been hearing on the floor—hardball, people coming down time after time attacking President Obama's budget.

But back in 1995, we heard the same thing: ''GOP Plan for Budget to Take No Prisoners.''

In 1993: ''GOP's Politics of No.'' Sound familiar? GOP's politics of no.

In 1993: ''One-Word Vocabulary Hobbles GOP. Republicans Grouse as Senate Takes Up Budget Bill.'' You could recycle and, in fact, that is what they are doing, every single one of these comments and every single one of these headlines.

The American people voted for change last November. They are tired of all of this. They are tired of the naysaying, the doom and the gloom. They deserve better than a Republican repeat, and that is, unfortunately, what is happening: a Republican repeat, same old politics, same old politics of no, slow-walking, filibustering; same old policies; every problem should have a tax cut for the wealthy. That is what got us into this mess.

We hear the same old thing from our colleagues on the other side of the aisle. We hear no to health care reform and the budget, no to creating 3.5 million new jobs through the recovery plan. We hear no to increasing oversight of our financial sector. We hear no to extending unemployment for those most in need. Certainly, in my great State of Michigan the answer has been no. To a commonsense budget that provides middle-class tax cuts and will cut the deficit in half in 4 years, what do we hear? No.

The budget we are working on now focuses on the real problems affecting American families, the things that people sit down with their families and struggle over every day. The Obama budget invests in America's future by focusing on jobs, by focusing on health care, by focusing on energy independence, and education. That is what our families are concerned about as they are trying to juggle what to pay first amidst the crisis they feel today.

This is a budget we need to do right now. We need to move past the politics of no and start working together to do what is right for American families. I urge my colleagues to look past the next election cycle and to pass this budget to get America back on track again.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 688

Mr. CORKER. Mr. President, I rise to speak regarding amendment No. 688, the Crapo-Corker amendment. I say to the Senator from Michigan, this is an opportunity for us all to say yes.

This is an amendment that is very important to people all across the country. What this amendment does is it gives the FDIC the ability to have a line of credit that today is at $30 billion, and it gives them a line of credit up to $100 billion. The FDIC was put in place in 1991 when banking assets in our country were at $4.5 trillion. Today, bank assets in our country total almost $14.7 trillion. We have an FDIC today that is hamstrung because of the financial crisis in which we find ourselves. So this amendment would raise that line of credit from $30 billion, which is an ancient establishment, to $100 billion.

Secondly, what it would do is give the FDIC—with certain signatures required from the Fed, from the Treasury, from others—access to a $500 billion line of credit in the event they need it to seize an institution to protect depositors. So this does two things.

To make this relevant to people who will be voting on this amendment, hopefully, this afternoon, I think all of my colleagues know the FDIC has just put in place a special assessment. My guess is every person in this body has heard from community bankers and regional bankers and even larger establishments about this special assessment.

I know in Tennessee, many of the community banks actually would have to spend an entire quarter's earnings to pay this special assessment. So by doing what we are doing in this amendment, we actually give the FDIC time to amortize that special assessment over a number of years which will cause it to be far more palatable for community bankers, in particular, who have had nothing whatsoever to do with the financial crisis in which we find ourselves.

Secondly—and I think this ought to be equally important to people here—this gives the FDIC the ability to move into an organization quickly and to seize it to protect depositors' accounts.

I know right now the fund is running thin. My guess is that could affect—and actually the FDIC has lobbied for this—this might affect future actions if they don't feel as though they have the resources necessary to go into an organization to do the things they need to do to make sure depositors are protected.

This action is action for which I would imagine we could almost get unanimous support. As a matter of

fact, my guess is we could voice vote this. As a matter of fact, I hope that will occur this afternoon.

In the past, this legislation has been held hostage to what is called the cram-down provision. The cram-down provision has been before this body. It was defeated overwhelmingly. Numbers of Democrats thought it was bad legislation. There have been a few Senators who have tried to attach cram-down to this legislation that we will be voting on this afternoon and tried to extort action on cram-down by virtue of holding this very good piece of policy at bay.

It is my hope this afternoon that we will do something that is very important, especially to community bankers across the country but also to depositors to make sure we have the ability to protect them: that the FDIC has the ability to move quickly. Move aside from extortionary politics and move toward doing something that is good for our country, good for community bankers, and certainly very good for depositors all across this country.

Mr. President, I thank you for this time. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, I wish to say with respect to the Serve America Act, let me compliment the committee chair and the ranking member. This is a good piece of legislation. I am proud to support it. I also wish to say I have an amendment I hope we will be able to accept by voice this afternoon. It is the amendment that calls for a tribal liaison to the Corporation of National and Community Service in order to keep Indian tribes in this country fully involved in this process.

Some of the highest rates of unemployment in this country exist within Indian tribes. The opportunity to participate in, for example, the National Committee Service Program would be very important. So I know this amendment is supported by the chair and the ranking member, and I hope we can accept it by voice vote at some point this afternoon.

Mr. President, I would inform Senator MIKULSKI that I wanted to describe to my colleagues something that is happening in our State as I speak, and I wanted to do so in morning business so it doesn't interrupt the flow of the debate over this bill. So I ask unanimous consent to speak as in morning business to describe the flooding threat that is occurring in my State at this moment.

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

(The further remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, later this afternoon we are going to be voting on the Crapo amendment, No. 688, to increase borrowing authority for the FDIC. I will not be supporting the Senator's amendment even though I agree there is much about the policy in the amendment that I agree with. It might be a good idea, but it is in the wrong place.

The bill pending before the Senate is the national service bill. It is the result of bipartisan, bicameral work—very complicated bipartisan, bicameral negotiations—on which we have strong support from a range of Senators and strong support from the administration. Introducing contentious housing and economic issues into this debate would jeopardize the bipartisan support we have on this bill and could wreak havoc in the conference we will be facing with the House. We don't want to be in havoc with the House. It is one thing to be negotiating assertively, representing a Senator's viewpoint with the House on national service and what is the best, most prudent, and affordable way to do it, but if we have to carry over to the House an amendment dealing with FDIC and insurance—that really belongs on another bill.

I encourage our colleague, Senator CRAPO, to withdraw the amendment. I really would not like to reject the idea, but that is the Banking Committee's jurisdiction. As I understand it from the chairman and ranking member of the Banking Committee, this is a substantive issue they intend to take up in their committee.

I say to my colleagues on both sides of the aisle, if Senator CRAPO insists upon a vote, that we really not pass his amendment. For all of those who think the policy has merit, I don't dispute that. But that is for another forum. That is for a Banking Committee forum. That should be hashed out in the Banking Committee, and then recommendations would be brought to the respective caucuses of both the Democrats and Republicans so that we can have a substantive discussion.

I must say that to increase the borrowing authority of the FDIC from $30 billion to $100 billion should not be done on a shoot-from-the-lip. That is what this amendment is, all due respect to my colleague. Just kind of dumping it on national service is a shoot-from-the-lip amendment. I think it deserves more caution and consideration. We are talking about raising the borrowing authority by $70 billion just when everybody is saying: Hey, Obama is taking on too much. I think we are taking too much on in an amendment with the national service bill.

I say to my colleague, please withdraw your amendment. If you insist upon a vote, I am afraid I will have to oppose you in a very vigorous way. Perhaps, if done appropriately through the Banking Committee and it comes before the Senate in the regular order, I might be in the ''aye'' column.

So when we do vote on that, that is the category I will be in. As I understand it, we will be voting on that amendment this afternoon. There is still time for the Senator to come over and withdraw his amendment. I say this in the most respectful way because I know how strongly he feels about it. He has a lot of expertise on that, and I would like to see that expertise channeled to the right place, at the right time, with the right amendment, on the right bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 3 p.m., the Senate resume consideration of amendment No. 688; that if a budget point of order is raised against the amendment and a motion to waive the applicable point of order is made, that immediately thereafter the Senate proceed to vote on the motion to waive the point of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, President Obama has said he wants to encourage ''a renewed spirit of national service for this and future generations.'' I submit that we can all agree on the value of promoting voluntarism. Volunteers are essential to the survival of many charitable organizations in America. But I believe S. 277 diminishes the true spirit of volunteering, first, by providing taxpayer-funded benefits such as monthly stipends and housing to participants—this financial support for volunteers will cost over $5 billion, which is a lot of money for volunteering—and secondly, by redefining volunteering as a taxpayer-funded political exercise in which Government bureaucrats can steer funding to organizations they select.

In the past, service organizations mandated by the Government have not been constrained from providing funds to organizations with political agendas, and this bill is no different. While the Mikulski substitute amendment to the bill adds a limited constraint, the political direction of the bill is still apparent. It attempts to direct resources to five newly created corps—three that aim to influence health care, energy and the environment, and education; that is, groups that reflect the key aspects of President Obama's domestic agenda. For instance, the bill would allocate funds to a newly created Clean Energy Corps in which participants would improve energy efficiency in low-income households. All well and good, but the bill would also require the Clean Energy Corps to consult with energy and labor and the Environmental Protection Agency. Among the activities of the new Clean Energy

Corps would be reducing carbon emissions. How reducing carbon emissions can be achieved by volunteers has not been made clear. Is this, in fact, an attempt to create federally subsidized ''green jobs'' in areas already served by other Government programs or traditionally served by State, local, and private community service organizations?

Another problem with the bill is its failure to eliminate programs that are not working. Current national service programs being funded, such as Learn and Serve and the AmeriCorps National Civilian Community Corps, have not been successful. On its Web site, expectmore.gov, which provides a database of Federal program performance results, the Office of Management and Budget has categorized both of these programs as not performing and ineffective.

Finally, there are the costs associated with the programs. The Congressional Budget Office estimates that the costs this year will top $1 billion and will cost another $5.7 billion from 2010 to 2014 to expand the program from the current 75,000 participants to 200,000 participants by 2014.

There is ample reason to conclude that these programs are not worth another $5.7 billion. I realize we have gotten to the point where $1 billion does not mean what it once did. But S. 277 would saddle taxpayers with another multimillion dollar bill at a time when we should be cutting back, not finding new ways to spend.

The spirit of voluntarism is alive and well in America. I see it in my own State of Arizona. Could we agree that maybe there is one area of our society in which we do not have to add more Government? I think volunteering to help our neighbors might be a good place to start.

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. DODD. 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. DODD. Mr. President, very briefly, I gather Senator MIKULSKI has already addressed this point, but I see my very good friend from Idaho, Mr. CRAPO, here as well, the author of the amendment. I commend him for it. I know this is going to sound awkward because there is going to be a procedural issue we are going to vote on shortly.

My colleague should understand the procedural differences should not reflect substantive differences at this point. We agree with what he is trying to achieve. There is an issue here involving a budget point of order, as well as a determination, I know, by the authors of this bill—Senator MIKULSKI, Senator KENNEDY, Senator HATCH, Senator ENZI, the principal authors—to try to achieve a bill that can move quickly dealing with national service.

But the underlying amendment by Senator CRAPO is one that I think is universally supported—there may be some who disagree, but I do not—that this has a lot of merit and we need to deal with it in conjunction with other matters, with which my colleague from Idaho is very familiar, dealing with the FTC, some safe harbor provisions from Senator MARTINEZ dealing with the foreclosure issue, and several other points as well. We are trying to include these as an overall package which we are working on and hopefully can complete maybe before the recess. I don't want to commit to that but certainly quickly because there is a sense of importance to these matters.

I want my colleagues to know, particularly my friend from Idaho, that supporting a motion dealing with a budget matter here is not a reflection of the substance of his amendment.

We talked privately about this issue, but I wanted to say so publicly as well, and that as chairman of the committee of jurisdiction, we will move as quickly as we possibly can to deal with this and related matters.

Again, I wish my colleagues to know that as well, but that is the rationale behind this particular moment.

Again, I thank my colleague from Idaho for raising this important issue. He is a valued member of the committee and made a very worthwhile suggestion, certainly one we will, in my judgment, incorporate as part of this larger package.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I thank my committee chairman, Senator DODD, of the Banking Committee for his comments. I appreciate our working relationship and the commitment he made on not only this issue but a number of issues of importance facing our financial institutions and the reform we need to deal with in Congress. I look forward to working with him on that matter.

I also thank Senator MIKULSKI for her patience as we brought this issue up on her bill. I truly do appreciate her patience and her understanding. I understand what the procedure is going to be and what the votes are going to be in a few minutes. I recognize that. I do realize we have a procedural issue here, but we also have a very critical financial issue.

As Senator DODD has so well stated, this is an issue on which we have broad bipartisan agreement. I appreciate his commitment to work with us in an expeditious manner so that we can get this legislation put into law as soon as possible. There is an urgency. It is not an emergency yet and we have a little bit of time to deal with it, but there is an urgency. I appreciate Senator DODD's recognition of that and his willingness to work with us on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to ask the manager of the bill if I may bring up a couple of my amendments. We gave the amendments to her staff about 4 hours ago. I was recently informed I was not going to be able to get those amendments up and pending. The majority leader of the Senate asked us to get amendments up. I cleared my schedule to make sure I could come over and get my amendments up. Now I am told by Senator MIKULSKI's staff that there would be objection to getting any more amendments pending.

Ms. MIKULSKI. Mr. President, I say to my colleague from Nevada, there seems to be some confusion about this matter. We do want to address his amendments. We have been working on his side trying to queue up those amendments. Perhaps during this vote he and I can talk. I think there was confusion about where there are some roadblocks. Let's talk during the vote.

Mr. ENSIGN. I appreciate that.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wonder if I may have permission to ask the Senator from Connecticut a question.

Mr. President, I stepped in after the dialogue was taking place on the floor. My understanding is that the Crapo amendment that actually is part of the original bill—that you are very much a part of and have allowed—is going to come up in an expeditious manner. I wonder if we have a commitment from the chairman, whom I respect and certainly enjoy working with very much, that it come up unattached to a cram-down so that we don't have the extortion of that issue being attached to this.

I didn't hear that, so I wanted to know if that was also part of the commitment.

Mr. DODD. Mr. President, I appreciate my colleague from Tennessee having very good ears in all of this. I can't dictate what all is going to be included in the amendment. My colleague, of course, is aware that there are a number of our colleagues who are very interested in the cram-down—as you call it—provision dealing with the bankruptcy law and primary residences. So I cannot give the assertion that a final package will or will not include that. That will largely depend on how these negotiations proceed.

That is the reason we are not prepared today to go forward with this proposal, along with others as part of this package. And I know there are strong feelings on both sides of that question in this Chamber. So I know I have been asked to give that assertion, which I cannot give, obviously, any more than I could give an assertion that other pieces Members are interested in would be excluded or included at a moment like this.

What I have said to my colleague—and I will repeat to my good friend

from Tennessee, with whom I enjoy a very good relationship—is that this is a very important matter my friend has raised. I agree with him on the substance of it. It needs to be done expeditiously. It is a serious issue. There are others, dealing with the Federal Trade Commission and others, which need to be a part of a package that our bankers—particularly our community bankers—are very interested in.

I also know there are strong feelings about the cram-down provisions. But as I have said to my colleague from Idaho and others, I cannot today stand here and dictate the outcome of a matter on which there are strong feelings and opinions in this Chamber. We will deal with that as we normally do, through the normal process, one way or the other.

At this particular moment, given the fact that we need to deal with this in a more complete fashion, there is a budget point of order on this matter and, clearly, the authors of this bill, the pending matter, would like to move this matter without having extraneous material added to it. So for all those reasons, I will be supporting the motion of the Senator from Maryland so we can move along with the matter. But that is the answer to the question of my good friend from Tennessee.

Mr. CORKER. Mr. President, if I could have just 30 seconds, I certainly thank the Senator from Connecticut and, again, will certainly work with him. I might add that the strong feelings that are felt sort of go in this manner: that there is unanimous or overwhelming support for this particular provision, and this body is very divided on this other issue. So it does, in effect, keep us from having a very good policy that is very much supported from becoming law.

It is broken down by the fact we have tremendous dissension in this body—or let me say this: a difference of opinion in this body—over the cram-down issue. But that is stating the obvious, and I am sure the American public understands that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that Senator CHAMBLISS be added as a cosponsor of the Crapo amendment.

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

Under the previous order, the question is on agreeing to amendment No. 688 offered by the Senator from Idaho, Mr. CRAPO.

Ms. MIKULSKI. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. CRAPO. Mr. President, I move to waive the applicable provisions under the Budget Act with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Mr. President, what is the order, a vote or a quorum?

The PRESIDING OFFICER. A quorum is in order if someone suggests the absence of a quorum.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the motion to waive the Budget Act in relation to the Crapo amendment, No. 688. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The yeas and nays resulted—yeas 48, nays 49, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—48

Alexander	DeMint	McCain
Barrasso	Dorgan	McCaskill
Baucus	Ensign	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Cantwell	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Tester
Collins	Kyl	Thune
Corker	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Wicker

NAYS—49

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

NOT VOTING—2

Enzi	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 715 TO AMENDMENT NO. 692

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I ask for the regular order concerning the Baucus amendment and I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 715 to amendment No. 692.

Mr. ENSIGN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify that nonprofit organizations assisted under the Nonprofit Capacity Building Program include certain crisis pregnancy centers, and organizations that serve battered women or victims of rape or incest)

On page 2, line 20, insert before the period the following: ''which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest''. These organizations must be charities within the meaning of the United States tax code.

Mr. ENSIGN. Mr. President, this is a very simple amendment. The Baucus amendment wants to pay legal fees for some of these organizations that are volunteer organizations. Sometimes these organizations have significant legal fees. What my amendment says is, even though the bill doesn't specifically exclude any organizations, I wish to make sure that several of these organizations or types of organizations are able to be included and eligible for some of those legal fees. In my amendment, it points out things such as crisis pregnancy centers, battered women shelters, rape crisis centers, various organizations that are specifically geared toward helping women. I wished to make sure that somewhere down the line somebody at an administrative level doesn't exclude somebody because they have a different political philosophy. We want to make sure the people in these organizations are included. These are people, obviously, from both sides of the political aisle whom we have included in our amendment. I urge its adoption.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we can appreciate this amendment and the thrust behind it.

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.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MIKULSKI. Mr. President, the Ensign amendment would make an unnecessary and divisive change to the bipartisan amendment offered by Senators BAUCUS and GRASSLEY. The Baucus-Grassley amendment would create

a nonprofit capacity building program. It would fund a grant program to provide education opportunities to small charities, primarily designed for those in rural areas. The education opportunities would teach charities how to manage finances and fundraise effectively, how to accurately file complicated tax forms, adopt new computer technologies or even plan a long-term budget. Capacity in rural communities, such as I see in my own areas, do need help. I think the Grassley-Baucus amendment has merit. In the Baucus-Grassley amendment, there is no limitation on the types of charities that can access these training programs. Therefore, the amendment of the Senator from Nevada is unnecessary.

Support for the Baucus-Grassley amendment is quite broad. The National Council of Nonprofits, the Independent Sector, and the Alliance for Children and Families have voiced their strong support for this amendment. I urge colleagues to oppose the Ensign amendment.

I wish to also comment on his desire to include crisis pregnancy centers. That is a broad definition. I am not sure what he means by a crisis pregnancy center. There are those that are ones with a particular philosophical viewpoint as compared to broad pregnancy information. These centers are already covered by language in the current bill. The amendment is not needed. There is a question about adding that explicit language. I urge Members not to adopt the Ensign second-degree amendment. It is unnecessary and unneeded and would cause quite an intense negotiation with the House when we go to conference. The whole idea of the way we have been working so faithfully on a bipartisan and even bicameral basis is to not to have a long conference so we are able to move the national service bill to signing by the President so it could be included in this year's appropriations. By adding the Ensign second degree, this would result in jeopardizing the passage of the bill.

I urge defeat of the Ensign amendment and would so recommend to my colleagues.

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.

Mrs. SHAHEEN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. SHAHEEN. I ask unanimous consent to set aside the pending amendment so my amendment No. 712 can be called up for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Reserving the right to object, I would also ask, as part of that agreement, that I have an amendment that also be made pending as part of the request of the Senator from New Hampshire.

Ms. MIKULSKI. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we didn't know the Senator had an amendment. We need to have a copy of the amendment. If we could have a copy, we would be willing to discuss it.

Mr. THUNE. I would be happy to make it available to the distinguished manager of the bill.

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.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MIKULSKI. Mr. President, if I may say to the Senator from South Dakota, we are looking at his amendment to see if there is something we can accommodate. Would it be agreeable to him if the Senator from New Hampshire offered a bipartisan amendment that she and the other Senator from New Hampshire are offering? She will offer it and speak briefly, understanding that the Senator had sought recognition before she did.

Mr. THUNE. Let me ask through the Chair, so the understanding would be that the amendment of the Senator from New Hampshire would become the pending amendment?

Ms. MIKULSKI. Yes.

Mr. THUNE. Is there any understanding beyond that about amendments offered by Members on our side, mine included?

Ms. MIKULSKI. It is a matter of expediting the time. We are reviewing your amendment, which is a sense of the Senate. We are viewing it from not only a policy standpoint but with this arrangement of discussing issues with the House. It is more of a time management issue than a content issue.

I ask unanimous consent that upon completion of the offering of the amendment by the Senator from New Hampshire, the Senator from South Dakota's amendment be pending.

Mr. THUNE. I thank the Senator from Maryland. I withdraw my objection.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 712 TO AMENDMENT NO. 687

Mrs. SHAHEEN. I ask unanimous consent to set aside the pending amendment so amendment No. 712 can be called up for consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN], for herself and Mr. GREGG, proposes an amendment numbered 712 to amendment No. 687.

Mrs. SHAHEEN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that an Education Corps may carry out activities that provide music and arts education and engagement)

In section 122 (a)(1)(B) of the National and Community Service Act of 1990, as amended by section 1302 of the bill, insert at the appropriate place the following:

''(____) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages;''.

Mrs. SHAHEEN. Mr. President, I appreciate your assistance in moving this amendment forward and certainly appreciate the Senator from South Dakota and, of course, the Senator from Maryland for helping me move forward with this amendment.

I bring this amendment forward on behalf of my colleague from New Hampshire, Senator GREGG, and myself. The Shaheen-Gregg amendment would simply add to the menu of activities that can be included in the Education Corps. It would include musicians and artists to promote arts in education. That, very simply, is the amendment.

I would also like to speak briefly to the pending legislation, S. 277, the Serve America Act. I want to begin by commending my colleagues, Senator KENNEDY and Senator HATCH, for their leadership in working on this legislation and bringing it forward and, of course, Senator MIKULSKI and Senator ENZI for their work in making sure the discussion on this bill can go forward, so hopefully we can pass this legislation this week.

This Serve America Act clearly embodies the spirit of America—a spirit that calls on all of us to give back to our country and to work together to build a nation that can continue to offer endless opportunity to generations to come.

This bill could not come at a more critical time in our Nation's history. More and more people need help getting by in this tough economic climate, while more and more of even the most generous among us have less and less to contribute to charitable activities. That is what makes this legislation so special. It has nothing to do with status, with background, with privilege or circumstance. Every American is equal in their ability to give of themselves and their time. As Martin Luther King said so eloquently: Every American can be great because every American can serve—to paraphrase what he said a little bit. The Serve America Act encourages voluntarism at every stage of life—from students, to full-time workers, to senior citizens.

Throughout American history, the compassion of our people has gotten us

through the most difficult of times. That spirit exists today in communities across America, and the Serve America Act taps into the strong desire of Americans to do their part to help our country recover and prosper.

No deed is too small. While the average American may not be able to save struggling banks from financial crisis, they can help a family to weatherize their home so they can save money on their heating or cooling bills. They can mentor a child so that child can reach his or her greatest potential, so they can hopefully go to college and compete in this global economy.

The Serve America Act will usher in a new era of service and civic engagement in our country, where we can solve our most difficult social challenges by using entrepreneurial spirit to bring about social change. It will build upon great success stories in voluntarism, such as AmeriCorps, by increasing the numbers of volunteers involved in volunteer programs nationwide from 75,000 to 250,000.

It also creates several new volunteer organizations with missions in specific areas of national deed, including a Clean Energy Corps. While Congress works to position America as a leader in clean energy and energy efficiency, this group of volunteers will enhance our efforts by encouraging efficiency and conservation measures in communities and neighborhoods. It is an idea that makes so much sense. In New Hampshire, I know volunteers stand ready, for example, to make homes more energy efficient, or work to preserve our State's many parks, trails, and rivers for future generations to enjoy.

As Governor of New Hampshire, I saw firsthand the difference that programs such as AmeriCorps and other volunteer programs can make. Plus Time New Hampshire is one of those programs. It provides afterschool help to vulnerable students who would otherwise go home to empty houses. And New Hampshire's City Year program has been successful in decreasing the high school dropout rate.

I just point out that City Year was started by a New Hampshire native, Alan Khazei, who, with some of his friends from Harvard, was able to start a wonderful program that has now expanded across the country.

One young volunteer in New Hampshire for City Year, Jennifer Foshey, volunteered at Hampton Academy through the City Year program. During her year of service, she worked with sixth grade boys who were struggling academically and failing most of their classes. Jennifer provided one-on-one academic support, individual mentoring, and encouraged these students to get involved in extracurricular activities.

Because of her hard work, the boys' grades improved dramatically, and one of them joined the community service afterschool club Jennifer ran. He was later quoted in the school paper as saying:

There are kids in our neighborhoods that need help, and it's our job to help them.

There could not be a better testament to the ripple effect programs such as City Year that are supported in this legislation have in our communities.

I have long been an advocate for national service because I have seen the power of these volunteers—power not only to help those in need but to empower citizens and strengthen communities. There is no question that the Serve America Act expands opportunities for all Americans to become involved in service in a wide range of areas of need.

Today, this amendment I offer will further extend the work of the service corps by offering opportunities for skilled musicians and artists to expand educational opportunity, promote greater community unity, and bridge cultural divides through the use of music and arts engagement.

The Serve America Act is so important to those in New Hampshire and across the country. I am very pleased and honored to join with Senators KENNEDY, and HATCH, and MIKULSKI, to cosponsor such an important piece of legislation that invests in new, innovative solutions to our Nation's most persistent social problems, and I urge my colleagues to join me in support of the Serve America Act. I hope they will also support the amendment Senator GREGG and I are offering.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from New Hampshire, along with her colleague, the senior Senator, Mr. GREGG, for offering this amendment. It does make sure that service programs in the Education Corps are also allowed to incorporate art and music. We in the committee on both sides of the aisle support this. We support it both for content reasons and process reasons.

In the area of process, what the Shaheen-Gregg amendment does is actually incorporate art and music as eligible for funding, as do our colleagues in the House. So it puts it in symmetry with the House. This is what we like. It is when we are out of symmetry with the House that we do not like it. This makes it a high note for art and music.

Second, we know that for many of our boys and girls, the involvement in art and/or music can have a profound impact on, No. 1, school attendance—they really want to come to school to follow their passion; No. 2, it also seems to have a particularly positive effect in the area of behavior for special education children. Special education children seem to have a real affinity in engaging in music and art activity and often by the enrollment in those activities.

What we see in our public schools is that art and music programs have been the first on the budget block when it comes to the reduction of funds. Having talented young people come in with this kind of approach can really help school attendance, help with behavior problems in schools, and also unlock a talent in a child.

If a child grows up, as I see in Baltimore in that show called ''The Wire''—where neighborhoods that are so drug saturated that there is constant police activity, and the informants become the wire—the children of those communities are so terribly disadvantaged. The teachers work under such Spartan circumstances that AmeriCorps being able to come in could change lives—could actually change lives.

The Shaheen-Gregg amendment is an excellent concept to add to our Education Corps. We, under normal circumstances, would accept it, but we understand a vote will be required. But when they call my name, I am going to be in the ''aye'' column.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 716 TO AMENDMENT NO. 687

Mr. THUNE. Mr. President, I ask unanimous consent that the amendment I have at the desk be called up and made pending.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 716 to amendment No. 687.

Mr. THUNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the Federal income tax deduction for charitable giving)

At the appropriate place, insert the following:

SEC. —. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, ''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''.

(2) Americans gave more than $300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or $229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than

twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct income given to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving rather than to discourage it.

Mr. THUNE. Mr. President, President John F. Kennedy said:

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.

In 2007, Americans gave more than $300 billion to charitable causes, an amount equal to roughly 2 percent of the gross domestic product. The vast majority of those donations, roughly 75 percent, or about $229 billion, came from individuals who willingly gave their hard-earned dollars for causes greater than their own.

Studies have shown that Americans give far more to charity than the people of any other industrialized nation. In fact, relative to the size of our economy, Americans gave more than twice as much as the citizens of Great Britain and 10 times more than the citizens of France.

We should be proud of this tradition. Congress should continue to support the 70 percent of all American households that donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals. These charities provide invaluable public service to society's most vulnerable citizens during difficult economic times. In many cases, these services go above and beyond what any conceivable Government program could provide.

For years, Congress has provided incentives through the Internal Revenue Code to encourage charitable giving by allowing individuals to deduct income given to tax-exempt charities. Over time, 41 million American households have taken advantage of this deduction to give to the charities of their choice.

Unfortunately for these generous families and individuals, President Obama and his administration have proposed, as part of their budget outline, reducing the allowable deduction for charitable giving. According to one study, President Obama's proposal would reduce charitable donations by as much as $8 to $16 billion per year.

Particularly in a time when many charities are already struggling on account of the economic downturn, these entities do not need a change in the Tax Code that would further discourage charitable giving. These organizations that educate our children, care for the sick and the poor, and facilitate religious opportunities should not have to pay the price for additional spending on new Federal programs, as is proposed in the administration's budget.

Over the past several days, this proposal has been criticized by Republicans and Democrats, large companies and small companies, universities and churches, constituents and charities of all shapes and sizes. Therefore, I have offered an amendment to H.R. 1388, the national service bill, which is before the Senate right now, which would express the ''sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving rather than to discourage it.''

Americans have a proud tradition of voluntarily giving to those who are in need. Even in these tough economic times, when there is great temptation to save any earned income for better days, families and individuals continue to support our charities. I believe Congress should continue to support those who voluntarily make that sacrifice, and I hope my colleagues will, when this amendment comes up for a vote, support it.

I also point out that a Washington-based coalition of 600 different nonprofit groups opposes this measure and has characterized it as a further disincentive to giving in challenging economic times. It is hard enough, with the economy being in the condition it is these days, people and charitable organizations trying to rely heavily on volunteers and voluntary giving to make ends meet, but it makes it even more complicated when we put policies in place that discourage that.

I wouldn't suggest for a minute that anybody who makes a contribution to a charitable organization does that because of the tax treatment only, but I do believe there is an interaction between our tax policy and charitable giving, and that it definitely affects the amount of those gifts. So rather than dialing back the tax treatment we provide to those who make charitable contributions, in my view, we ought to be encouraging more of that. Certainly the administration's proposal, which would take away the favorable tax treatment for those above certain income categories, is going to cost those organizations who rely heavily upon charitable giving an enormous amount of additional dollars they would receive.

I hope my colleagues would find their way to support my amendment and express the sense of the Senate that we ought not be going down that path, that we ought to retain the current tax treatment that we have for charitable giving, particularly in a time when the economy is struggling and many people, many organizations that rely on that type of giving, are struggling to make ends meet.

I ask that my colleagues, as they consider this particular issue, in light of the underlying bill that does make available new monies for government programs, also give consideration to all of those charitable organizations out there and all of those individuals across this country who, out of the goodness of their hearts, have contributed mightily to make the good causes that are served by these charities move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, if I could comment on the Thune amendment, it is a sense of the Senate that Congress and Federal law should continue the current tax deduction rate of 35 percent, and we understand the thrust of the argument behind the Senator's sense of the Senate. I wish to comment both on process and on content. This is a Finance Committee and a Budget Committee matter; this is not a national service matter, though I can see why the Senator would say that, because the uniqueness of America is that we have always had these great public-private partnerships. In fact, so many of the AmeriCorps volunteers will work exactly in the nonprofits that benefit from the charitable giving. Boys and Girls Clubs would be an example of that type of work.

Now, the budget will be on the floor of the Senate next week. Why is that not the right place for the Senator to offer his amendment, not only as to the sense of the Senate, but to actually make a change? The President has recently proposed to limit the tax benefits of itemized deductions for those in the top two income brackets—to limit it to 28 percent. So in the President's budget we will be considering, there is the change in tax deduction rates from 35 percent to 28 percent. Next week is the right time for not only a sense of the Senate but actually direct action. I actually hope that the Senator from South Dakota would consider withdrawing his amendment and dealing with it on the budget when the budget is before us next week.

We believe that the President's proposal would retain a generous benefit. There still would be a tax deduction equal to 28 cents on the dollar for every dollar contributed to charity. Less than 10 percent of the taxpayers who do claim a charitable deduction are in that 35-percent category the Senator from South Dakota has outlined. We believe these taxpayers, fortunate enough to be doing well, and who also wish to do good, will continue to give, even if it is at a 28-percent rate.

I could debate the substance, but I would prefer that the substantive debate come from the Budget Committee members and the Finance Committee members who have poored over this. No one on either side of the aisle wants to limit charitable giving or penalize people for giving. We understand that this is exactly what we need during these tough times. I believe this amendment should be debated and voted on in the budget bill, but if it is going to be here, again, I will have to oppose it, not necessarily on substantive grounds, though. I will support the President's budget.

We are proud of the tradition we have with giving. We should encourage people to keep on giving. One of the ways we do that is through an itemized deduction for charitable giving. I think both sides of the aisle agree on that. We very much support the idea of an itemized deduction for charitable giving. Both sides of the aisle agree on that. Certainly I do. But what the Senator's amendment misses is that all Americans give, all Americans who itemize deductions as well as Americans who don't. In fact, CRS says that only 30 percent of taxpayers claim a deduction for charitable giving. Yet we know that many more than 30 percent of taxpayers give to charity. In fact, the independent sector the Senator has quoted has a study that indicates 89 percent of households in America give in some charitable way. Isn't that wonderful. I mean isn't that fantastic. So many taxpayers make charitable contributions, even though they are not getting a tax benefit at all.

So to place the national service bill in one more quagmires with the House—because when we send this over, it means that national service will not only be conferenced by our counterpart in the Education and Labor Committee, but it is going to have to go to the Finance Committee—excuse me, their Ways and Means Committee. Once again, because of a sense of the Senate, we are going to be put in a quagmire, when the Senator wants to deal with the policy of 35 percent versus 28 percent, and he would have that opportunity on the budget debate.

I disagree with this amendment not only because it is bad policy, but it is absolutely the wrong place to bring this up. I am going to oppose this sense of the Senate and I encourage the Senator from South Dakota, who has many excellent points to be made, that he bring it up on the budget bill.

So I oppose the amendment based on process as well as on substantive grounds.

Mr. President, before I yield the floor, I note that the Senator from Oregon is standing. May I inquire what the purpose of his statement will be—because the Senator from Louisiana has been waiting to offer an amendment. Did the Senator wish to speak on the Thune amendment?

Mr. MERKLEY. No. I am going to return to morning business, so I will defer.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 717 TO AMENDMENT NO. 687

Ms. LANDRIEU. Mr. President, I so appreciate the Senator from Maryland for managing this important bill and the Senator from Utah, both of whom have done an excellent job, along with Senator KENNEDY's guidance and support during the times he could be with us to move this bill, because it has been a great work of many Members of this body, both Democrats and Republicans. Of course, Senator ENZI has also been a great leader in this effort. It is such a timely and important subject as Americans are searching amidst all of the difficulties faced in the economic climate and uncertainty on the international front.

Americans are realizing the importance of loved ones and family. They are realizing the importance of the community that is around them. For better or worse, even though we are a great travel destination—and I do want to encourage people to continue traveling as they can, particularly to places such as New Orleans and Louisiana that see a number of visitors—I think Americans are turning a little bit more inward and want to spend more time with their families and right at home in their communities.

So this bill is timely because it basically calls America to come together, and it recognizes that some of our greatest assets are not just our money—which is fleeting, as we can tell these days. I remember my father used to tell me when I was growing up, he said: The easiest thing for me to give you, sweetheart, is a $20 bill, even though we didn't have a lot of them floating around the house, but the hardest thing for me to give you is my time. That is what this bill calls for. This bill calls for us to give our time and our talents. God has given us all an equal amount; we all get 24 hours in a day. A life is made by how people spend that time, either serving themselves, worshiping idol gods, or spending their time on the things that matter.

I think this bill has such significance for us as a Nation now as we think about how to revitalize our service programs, update them, modernize them, particularly in light of the fact that we have so many healthy seniors, men and women who have achieved unimaginable success, different than many generations in the past. They find themselves at a great point in their life, in their late sixties or early seventies, very healthy, or even mid fifties. They are retiring and want to serve. So I think this is an excellent bill.

Mr. President, I come to the floor only to again congratulate the leaders and offer an amendment that gives a slight twist to a piece of this that I think is very important. I know a lot of great work has gone on. The amendment I wish to call up is amendment No. 717.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment No. 717 to amendment No. 687.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add a foster care program to the national service corps programs)

On page 92, strike line 1 and insert the following:

''(H) A program that seeks to expand the number of mentors for youth in foster care through—

''(i) the provision of direct academic mentoring services for youth in foster care;

''(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

''(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

''(I) Such other national service programs

Ms. LANDRIEU. Mr. President, I wish to take a minute to explain the amendment. I understand both Senators managing have looked at this and both their staffs have looked at it as well. It is a slight change to the mentoring portion of this bill dealing with children at risk.

If you think of America having 300 million people, about a third of those would be children. So we have about 100 million children in America, I guess between the ages of zero and 18 or 21. That is a lot of kids to care for. We as a nation are trying to do our best as individual parents and families and communities. However, there is a special group of children—and I am going to take a minute more—there is a special group of children who are actually our children. All of these 100 million are ours theoretically. But definitely—and not in theory, but in actuality there are 500,000 children—as the Senator from Maryland knows very well because her career started as the only social worker, I think, in this body—500,000 children who are in foster care actually are children of the government, of the State, of our national and State governments. We are primarily responsible as a government for their care, their welfare, and their education.

So my amendment is quite simple. It adds a provision for a mentoring program for this special group of children, foster children who sometimes spend a few years there—sometimes a long time, unfortunately. Despite our great efforts to make foster care temporary, we know there are barriers for reunification or adoption. We are trying to work through those barriers. But we have some extraordinary, I say to my colleagues Senator HATCH and Senator

MIKULSKI, some extraordinary pilots underway in this country.

In States such as California, where Governors Gray Davis and Arnold Schwarzenegger joined to support this program, there are promising results coming back about foster children in elementary and high schools who have mentors of their same age. We have always had grandparent mentoring, and that is very effective, where seniors are mentoring children. But, as you know, if you have teenagers, as I do, sometimes teenagers don't like to listen to adults. But teenagers will listen to their peers.

This is a great opportunity to have mentors from colleges and high schools coming to mentor our children who are in foster care. I will submit for the RECORD—because my colleague is going to speak—some exciting results.

I ask unanimous consent that a list of these results be printed in the RECORD.

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

98 percent of the foster children in this program have stayed in school.

There has been a 50 percent drop in teen pregnancy among the foster youth.

There has been a 1.7 year increase in academic progress per year.

50 percent increase in turning in assignments and homework.

100 percent in taking state standardized tests.

The program is now testing the students every 8 weeks to measure achievement.

In about 80 percent of the cases, there has been evidence of increase in grades within the first 8 months.

Ms. LANDRIEU. Mr. President, that is basically the substance of my amendment. It doesn't add a special corps, but it is an amendment that says when we care for children in need, let's look especially at foster care children and promote those kinds of mentorship programs that we know work and that can make a difference.

Of all the children in America, I say to the Senator from Maryland, these children really need our focus, our attention, our love and our support. I understand this amendment can be taken up at any time that is appropriate for the managers.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, this is not only a good amendment, it is a fantastic amendment. I really compliment the Senator from Louisiana not only for the amendment but for her steadfast commitment to children in foster care, and also children in need of adoption—not only the cute, cuddly infants but the older children and the children who are handicapped. The Senator has also been a leader in the international field, working on a bipartisan basis.

This amendment is fantastic because it will help more foster children get the social and academic mentoring they need. It doesn't create a new corps. We are going to put it under AmeriCorps and leave it to the flexibility of government at the local level to do this in a way that coordinates with their departments of human services.

It is true there are 500,000 children in foster care in this country. When I started out my career as a social worker, after I graduated from college, I worked for Associated Catholic Charities. I was a foster care worker, so I know this up close and personal. I was also a home worker, so I know it personally.

When I was in my twenties, I often worked with children being cared for by nuns in group homes. The nuns themselves were in their forties, fifties, or older. They were sweet, caring, and compassionate. We could not do it without them. But those young preteens and adolescents needed different kinds of help.

I organized women I graduated with at my Catholic college, and we did hair-dos and curlers and lipstick with them and the kinds of things young girls needed to do. I was once in that age group myself. But those preteen girls were transitioning to womanhood. My classmates and I helped them, and it increased their interest in school, their interest in working with the sisters. When those girls were ready to leave the group home, either to go out into the world or to return to their parents, they were in a better place because of the nuns and their loving care and the work of Catholic Charities, and because of what the volunteers did.

I think what the Senator is offering is going to make a difference. I look forward, when we have the vote, to supporting it.

Our colleague from Oregon has been waiting to offer a very compelling speech, which I eagerly await to hear. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

DEFENSE OF THE AMERICAN HOME

Mr. MERKLEY. Mr. President, I rise today to call on my colleagues, and indeed upon all Americans, to rally to the defense of the American home.

Sometime soon, within the next few weeks, this esteemed Chamber will be taking up this issue. So this seems to be an appropriate time to reflect on how to improve our policies for promoting homeownership.

There is nothing that characterizes the American dream better than owning your own home. The homeowner is the king—or queen—of his or her castle. You decorate and remodel it to suit your own taste and style. You are your own landlord; no one can tell you what you can or can't do. You fence the yard so you can finally have a dog. You put in a skylight because you want more light. You plant tiger lilies and hyacinth in the yard because they are the most beautiful flowers in the world. You create a stable and nurturing environment for raising your children.

In your own home you control your own destiny.

Moreover, it is through home ownership that you secure your financial destiny. By and large, everything you buy in life loses value quickly—your car, your furniture, your clothing. But not so with your home. The family home is, for most families, the biggest nest egg they will build in their lifetime.

At a minimum, owning a home—with a fair mortgage—locks in and caps your monthly housing expenses. That is a great deal compared to renting, where rents go up and up over the years.

In addition, your monthly payments steadily pay off your mortgage, you own an increasing share of your home, and the bank owns less.

You can look down the road and see the possibility of owning your home free and clear before you retire, making it possible to get by decently in your golden years. To make the deal even better, your home appreciates in value. The home you bought for $80,000 in 1980 might be worth $250,000 in 2010. In many cases, it might be that appreciation, that growing home equity, that enables you to travel a bit during retirement, or that enables your son or daughter to afford to go to college.

So homeownership really is a magical part of the American dream—opening the door to our aspirations and building our financial fortunes. Thus, you would expect that our leaders would do all they could to protect and advance homeownership.

Unfortunately, however, I am here today to say that we really haven't done such a good job. In fact, all too often this past decade, we have allowed the great American dream of homeownership, to turn into the great American nightmare. We can and must do better.

What has gone wrong? In short, almost everything.

Most fundamentally, we have abused one of the most amazing inventions, one of the most powerful wealth building tools, we have ever seen: The fully amortizing mortgage.

Let's turn the clock back 77 years to the Great Depression. Before 1932, house loans were normally 50 percent loan to value with 3- to 5-year balloon payments. This worked fine as long as a family could get a new loan at the end of 3 to 5 years to replace the old loan. With the crash of our banking system in 1929, however, replacement loans were no longer available. Thus, as balloon payments came due, millions of families lost their homes.

The solution was the fully amortized mortgage, which eliminated the challenge of replacing one's mortgage every 3 to 5 years, thereby insulating families from frozen lending markets. Indeed, the Roosevelt administration's decision to help millions of families replace their balloon loans with fully amortized loans was a major factor in ending the Great Depression and putting our national economy back on track.

This system of amortized mortgages worked very well for over half a century. But in recent years, we have allowed two developments that have deeply damaged the stabilizing power of the amortizing mortgage and helped produce our current economic crisis. Those two factors are tricky mortgages and steering payments.

One tricky mortgage, for example, was the teaser loan—sometimes called the ''2–28'' loan. In this loan, a low introductory rate exploded to a much higher rate after 2 years. In many cases, the broker knew that the family could never afford the higher rate, but the broker would persuade the family that the mortgage presented little risk since the family could easily refinance out of the loan at a later date. This argument was misleading, of course, since the family was locked into the loan by a sizable prepayment penalty.

Another tricky mortgage was the triple-option loan, in which a family could make a month-to-month choice between a low payment, a medium payment, or a high payment. What many families didn't understand, however, was that the low payment could only be used for a limited period before the family was required to make the high payment, which the family couldn't afford.

These tricky loans, however, would probably not have done much damage, because their use would have been rare—except for a second major mistake; namely, we allowed brokers to earn huge bonus payments—unbeknownst to the homeowner—to steer unsuspecting homeowners into these tricky and expensive mortgages.

These secret steering payments turned home mortgages into a scam. A family would go to a mortgage broker for advice in getting the best loan. The family would trust the broker to give good advice because, quite frankly, they were paying the broker for that advice. The payment to the broker was right there, fully listed and disclosed by law, on the estimated settlement sheet.

But what the borrower didn't realize was that the broker would earn thousands of bonus dollars from the lender—so called ''yield-spread premiums''—if the broker could convince the homeowner to take out a tricky expensive mortgage rather than a plain vanilla 30-year mortgage.

This scam has had a tremendous impact. A study for the Wall Street Journal found that 61 percent of the subprime loans originated in 2006 went to families who qualified for prime loans. This is simply wrong—a publicly regulated process designed to create a relationship of trust between families and brokers, but that allows payments borrowers are not aware of that stick families with expensive and destructive mortgages.

It is difficult to overstate the damage that has been done by these tricky loans and secret steering payments.

An estimated 20,000 Oregon families will lose their homes to foreclosure this year.

Nationwide, an estimated 2 million families will lose their homes this year and up to 10 million over the next 4 years.

In every single case, the foreclosure is a catastrophe for the family. Each foreclosure is a shattered dream. The family has lost its financial nest egg. It has lost the nurturing environment the parents created for the children. The family has lost its dream of building a foundation for retirement. And don't doubt for a second the stress that this catastrophe places on the parents' marriage, or on the children, multiplying the damage.

The foreclosure is also a catastrophe for the neighborhood, because an empty foreclosed home can lower the value of other homes on the street by $5,000 to $10,000.

The foreclosure is, in addition, a catastrophe for our financial system. A lender often loses half the value of the property by the time it has been publicly auctioned. And as we now know all too well, foreclosures undermine the value of mortgage securities and mortgage derivatives, damaging the balance sheets of financial institutions in America and throughout the world and throwing our banking system and global economy into chaos.

That frozen lending and economic chaos, of course, further hurts our families. Oregon's unemployment rate has gone from 6 percent to 11 percent in just 5 months, nearly doubling the number of Oregon families out of work, and unemployment, in turn, drives additional foreclosures.

How did we let this happen? This fiasco is, first and foremost, the consequence of colossal regulatory failure. Let me count the ways.

First, in 1994, Congress required the Federal Reserve Board to prohibit mortgage lending practices that are abusive, unfair or deceptive. That was a very good law. But for 14 years, the Fed sat on its hands, failing to regulate abusive and deceptive practices such as teaser loans, prepayment penalties, and steering payments.

Second, in 2002, after the State of Georgia adopted comprehensive mortgage reform legislation, the Comptroller of the Currency, John Hawke, overturned the Georgia reforms and banned all States from making such reforms affecting federally chartered institutions. This action made it difficult for States to pass reforms covering State-chartered lenders as well, since such action generated the powerful argument that it would create an unfair disadvantage for State-chartered banks. I can testify to this firsthand because that is exactly what happened when last year, as Speaker of the Oregon House, I worked to pass such mortgage reforms in Oregon. As a former attorney of North Carolina summarized it, the Office of the Comptroller of the Currency ''took 50 sheriffs off the job during the time the mortgage lending industry was becoming the Wild West.''

The third failure was in 2004. The Securities and Exchange Commission exempted the five largest investment banks from its leverage requirements. This dramatically amplified the funds available to the banks to purchase mortgage-backed securities, funding a tsunami of subprime loans. Let's take a look at a chart.

We see that impact in 2004, when subprime loans, which had been at a relatively stable level, grew dramatically and suddenly. To make it worse, the Securities and Exchange Commission failed to regulate credit default swaps, which became a $50 trillion industry, that contributed to the appeal of mortgage-backed securities by insuring those securities against failure.

The fourth failure was in the Office of Thrift Supervision. That office was asleep at the switch. The office failed to halt risky lending practices that doomed numerous thrifts. An inspector general's report after the failure of NetBank in September of 2007 concluded that the Office of Thrift Supervision ignored warning signs about the bank's risky lending. OTS continued to snooze, however, while numerous thrifts failed, including IndyMac, Washington Mutual, and Countrywide.

The fifth failure. While Fannie Mae and Freddie Mac set standards limiting their purchase of subprime mortgages, they nevertheless poured fuel on the subprime fire by investing in subprime securities, thereby driving the financing of the subprime market.

Taken together, these five circumstances composed a colossal failure of regulation. Even Alan Greenspan, former Chair of the Fed who prominently advocated that banking practices should not be regulated because Wall Street, in its own long-term interest, would regulate itself, now renounces that philosophy.

I say to my friends and colleagues, what a mess. Congress got it right in 1994, when it asked the Fed to prohibit mortgage lending practices that were abusive, unfair, and deceptive. But Congress shares the responsibility for not following up aggressively when the Fed failed to act on this requirement.

The result is that home ownership has suffered and our national economy is in deep trouble. So now is the time for us to honestly assess the damage and to repair the damage as best we can. It is time to end the deception and abuse in Main Street mortgages and in Wall Street mortgage securitization.

The American dream of home ownership, with all that it means for the quality of life of our families, depends on our effective action.

To repair the damage, we need to support aggressive efforts to enable families trapped in subprime mortgages to negotiate modifications to those mortgages. President Obama and his team have taken many steps in the right direction on this issue, but we

need to monitor the progress and help pave the way for success.

If mortgage modifications fail due to the extraordinary difficulty of connecting borrowers to lenders in a market where the loan has been sliced and diced into 100 pieces, we need to support the ability of bankruptcy judges to operate as an arbitrator to adjust the terms of the loan. We grant this power to judges for loans for yachts, loans for vacation homes for our more privileged citizens. Certainly, ordinary citizens should have the same recourse for a far more important possession—the family home.

Consider the experience of Lisa Williams, who spoke at a mortgage foreclosure summit I hosted in Oregon last month. Lisa spoke about the lengths to which she went to get in touch with someone to help her renegotiate her loan. She would call and call her bank and never get through or she would be put on hold for more than an hour at a time or, on the rare occasion that she did get through, she could not reach anyone in a position of authority to talk with her. Five months ago, despite her innumerable and consistent efforts, she lost her home. An aggressive loan modification program or a last resort—and I stress ''last resort''—bankruptcy arbitration would have saved Lisa's home and, looking forward, would save the homes of millions of other American families.

We also need to restore the same guidelines to Wall Street—cap excessive leverage, regulate credit default swaps, prevent the creation of firms too big to fail, end regulator shopping, and evaluate and control systemic risks.

Finally, we need to end deceptive and abusive mortgage practices. The regulations adopted by the Federal Reserve last year are a decent start. It is time for us to make sure teaser loans, triple option loans, and secret steering payments never again haunt American families.

I say to my friends and colleagues, I end this appeal as I started it. Let us rally to the defense of the American home. We will have that chance when we consider legislation in the near future addressing mortgage practices. As we prepare to do our thoughtful best to craft mortgage and housing policy that will strengthen our American families, we might do well to consider the advice of President Franklin Roosevelt, since it was, indeed, Roosevelt who steered us out of the Nation's last enormous housing crisis.

Roosevelt, speaking in his April 2, 1932, radio address entitled ''The Forgotten Man,'' declared:

> Here should be the objective of Government itself, to provide at least as much assistance to the little fellow as it is now giving to large banks and corporations.

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.

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

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

Ms. MIKULSKI. Mr. President, I compliment the Senator from Oregon. I understand it is his very first speech he has given on the Senate floor; is that correct?

Mr. MERKLEY. That is correct.

Ms. MIKULSKI. Well, how wonderful, I say to the Senator from Oregon, his very first speech was important because it was about home ownership and how we have to make sure the American dream continues to be within reach for most Americans, that they are able to afford a home and have the jobs that pay those wages, and that when they go to buy a home, the rates are reasonable, that they are not a victim of a scam or scum.

I would like to say, if that is his first speech, I am looking forward to hearing many more and working with him on access to the American dream—home ownership, the opportunity to pursue a higher education, and to either own a business or have a job that pays a living wage. Senator MERKLEY is a welcome addition to the Senate. Speaking, I know, on behalf of those who have been here a while, that was a great speech, and we look forward to many more.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I simply thank the Senator from Maryland and look forward to working with her.

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. BROWNBACK. 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. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

The Senator from Kansas.

NOMINATION OF CHRISTOPHER HILL

Mr. BROWNBACK. Mr. President, I thank my colleagues for the opportunity to speak now on a critical issue that is facing us. There are a number of nominations coming before this body. We need to move forward on a lot of these nominations and move forward aggressively. There is one I wish to talk about with my colleagues, one about which I am deeply concerned. We held a hearing today on the nominee for the ambassadorship to Iraq.

Christopher Hill has been nominated to serve as Ambassador to Iraq. This is our most important diplomatic post in that region, arguably the most important diplomatic post to the United States in the world today. While it is important we have an Ambassador in place as soon as possible, what is most important is that we get the right person in place.

The next Ambassador to Iraq faces a daunting array of issues, such as preserving Iraq's fragile security, the drawdown of our troops, Arab-Kurdish tensions, oil distribution, and Iranian aggression, to mention a few.

Quite simply, the stakes could not be higher for the administration to find the right person to conduct our diplomacy in Baghdad and that region.

In providing our advice and consent to the President, our duty is to ensure that his nominee for this most sensitive and complicated post will not only carry out faithfully the policies of the administration but also will implement the laws of this country.

Moreover, the nominee should have a strong track record of diplomacy, forthrightness, professionalism, and achievement to bolster his or her credibility with the American people, with the Iraqi people, and the numerous regional actors. And in this respect, Mr. President, I regretfully say that I do not believe Ambassadors Hill's career in the Foreign Service reflects the needs we have for this position in Iraq or this country. I think his record and his actions fall short of the qualifications we need. I want to articulate why I believe that, and therefore I will be objecting to his nomination as we move forward.

Let me begin by saying that I do not deny that Chris Hill is an experienced negotiator. He negotiated Bosnia in the 1990s and then negotiated North Korea for some period of time. But negotiation is only one component of diplomacy. In addition to being able to converse with foreign actors, we also expect our diplomats to respect the chain of command, to work closely with colleagues in the State Department, the Department of Defense, and all other relevant agencies, and we expect our Ambassadors to respect the laws of the United States expressed by statute and through proper oversight. But in his role as Assistant Secretary of East Asia and Pacific Affairs, as well as head of the U.S. delegation to the six-party talks, too often Ambassador Hill found that key officials and the law got in the way of his agenda. He found that sidelining those officials and ignoring congressional will was expedient, if not acceptable. I regret to have to say that. Such behavior establishes a precedent that can only hamper his efforts to coordinate the immensely complicated U.S. Government effort in Iraq, and that brings me to the focus of my concerns and the specific dealings I had—and extensive they were—on human rights in North Korea, where these troubling aspects of Chris Hill's diplomatic conduct all come together.

I have a picture next to me here that is a very lamentable one from North Korea. It is a kindergarten in North Korea, and you can see the starving children who are there. This was during the late 1990s when there was starvation taking place in North Korea,

and the North Korean Government was not asking for assistance or support and the people were dying of starvation. The human rights situation is deplorable in North Korea. I believe it is the worst in the world, and that is saying something given some of the other actors that exist.

Let me start by reminding my colleagues of all of this—the situation in North Korea. North Korea is ruled by a totalitarian regime rigidly controlled by a single dictator, Kim Jong Il. Human rights in North Korea do not exist. The state regulates all aspects of individual life, from food ration, to speech, to employment, to travel, and even to thought. Under Kim Jong Il's watch, millions of North Korean citizens have perished from starvation, while thousands of others have died during imprisonment in the regime's extensive political system and gulags.

I will show a picture here of the location of one of the prison camps—or a number of prison camps in Russia. I have given a speech, and I have pointed this out. Google Earth has made witnesses of us all. Now you can see these on Google Earth.

North Korean defectors have testified about the conditions in these camps. Prisoners face torture, hard labor, starvation, forced abortion, infanticide, public executions, chemical and medical experimentation on prisoners, and gas chambers. They experience detention without judicial process, and family members of dissenters, including children and the elderly, are also shipped to the gulag as part of the policy of guilt by association. It is thought that over 400,000 people have died in the gulags over the years, and currently there are 200,000 North Korean prisoners in the gulag system.

I want to read to you an account from the Washington Post about the only known living escapee from a North Korean gulag, and Mr. President, I ask unanimous consent to have the full article printed in the RECORD.

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

[From the Washington Post, Dec. 15, 2008]

THREE KERNELS OF CORN—THE STATE DEPARTMENT HAS MORE PRESSING CONCERNS THAN A MODERN-DAY GULAG.

We tend to think of concentration camps as belonging in history books, but Shin Dong-hyuk reminds us of the uglier truth. Mr. Shin, who is 26, was born in such a camp in North Korea and lived there until he escaped in 2005. He is, in fact, the only person known to have made a successful escape from one of that nation's prison camps, which hold an estimated 150,000 to 200,000 people.

Mr. Shin's story, which Post reporter Blaine Harden movingly recounted in an article last week, was horrifying on a couple of counts. The casual, routine brutality of the camps is, as the article noted, almost unfathomable. Part of Mr. Shin's finger was cut off as punishment for accidentally dropping a sewing machine in the factory of the camp where he was held. He bears scars from the torture of being, essentially, roasted over a charcoal fire. When he was 14, he watched as his mother was hanged and his brother shot to death, ostensibly for trying to escape. In a memoir, he writes of the ''lucky day'' when he found, in a pile of cow dung, three kernels of corn that he was able to wash off and eat.

It's horrifying, on another level, that only 500 people in South Korea, where Mr. Shin lives, have bought his book. Many Koreans don't want to hear about human rights abuses in the north; they're worried that the Communist regime might collapse and leave the more prosperous south with a costly burden of rehabilitation. And South Korea isn't alone in tuning out the horrors. The United States is more concerned with containing North Korea's nuclear ambitions. The State Department's stunning lack of urgency was captured in a recent statement from its assistant secretary for Asia, Christopher R. Hill: ''Each country, including our own, needs to improve its human rights record.'' Japan is focused on Japanese citizens abducted forcibly to North Korea. China doesn't want instability across its border.

Mr. Hill's larger point is that the United States should be practical in relations with the north and not simply denounce abuses so that America can feel good about itself. We support his efforts to negotiate with the regime. It's worth noting, though, that last week the north yet again backtracked on a nuclear-related agreement it had made and Mr. Hill had vouched for. It will continue to honor such agreements, or not, based on a reading of its own interests, not on whether its negotiating partners do or don't speak honestly. We think there's an inverse relationship between a regime's trustworthiness on any subject and its propensity to abuse its own people. We also believe that it should not be left to the lone escapee from North Korea's gulag to speak out about its horror.

High school students in America debate why President Franklin D. Roosevelt didn't bomb the rail lines to Hitler's camps. Their children may ask, a generation from now, why the West stared at far clearer satellite images of Kim Jong Il's camps, and did nothing.

Mr. BROWNBACK. Mr. President, here is the quote I want to read from the article about Shin Dong-Hyuk:

. . . his finger was cut off as punishment for accidentally dropping a sewing machine in the factory of the camp where he was held. He bears scars from the torture of being, essentially, roasted over a charcoal fire. When he was 14, he watched as his mother was hanged and his brother shot to death, ostensibly for trying to escape. In a memoir, he writes of the 'lucky day' when he found, in a pile of cow dung, three kernels of corn that he was able to wash off and eat.

This was from the full piece from the Washington Post that I have had printed in the RECORD.

Here is an aerial picture of what one of the camps looks like. This is camp 18—and you can get these off Google Earth—and the execution site within this camp. Imagine if during World War II and the Holocaust we had these kinds of pictures and this sort of knowledge. Would we say we want to really do something about this or would we not? I think all of us would say: Well, absolutely. We would want to be very vocal about this. We would want to be addressing this issue if we knew it took place. Well, this is happening today. It happened during Chris Hill's watch in that position, it happened during the six-party talks, and he didn't address it and he didn't work on it.

The desperate situation has caused tens of thousands of North Koreans to risk their lives and their families' lives to flee across the border into China, seeking food, shelter, and livelihood. But the Chinese Government blocks international access and aid to these refugees, leaving them helplessly exposed to severe exploitation, particularly in the form of sex trafficking. The refugees also face repatriation if caught by Chinese authorities, which for most of them means automatic imprisonment, torture, or execution once returned to North Korean officials.

As Holocaust-survivor and Nobel laureate Elie Wiesel said, the North Korean regime ''. . . is responsible for one of the most egregious human rights and humanitarian disasters in the world today.''

I want to quickly show two satellite photos showing the prison barracks of two camps, one in North Korea and the other in Auschwitz. Now, my point is not to say these situations are the same—they are not—but, rather, that there are similarities, and people should know this kind of evil still exists in the world today. I want people to look at this prison situation. This is one of the camps—and again, this is from Google Earth—one of the prison camps in North Korea. Then I want to hold up here as well a picture of Auschwitz. I ask people to look at the similarity of these situations and of these settings. I know when I first saw this, I thought, this is really eerie, that these look alike this much. Now, I am not saying these are the same situations. What I am saying is we continue to have this evil in the world. We continue to have thousands of people killed in a gulag system in 2009. This continues to happen in the world.

Mr. President, as you may recall, the Congress sought to address this horrifying situation back in 2004 with the North Korean Human Rights Act. This was passed and signed into law in October of that year. The Senate even passed that bill by unanimous consent—a proud day in the history of this body as we strengthened the moral fibers of this Nation. The purpose of that law, as defined in its introduction, was to promote respect for and protection of fundamental human rights in North Korea; to promote a more durable humanitarian solution to the plight of North Korean refugees; to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea; and to promote the free flow of information into and out of North Korea.

Let me also read aloud the very first section of title I of that act. It says this:

It is the sense of Congress that the human rights of North Koreans should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

So this is a statement to the six-party talks—to our negotiators—that

human rights should remain a key element in future negotiations. This was in 2004. Mr. President, 4½ years have transpired since the passage of this legislation. During that time, the issue of North Korean human rights quite simply has been subordinated, ignored, cast aside, and indeed swept under the carpet, in complete contradiction of the law of this country and against our Nation's most basic moral obligations and against the witnesses that we are that it is taking place even as we see it.

In all the bluster and dealmaking over the past few years, our negotiators have failed to exert any serious effort to address this dire issue. In fact, the situation has only worsened, according to any independent benchmark. And the individual responsible for this account during this period of time is Ambassador Chris Hill, who, according to the Washington Post Editorial Board, displayed a ''stunning lack of urgency'' to deal with human rights and, according to the Washington Times, ''deliberately minimized focus on the bleak human rights record.'' This is the nominee to be the Ambassador to Iraq—the most important account for us, I believe, in the world.

The cochair of the Congressional Human Rights Caucus, FRANK WOLF, agreed, stating in a recent letter to Hill that he is concerned with Hill's ''marginalization and utter neglect of human rights.''

Just 1 year ago, Chris Hill himself said the following, asked about the human rights situation in North Korea:

> Each country, including our own, needs to improve its human rights record.

In the face of the most horrific and ongoing human rights catastrophe in the world and instructed by Federal statute to address it, Ambassador Hill instead saw fit to associate the record of Kim Jong Il with that of the United States of America.

Some have said that the policies implemented by Ambassador Hill were merely the articulation of the Bush administration, but this is not the case. I spoke several times directly with President Bush about North Korean human rights. I know his passion for it and his real commitment to addressing the issue. He proudly signed the North Korean Human Rights Act and then again its reauthorization last year. He appointed a good, qualified man in Jay Lefkowitz as the Special Envoy for North Korean Human Rights. But somewhere between the Oval Office and the six-party negotiation room, the message got lost. On this, we have strong evidence that the broken link was Ambassador Hill.

First, at his nomination hearing this very morning, Ambassador Hill admitted that on at least one occasion he exceeded his instructions by meeting bilaterally with the North Korean Government. This went against the clear public position of the President. He explained this by saying he had to ''call an audible.'' This was in testimony this morning. But to others, this looks like a freelancing diplomat. When it comes to working in a country with neighbors such as Iran and Syria, the stakes are too high to have diplomacy run anywhere other than by the Secretary of State and the President.

We also know from a number of sources that Ambassador Hill used his position to sideline key officials in the administration who were charged with addressing the human rights situation in North Korea. One of these individuals was Jay Lefkowitz, who struggled during his entire tenure as Special Envoy for Human Rights in North Korea to gain tracks and support for his efforts among the East Asian Bureau and the team led by Hill.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I sent, and was sent back in answer by Jay Lefkowitz today, where we asked him if was he ever invited to the six-party talks—ever.

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

U.S. SENATE,
Washington, DC, March 25, 2009.

Mr. JAY P. LEFKOWITZ, P.C.,
Kirkland & Ellis LLP, Citigroup Center, New York, NY.

DEAR JAY: Christopher Hill testified today before the Senate Foreign Relations Committee. In response to a question by Senator Lugar, he failed to specifically address whether he invited you to participate in the Six Party Talks to address North Korean human rights. As you recall, in his testimony before the Senate Armed Service Committee on July 31, 2008, he promised to invite you to participate in all future negotiation sessions, without qualifying the nature of those sessions.

Based on my knowledge of the situation, I believe he violated his commitment. Can you please respond to me as to whether or not Christopher Hill or anyone acting on his behalf invited you to the Six Party Talks subsequent to July 31, 2008?

I look forward to your swift reply, and appreciate your cooperation in this matter.

Sincerely,

SAM BROWNBACK,
U.S. Senator.

DEAR SENATOR BROWNBACK: At no point during my tenure as Special Envoy for Human Rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any Six Party Talks.

JAY.

Mr. BROWNBACK. Mr. President, this is what Mr. Lefkowitz says in his response to my letter:

DEAR SENATOR BROWNBACK: At no point during my tenure as Special Envoy for Human Rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any Six Party Talks.

This is the Special Envoy for Human Rights to North Korea.

Another key official cut out of the loop by Hill was former Ambassador to Japan, Tom Schieffer. The Washington Post reported in 2007 that Ambassador Schieffer received assurances from the administration that he could tell the Japanese Government that North Korea would not come off the terrorism list until the abduction issue that was central to the Japanese had been resolved. But Ambassador Schieffer found out later that Chris Hill had cut a deal ignoring that pledge and, without advance notice or information from Ambassador Hill, had to backtrack—our Ambassador to Japan—and try to mollify our stalwart ally, Japan, whose Government felt upset and betrayed.

Finally, at least one senior intelligence officer has said Ambassador Hill sidetracked and bypassed procedures designed to inform the intelligence community of the substance of his discussions with the North Koreans.

Such conduct in the course of negotiations should give serious pause to those concerned about the sensitivity of diplomacy in Iraq and in the Middle East at this time.

In addition to this undiplomatic conduct with respect to his executive branch colleagues, Ambassador Hill has a disturbing track record of evasiveness, and I believe dishonesty, in dealing with Congress. In statements made for the record in congressional testimony, Ambassador Hill made promises that he did not, could not, or had no intention to keep.

Regarding the prospect of normalization with North Korea, Ambassador Hill assured a skeptical House Foreign Affairs Committee in February 2007 that improvement in human rights would be part of any deal struck with North Koreans. But 1 year later, Ambassador Hill indicated to a reporter that normalization could proceed before such things took place. He stated:

> Obviously we have continued differences with North Korea, but we can do that in the context of two states that have diplomatic relations.

On the issue of human rights last year, before the Senate Armed Services Committee, I asked Ambassador Hill whether he would invite the Special Envoy for Human Rights to all future negotiation sessions. His answer, and I quote it directly:

> I would be happy to invite him to all future negotiating sessions with North Korea.

That answer was given without qualifiers.

Mr. President, I ask unanimous consent to have the relevant portion of that committee transcript from July 31, 2008, printed in the RECORD.

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

THE NORTH KOREAN SIX-PARTY TALKS AND IMPLEMENTATION ACTIVITIES

HEARING BEFORE THE COMMITTEE ON ARMED SERVICES, UNITED STATES SENATE, JULY 31, 2008

Senator BROWNBACK. I want to, because my time will be narrow here: will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

Ambassador HILL. I would be happy to invite him to all future negotiating sessions with North Korea.

Senator BROWNBACK. Thank you.

Mr. Ambassador, you noted this earlier, that there are political gulags and concentration camps in North Korea. Will you

state that any prospect of normalization with North Korea is contingent upon the regime shutting down the political gulags and concentration camps?

Ambassador HILL. I can say to you, Senator, that we will definitely raise these issues as an element of the normalization process. I'm not in a position at my level to state to you today what the specific conditions of normalization were, but they will be raised as part of that and clearly, we will be looking for more satisfactory answers on this.

Senator BROWNBACK. Mr. Ambassador, the Illinois delegation in total in a letter dated in 2005—noted the abduction of Reverend Kim Dong Shik, who's a U.S. citizen, and his wife is an Illinois resident, children U.S. citizens. I'm going to enter this letter in the record. It's from the Illinois delegation. They have said they would not support any normalization with North Korea until his abduction is dealt with.

[The information referred to follows:]

Mr. BROWNBACK. Mr. President, I already entered the note I received from the Special Envoy saying he was never invited, but there is another case—one I know is of great concern to the ranking member of the House Foreign Affairs Committee, Ms. ROS-LEHTINEN—where Chris Hill told a reporter that he had no recollection of receiving a letter from and had provided no response to the spouse of Rev. Kim Dong-Shik, a U.S. permanent resident and father of a U.S. citizen, who was kidnapped in North Korea in 2000.

Yet a photo obtained by the media showed Mr. Hill receiving this from the Congresswoman herself.

On the issue of nuclear disarmament, Ambassador Hill also misled Congress. During his February 2007 testimony, Hill insisted that North Korea must disclose ''all'' of its nuclear programs, and specified that ''All means all, and this means the highly enriched uranium program as well.''

But when the North Koreans' belated declaration of nuclear activity did not even mention their uranium program, even when there were reports that the documents themselves that they gave us had traces of uranium on them, Ambassador Hill still insisted on rewarding the North Korean regime with delistment from the terrorism list.

On dealing with proliferation, later that year before the House subcommittee, Ambassador Hill said:

Clearly, we cannot be reaching a nuclear agreement with North Korea if at the same time they are proliferating. It is not acceptable.

Yet only months later, Hill reached just such an agreement before Congress had a chance to answer key questions about North Korea's alleged nuclear proliferation to Syria, taking place during Hill's own negotiations.

What all this shows is a disturbing pattern by Ambassador Hill to tell Congress one thing, and then do another.

Congressional testimony is not a formality. It is not a venue for executive officials to parrot what Members of Congress want to hear—regardless of whether such parroting reflects reality.

Rather, congressional hearings provide a means to reassure the American people that their tax dollars are being spent wisely, and their interests are being preserved.

In this case, we had a right to know that the tens of millions of dollars worth of heavy fuel oil sent to Kim Jong Il, and the other serious concessions Ambassador Hill was handing over, were at least going to improve our national security, if not help end the oppression of the North Korean people.

And in that respect, I would like to address the substance of Ambassador Hill's deals with the North Korean regime. The record can be summarized by stating the concessions that both sides obtained through the negotiations.

First, Ambassador Hill is credited with a victory in bringing the North Koreans back to the table in 2005. But in doing so, he admits to exceeding his instructions to avoid bilateral talks with the regime.

Second, Hill oversaw and managed a complicated process that involved Russia, China, South Korea, and Japan, in addition to the U.S. and the DPRK.

Neither of these gains in process provided us with concrete evidence of progress on denuclearization, despite the fact that the North Koreans traded them for substantial material gain from our side.

Ambassador Hill did obtain a declaration of nuclear activities from the regime. But as noted earlier, this declaration was half a year overdue and so incomplete as to render it useless. The declaration provided no confirmation of the number of bombs that were made, no admission or information on the uranium program, and nothing on proliferation. It was a radioactive set of documents of dubious worth.

Additionally, Ambassador Hill was able to get the DPRK to implode the cooling tower at Yongbyon. But according to many analysts, the step was mostly a symbolic gesture in that North Korea is still able to run its plutonium reactor, just with more environmental consequences.

In exchange for these minimal gains in process and symbolism, the concessions we forked over were substantial. Tens of millions of dollars worth of heavy fuel oil were shipped over to supply the regime with ''energy assistance,'' ostensibly so that it could continue to carry out its policies of belligerence and oppression.

Congress was asked to pass legislation waiving Glenn amendment sanctions against North Korea. These sanctions were designed to prohibit assistance to states that detonate illegal nuclear weapons, and were automatically triggered when DPRK tested a nuclear bomb in 2006. We gave them a pass on that.

We delisted the DPRK from the list of state sponsors of terror, despite their failure to account for the Japanese abductees and U.S. permanent resident Reverend Kim Dong-Shik, not to mention their failure to even slightly diminish the terror they inflict upon the North Korean people.

We removed sanctions pursuant to the Trading with the Enemy Act, and facilitated the transfer of money to the regime that otherwise should have been confiscated by the Treasury Department under financial regulations for nuclear proliferators.

We looked the other way on the role that the DPRK played in constructing a nuclear reactor in Syria, choosing instead to plow ahead with the negotiations.

What is worse, after we gave up so much leverage, the DPRK is now just as hostile and dangerous as ever. Next week the regime plans on launching a ballistic missile over Japan that could reach the outskirts of the United States, a provocative act of the gravest significance.

And to push the limits of our tolerance even further, on March 17, North Korean border guards abducted two American journalists—Laura Ling and Euna Lee—and reports indicate that since their capture they have been subjected to ''intense interrogation.''

Taken all together, this is an unfortunate legacy for Ambassador Hill. Broken commitments to Congress, freelancing diplomacy, disregarding human rights, and giving up key leverage to the DPRK in exchange for insubstantial gestures.

Such things have harmed our national security and ignored our moral obligations, a legacy ill-suited for the next Chief of Mission to Iraq.

I will conclude not with my own words, but with the words of Rabbi Abraham Cooper, associate dean of the Simon Wiesenthal Center, who wrote a piece for the Korea Times last month, which I will ask to be included in the RECORD.

By exclusively pursuing the nuclear tail around the six-party table, we have contributed to the horrible suffering of the people of North Korea and degraded the United States' long-standing commitment to fundamental human rights.

Like the inmates of the Soviet Gulag or the Nazi concentration camps of the 1930s, about 200,000 to 300,000 hapless victims in North Korean camps wait for help. Our silence to these and other outrages is perhaps Pyongyang's greatest victory to date. We want them to dispose of fearsome weapons—they want our silence. And too often, we have acquiesced.''

Mr. President, I do not acquiesce to this nomination.

I now ask unanimous consent the full article by Rabbi Abraham Cooper be printed in the RECORD.

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

CLINTON STRIKES BLOW FOR NORTH'S HUMAN RIGHTS

(By Rabbi Abraham Cooper)

Give Hillary Clinton her due. Her first overseas foreign policy trip as secretary of state pits her against an adversary, North Korean leader Kim Jong-il, who over the last 16 years effectively took both the Clinton and Bush administrations to the cleaners.

Despite profoundly different worldviews, the United States has played pretty much the same cards at the six-party table. The main goal: securing a nuclear-defanged North Korea.

''Complications,'' like human rights, were effectively sidelined. Incredibly, some ''Korean experts'' are pushing hard for Secretary Clinton to pursue the same approach.

Nuclear deal, uber alles. They still imagine that North Korea has the same objectives as we do: that Pyongyang wants to seek benefits for their starving people, that it wants to advance economically, and that it pursues political objectives because of nationalistic fervor.

And, most dangerously, some experts dismiss the regime's missile-rattling as merely a means to attract attention and extract a higher price when they eventually give up their nuclear bargaining chips. The operative assumption is that they, like us, ultimately want to succeed in achieving a negotiated agreement.

But in pursuit of the prize, we have ignored Pyongyang's statements that they will never compromise on military objectives and will never relent on its nuclear program.

We have failed to recognize that the North Koreans leverage the process of negotiations to get benefits, while using any pretext to avoid fulfilling verifiable agreements on the issues that trouble the rest of the world.

If this process also degrades our alliances with Japan and South Korea and stymies the advance of good relations and China, their true objectives—putting us and our regional friends in a difficult position—will have been achieved . . . again.

By exclusively pursuing the nuclear tail around the six-party table, we have also contributed to the horrible suffering of the people of North Korea and degraded the United States' long-standing commitment to fundamental human rights.

Like the inmates of the Soviet Gulag or the Nazi concentration camps of the 1930s, about 200,000 to 300,000 hapless victims in North Korean camps wait for help.

Every day, they are forced to renounce their very humanity. How else to survive when prison guards threaten to chop off a child's hand to force a confession from a parent?

Why doesn't that guard, or those who've run gas chambers or performed experiments on political prisoners, have any reason to fear punishment under international law?

Our silence to these and other outrages is perhaps Pyongyang's greatest victory to date. We want them to dispose of fearsome weapons—they want our silence.

And too often, we have acquiesced. For the past two years we have let Japan go it alone in its fight to bring back citizens who were abducted by North Korea, kidnapped as they walked the streets of their hometowns in Japan.

As many as 80 Japanese are estimated to have been taken against their will to North Korea, where they are forced to train North Korean spies, enter arranged marriages and serve other interests of the Kim Jong-il regime. Kim himself admitted to 13 abductions.

In our eagerness to obtain that elusive agreement in which we imagine North Korea might divest itself of a bargaining chip it has devoted decades to develop at great expense, we sacrifice our own commitment to human rights.

The logic of doing so was never stated more vapidly than in the written statement of a private witness at last week's hearing before the House Foreign Affairs Committee: ''Japan will continue to be part of the problem rather than part of the solution when it comes to engaging North Korea, despite being one of our most important allies. By allowing the abduction of a handful of its citizens decades ago to dominate all policy considerations when it comes to the North, Tokyo has become irrelevant at the nuclear talks,'' the statement said, implying that being part of a negotiating process should outweigh a nation's interest in the rights of its own citizens. Thankfully, Hillary Clinton disagrees.

Secretary Clinton's visit to Asia is extremely important. So far, she's been making it clear that we are willing to negotiate with North Korea, but at the same time, by meeting with the families of some of the abductees, she is signaling that the United States will no longer abandon them or our fundamental values.

Mr. BROWNBACK. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 5:15 p.m. today, the Senate resume consideration of the Ensign second-degree amendment, No. 715, and that the amendment be modified with changes at the desk and there be 2 minutes of debate equally divided and controlled in the usual form prior to a vote in relation to the amendment; that upon the use of that time, the Senate proceed to a vote in relation to the amendment; that upon the disposition of amendment No. 715, as modified, the Baucus-Grassley amendment, No. 692, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table, and that the Senate then resume consideration of amendment No. 693 and that the amendment be modified with the changes at the desk; that once modified, the amendment be agreed to, as modified, and the motion to reconsider be laid upon the table; that the Senate then resume consideration of amendment No. 717, and that the amendment be agreed to and the motion to reconsider be laid upon the table, and that no amendments be in order to any of the amendments covered in this agreement prior to a vote in relation thereto.

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

The amendment (No. 715), as modified, is as follows:

On page 2, line 20, insert before the period the following: ''which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest''.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

AMENDMENT NO. 715, AS MODIFIED

Ms. MIKULSKI. What is the pending business?

The PRESIDING OFFICER. There is now 2 minutes equally divided before a vote on amendment No. 715, as modified.

Ms. MIKULSKI. Which is the Ensign second-degree amendment?

The PRESIDING OFFICER. That is correct.

Ms. MIKULSKI. Thank you. As I understand it, the Senator from Nevada does not wish to speak.

Mr. ENSIGN. I yield back my time.

Ms. MIKULSKI. I will comment that the Ensign amendment would make an unnecessary, divisive change to the bipartisan amendment offered by Senators BAUCUS and GRASSLEY. Senators BAUCUS and GRASSLEY create a nonprofit, capacity-building program that would fund grant programs to provide technical assistance to small charities: how to manage finances, accurately file tax returns, et cetera.

There is no limitation in the Baucus-Grassley amendment on the type of charities that can access these training opportunities. Therefore, the Senator from Nevada's amendment is unnecessary.

Therefore, I move to table the Ensign amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—56

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

NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Casey	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Conrad	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	

NOT VOTING—2

Enzi Kennedy

The motion was agreed to.

AMENDMENTS NOS. 692, 693, AS MODIFIED; AND 717

The PRESIDING OFFICER. Under the previous order, the following amendments are agreed to: Amendments Nos. 692, 693, as modified, and 717. The motions to reconsider those votes are considered made and tabled.

The amendments (Nos. 692 and 717) were agreed to.

The amendment (No. 693), as modified, was agreed to, as follows:

On page 115, line 15, strike ''1 percent'' and insert ''2 percent''.

On page 115, line 20, strike ''$10,000,000'' and insert ''$20,000,000''.

On page 213, after line 21, insert the following:

(b) AMENDMENT.—Subtitle F of title I is further amended by inserting after section 184 the following:

''SEC. 184A. AVAILABILITY OF ASSISTANCE.

''A reference in subtitle C, D, E, or H of title I regarding an entity eligible to receive direct or indirect assistance to carry out a national service program shall include a non-profit organization promoting competitive and non-competitive sporting events involving individuals with disabilities (including the Special Olympics), which enhance the quality of life for individuals with disabilities.''.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. REID. Mr. President, we have made progress on this legislation. I appreciate very much the hard work of Senator MIKULSKI and appreciate the cooperation we have received on this side of the aisle. We are going to work through more amendments tomorrow—if, in fact, there are other amendments. It is my understanding the Thune amendment is one we will vote on. We will not do that tonight. We will do it in the morning at a convenient time for everyone. I am going to file cloture tonight. I hope it is not necessary that we vote to invoke cloture. We should not have to invoke cloture on a bill such as this. This is a bill that is unquestionably bipartisan. We have given hours and hours of time for people to offer amendments, to speak on the bill, speak on the amendments. As everyone knows, this is our last weekend prior to the Easter recess and next week is going to be a real difficult week. They always are when we do the budget. So it would be a good idea if we could finish tomorrow so people could go back to their States and do what they need to do before the difficult week we have next week. But if we can't finish this, we will have to vote for cloture and either the Republicans will allow us to move the vote up to Thursday or we will have to do it Friday morning. That means if people want to continue being difficult—and I am confident that will not be the case—then we would have to finish this on Saturday. We have to finish this legislation before Monday. We have to start on the budget Monday. There is 50 hours of statutory time. That time has to start running Monday. We will come in at an early time on Monday to get that going.

I had a small conversation today with Senator GREGG. He has an idea of how many amendments the Republicans wish to offer. This is one of those times when we have to look forward to what we have next week.

I send a cloture motion to the desk on the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Mikulski substitute amendment No. 687 to H.R. 1388, a bill to reauthorize and reform the national service laws.

Harry Reid, Barbara A. Mikulski, Patrick J. Leahy, Daniel K. Akaka, John F. Kerry, Jeff Bingaman, Russell D. Feingold, Carl Levin, Jon Tester, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Roland W. Burris, Sheldon Whitehouse, Robert Menendez, Kirsten E. Gillibrand, Patty Murray.

Mr. REID. I ask unanimous consent that the live quorum not be necessary.

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

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1388, a bill to reauthorize and reform the national service laws.

Harry Reid, Barbara A. Mikulski, Patrick J. Leahy, Daniel K. Akaka, Jeff Bingaman, Joseph I. Lieberman, Russell D. Feingold, Carl Levin, Jon Tester, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Roland W. Burris, Sheldon Whitehouse, Robert Menendez, Kirsten E. Gillibrand, Patty Murray.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

Mr. REID. Mr. President, for the knowledge of all Senators, there will be a briefing here tomorrow, in the Visitor Center in the closed hearing room, dealing with Afghanistan. There is going to be a report come out from the White House tomorrow. Ambassador Holbrooke will be here to brief all Senators. I wish we could have given everyone more notice. I didn't know about it until 4 o'clock today. I am sorry about that. I know attendance may not be perfect because at 12 noon, there is going to be a series of votes in the Budget Committee. There will also be a series of votes at 3:30 tomorrow afternoon in the Budget Committee. What we accomplish on the floor, we are going to work around these votes that come from the Budget Committee. I would hope we could wrap up this bill right after that briefing, which will end at 5 o'clock tomorrow afternoon.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I believe we can wrap up this bill. I am not aware of many more amendments on our side of the aisle. We will be able to come to closure on ours, I believe, even before noon tomorrow, acknowledging what will happen in the Budget Committee. So we would like to be able to move expeditiously.

I would hope we would not have to be in session late on Friday or on Saturday. And, in fact, I would suggest that Members go home to their communities and volunteer. There is always some good work to be done. This is about national service. We have heard about the good 'ol platoons all over America. There are communities that need our help more than they need long-winded speeches on the Senate floor. So let's do some heavy lifting in the Senate, and let's do some heavy lifting in our communities. But let's bring this bill to an end tomorrow night.

I really want to thank my colleague, Senator HATCH, for the excellent cooperation he and his staff have given us, along with Senator ENZI, who I know continues to be snowed-in in Wyoming. We do not want to be snowed-in in the Senate. We have now filed cloture. Let's get this bill done.

Mr. President, questions have been raised about the intent of section 1705 giving the chief executive officer authority to delegate specific programmatic authority to the States. In particular, strong concerns have been raised that corporation officials would use this authority to eliminate the State offices of the corporation and adversely impact the operation of VISTA and the Senior Corps.

The committee intends that the chief executive officer will use this authority judiciously to improve the operation of the all of the corporation's programs by using a consultative process that includes all of the stakeholders in the affected programs. The committee expects the corporation to continue the staff from State offices at an operational level that is at least equal to the current one.

Mr. DORGAN. Mr. President, I rise today to speak on my amendment that has been offered to the Serve America Act. I would first like to thank my colleague, Senator MURKOWSKI, for offering this amendment on my behalf. She is a cosponsor to this amendment along with a number of my other colleagues, including Senators BINGAMAN, JOHNSON, AND BARRASSO.

My amendment will accomplish two things: First, it will designate a permanent Strategic Advisor for Native American Affairs at the Corporation

for National and Community Service. And second, it will ensure that Indian Tribes remain eligible to compete for national service grants.

I want to applaud the Corporation for National and Community Service for recognizing the need for a tribal liaison over the past year. That office has helped make tribal communities more aware of the opportunities that the Corporation offers.

Making this position permanent will further increase tribal community in all national service programs. In addition, the office would collect information on challenges to tribes to better address tribal program needs.

The amendment places the designation of this position under the duties of the chief executive officer of the Corporation for National and Community Service and would greatly help to develop and enhance programming to address the unique needs of Indian tribes.

The second part of this amendment would ensure that tribal governments remain eligible for nationally competitive grants. Existing law allows tribes to compete for funds with states and national nonprofit organizations. The bill as currently written would remove tribal eligibility to compete for these grants. My amendment merely maintains existing law, and acknowledges Indian tribes as eligible entities for these competitive grants.

As my colleague from Alaska noted, many of the proposed Corps in this act address the very issues which are most critical in Indian Country. Grants under the activities and indicators of the Education, Healthy Futures, Clean Energy, Veterans and Opportunity Corps would provide many volunteers from tribal organizations, States, and national nonprofits numerous opportunities to work on reservations.

My hope is that the Corporation will continue to encourage the use of these Corps on Indian reservations though the proposed strategic adviser for Native American affairs in a way which will help tribal communities and individuals.

American Indians have the lowest level of educational attainment of any racial or ethnic group in the United States. Only 13.3 percent of Native Americans have an undergraduate degree, compared to the national average of 24.4 percent. Volunteers in the Education Corps who offer their time as mentors and tutors in Indian Country could help improve these numbers for our First Americans.

Moreover, the Health Futures Corps could assist with volunteers for individual American Indians who need help obtaining health services or navigating the health care system. The Clean Energy Corps might facilitate volunteers for Indian Country to assist with weatherization of homes on Indian reservations. The Veterans Corps is able to send volunteers to work with American Indian families who have a family member deployed overseas. Finally, the Opportunities Corps could provide volunteers to increase financial literacy in Indian communities where this assistance is desperately needed.

In addition, organizations who participate in the national service programs, such as the Boys and Girls Club, are active through these national service programs in Indian Country and they provide a much needed positive environment where Native American youth can go to celebrate their culture and community.

I would like to reiterate how important these national service programs are to Indian Country and thank the Corporation for National and Community Service for recognizing that importance. I urge my colleagues to support this amendment to the Serve America Act.

MORNING BUSINESS

Ms. MIKULSKI. Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Georgia.

THE PRESIDENT'S PROPOSED BUDGET

Mr. CHAMBLISS. Mr. President, I rise today to speak about the President's proposed budget.

A real sense of unease is pervading the country right now, and it is not just the stock market or unemployment fears or the housing crisis. There is a genuine apprehension about where our Nation is headed financially.

In my travels throughout my home State this past weekend, I had the opportunity to talk to Georgians from Atlanta, to Waycross, to Blakely, to Macon, and to hear what is on their minds. One of their main concerns is the budget the President has sent to the Hill and the financial hole into which it will put this country, our children, and our grandchildren.

They are right to be worried. The independent, nonpartisan Congressional Budget Office released its analysis of the President's proposed budget on last Friday. Its assessment is very troubling. The CBO's estimate for the cost of this budget exceeds that of the Obama administration's estimate by $2.3 trillion over a 10-year period. By borrowing and spending so much money, the CBO projects that the public debt—the amount we have to pay back to our creditors—will grow to 82 percent of GDP by 2019. The last time that happened, America was paying off a massive debt it incurred from fighting in World War II. According to the CBO, this year, 2009, the total deficit is estimated to hit $1.9 trillion. By 2018, the CBO projects annual deficits to be more than $1 trillion every year, and rising. Under the terms of this budget, the annual deficit, in 2013, is slated to be $672 billion—or more than 4 percent of estimated GDP. That is one of the largest deficits in American history, but it is actually the smallest projected deficit in this entire budget.

Back in 2004, before he was the President's Director of the Office of Management and Budget, current OMB Director Peter Orszag wrote that repeated deficits of 3.5 percent or more will put this country on an ''unsustainable path'' and would result in ''a related loss of confidence both at home and abroad.'' He was right. But we are feeling that loss of confidence among Americans now, much less among those whom we are looking to to buy that huge debt we are creating.

To put it plainly, people are worried. These are people such as Phil Perlis, who owns a family clothing business in Tifton, GA. Phil's family has owned The Big Store for almost a century, and it employs approximately 20 people. I know Phil and his family very well. Phil said this is the toughest year he has ever had. He has been ''squeezed in every place imaginable.'' The days of feeling comfortable about making a profit no longer exist, and he simply hopes to be in business this time next year. His confidence is shaken. And given the business climate and the economic issues in Washington—and despite his positive attitude—Phil predicted to me the other day that very trying times are ahead for his store, as well as all other small businesses across America.

He is not alone. Americans, despite the optimism that is our birthright, already feel a sense of disquiet about the direction our Nation is headed economically. As an example, the national savings rate has gone from zero in 2005 to 8 percent today. For the good of their families, Americans are trying to hold on to what they have, not throwing caution to the wind and hoping for a future financial miracle. For the good of our country, our children, and our grandchildren, our Government should do the same.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

THE BUDGET

Mr. DURBIN. Mr. President, next week the Senate is going to take up the budget. The budget, of course, is one of the most important documents the Congress considers each year. It is really the blueprint for spending. At the end of that debate in the Senate, hopefully the budget will pass and the same thing will happen in the House. The two Chambers will come together and agree on a spending pattern for the

next fiscal year, which begins October 1.

It is an elaborate process, a lengthy process, many times a divisive process, but one that is absolutely essential because this budget book really reflects who we are and where our values are. That is why we spend so much time thinking about it and planning it. We have to look ahead, and not just to the next fiscal year from October 1 of this year through September 30 of 2010 but to what the budget will mean in the outyears. What will it do for the following year? What do we anticipate will happen?

Some of it is speculation. There are great speculators, and people paid a lot of money to speculate on what is going to happen to the economy, and they come up with different conclusions. I was thinking the other day, when the Congressional Budget Office came out with different projections for economic growth: I wonder if any speculators on economic growth 2 years ago would have predicted we would be where we are today. I do not think so because there would have been a race for the exits, with people selling their stocks and mutual funds and liquidating as fast as they could. We did not receive fair warning this was going to happen, although there were some storm clouds that really should have been heeded.

Well, when this President came to office, he inherited quite a situation. We started the year 2009 with President Obama in the midst of a crisis unlike any we have seen in our lifetime. As the Budget Office book indicates, our economy is in deep recession that threatens to be deeper and longer than any since the Great Depression 75 years ago.

More than 3.5 million jobs were lost over the past 13 months, before President Obama came to office—more jobs than at any time since World War II. Another 8.8 million Americans who want and need full-time work have had to settle for part-time jobs. Manufacturing employment has hit a 60-year low. Capital markets are virtually frozen, making it difficult for businesses to grow and families to borrow for a home, a car, or the college education expenses of their kids. Families are struggling to pay their bills and make their mortgage payments. Trillions of dollars of wealth have been wiped out. There is hardly anyone with a savings account or any kind of investment who has not seen it diminished by this economy over the last year. That is just a fact.

It is in that environment and in that context that we discuss what to do in the next budget. What should the Federal Government do in light of these economic realities?

Well, the first thing we did for this President was to pass a recovery and reinvestment package, the stimulus bill. The President came to us and said: Here is the fundamental problem we run into. People are worried. When their confidence is low, they stop spending. And if they are not spending on basic appliances and cars and things people spend money on, then, of course, there is no demand for goods and services. Without that demand, businesses start contracting and shrinking, laying off employees, and the situation goes from bad to worse.

So the President came to us and said: I am asking for $800 billion in a recovery and reinvestment package to try to breathe some life back into this economy, to create jobs and save jobs, so people will have a paycheck they will spend for goods and services, which will invigorate businesses across America.

That, to me, was just fundamental. I took some economics courses in college way back when, and we basically learned what was known as Keynesian economics; that is, if you do not have enough aggregate demand in your economy, you can create that demand in three different ways: consumer spending, investment, or Government spending. Well, we cannot get people to invest because they are afraid of the stock market. Consumer spending is down because people are worried about the future. That leaves you one option: Government spending.

A lot of people say: Well, how can we spend money—$800 billion—Senator, when we have all these deficits? You are just piling up more debt for our kids to pay. There is truth to that, but it does not tell the whole story. If we do not turn this recession around, if we do not put people back to work and businesses back in business, then, sadly, the recession gets worse, the overall deficit gets worse, and the prospects that those kids of yours or grandkids will even find a job are diminished. So our investment in the recovery plan is a basic investment to try to create more consumer demand for goods and services and get the economy chugging forward again.

The budget the President proposes, the one for the next fiscal year, for our Government that we will be debating next week on the floor of the Senate, is a smart, fair, and responsible budget. The President has proposed—and he described it last night in his press conference—to restore fairness for middle-class families, reestablish responsibility in the budgeting process, and make smart investments for America's future. I think we have to do all three.

The Republican response to this on the other side of the aisle is that the President's budget just spends too much money. It taxes too much. It borrows too much.

The President's increase in what we call nondefense discretionary spending—that is outside of the mandatory programs such as Social Security and Medicare and Medicaid and other programs, veterans programs, and defense spending—all the rest of the budget is relatively small in comparison. But it is true that the President calls for increased spending in that area—but in two specifics: one, more money for veterans. You cannot visit a veterans hospital or meet with veterans today without realizing that the promise we made to them has to be kept, and it will cost money. I had a hearing today where two generals spoke to us from the Air National Guard and the Army National Guard and they talked about returning veterans and the problems they face, and we know there are many. Some come home with terrible wounds from war and have a long period of time ahead of them for rehabilitation and recovery. Some, however, come home with invisible wounds, psychological wounds, posttraumatic stress disorder and the like. LTG Vaughn from the Army Guard and Reserve said that suicide rates are up 140 to 150 percent. The same thing is true with the air guard returnees. It is an indication that we have an obligation that needs to be met. We need to spend money to make sure these veterans get the kind of care we promised, to put them back in a position in life where they can proceed to get a job and build a home and a family and have a good future. They served us. They risked their lives for America. We promised we would stand by them. President Obama keeps the promise in this budget.

When the Republicans on the other side say cut spending, I wonder if we will see any amendments from the Republican side to cut President Obama's requested increase in spending to help our veterans. It is one of the highlights of his budget. I don't think they will offer that amendment. They may complain about the spending level, but I doubt if they will stand up here and say we are spending too much money on our veterans.

The President, of course, puts money into education, as he should. President Obama understands that a lot of middle-income families are struggling to keep their kids in school. Sometimes they are not making as much money at home as they used to. Some kids have been asked to come home from the campuses and not go back to school for awhile until things get better. Well, that interrupted education is not good, and we want these kids, these young men and women, to have a bright future. President Obama's budget spends money in providing financial and tax assistance to students in school. If that isn't a smart investment for our future, I don't know what is. It is critically important.

So to my Republican friends who say we spend too much, I guess my basic answer to them is: Please show us your budget. Unfortunately, what we have heard and what we have seen from the Republican side of the aisle is the same old politics and the same old policies—policies that brought us into this economic mess, and they still cling to them. Unfortunately, they don't reflect the reality of where America is today.

They say, of course, on the Republican side that the President taxes too much—taxes too much in his budget. Well, since 95 percent of Americans would receive a tax cut and any tax increases are for the richest Americans—

those at the highest level of income—then apparently the Republicans are complaining because those who are well off might end up paying more in taxes.

Over the last several weeks we have heard quite a bit about how some of the wealthiest people in America are getting by and being compensated. I recognize that every wealthy American hasn't contributed to the decline in our economy, and not every wealthy American pulls down a hefty AIG bonus each year, but we are in this together. If we are asking sacrifice from average working families—and we are—is it too much to ask those making over $250,000 a year to pay a little bit more in taxes? People making over a quarter of a million dollars a year will have to pay a little bit more under President Obama's budget. That is a fact. Their taxes will go up. The complaints from the other side must be about those tax increases, because the overwhelming majority—95 percent of American families—will see a tax cut, the President's Making Work Pay tax cut.

Some of my friends on the other side of the aisle seem to have no problem asking middle-class American workers—people making $35,000 or $40,000 a year—to make wage and salary concessions when they renegotiate their contracts, but if you ask those on the other side of the aisle whether people making over a quarter of a million dollars a year or half a million a year or $1 million a year should pay a little more in taxes, they say it goes too far, it is fundamentally unfair. I disagree with that point of view. What the President has proposed is smart, fair, and responsible. Ninety-five percent of Americans will see their taxes go down, as long as those tax cuts are paid for.

To those who say that raising taxes on anyone is a sure way to ruin the economy, look back to how our economy performed in the 1990s. Most Americans would gladly trade the prosperity of that decade for today's economy. No one in America will pay more taxes under the Obama budget than they would have paid in the 1990s under the Clinton administration. This budget takes a fair, responsible, and targeted approach to the current imbalance in our taxes.

Then, of course, there is the criticism on the Republican side that President Obama's budget borrows too much, borrows too much money. Well, let's reflect on history for a moment. Eight years ago when President George W. Bush took office, he inherited a surplus from President Clinton, a 2-year surplus when we were generating more revenue than we were spending in Washington. It hadn't happened in 30 years, but it happened under a Democratic President. George W. Bush inherited this. At the time he came to office, the sum total of the debt of America, from the days of George Washington through the Clinton administration, was about $5 trillion. President George W. Bush inherited a budget with a surplus and a $5 trillion mortgage on America. At the end of 8 years, what did President George W. Bush and the Republican administration leave us? The largest annual deficit in American history—$1.3 trillion—and a doubling of the national debt. In 8 years, President George Bush doubled all the debt accumulated by America in the entire history of our Nation.

That happened on the watch of the Republicans who supported that President's policies. Now, this President, 65 days into his Presidency, is being accused of borrowing too much money, inheriting an economy flat on its back, trying to spend money and get us moving forward, and the criticism from the other side is he is going to have to borrow money.

Where was all this worry about borrowing too much when nearly all the Republicans voted to permanently repeal the estate tax, a repeal which would cost the American taxpayers $1 trillion—$1 trillion—in order to provide a tax break to the wealthiest three-fourths of 1 percent of Americans? I can tell my colleagues, many of the same Senators who were crying copious tears over the thought of going into debt were the first to step forward and say, Give a tax break to the wealthiest people in America and we don't care what debt it incurs. I think their priorities are wrong.

Where was this worry about borrowing too much when the Bush administration turned that Clinton surplus into the largest pile of debt this Nation has ever seen? Remember Vice President Dick Cheney's favorite quote: ''Reagan proved deficits don't matter.'' Well, I don't agree with that view. They do matter, to our kids and our grandkids. But those who should have been worrying about our deficits over the past 8 years turned a blind eye to them. They went along with Vice President Cheney. They said deficits don't count. They refused to do anything, while our national debt doubled under the last Republican administration, and we built up enormous debts we still owe to China and Japan, OPEC, and many other nations. They refused to act when our economy was growing and could have easily absorbed the necessary change. Now, when our economy is struggling and we need to spend the money to move forward, these same Republicans have decided that deficits are bad news. They have suddenly gotten a new brand of religion and they want us to end the deficits they supported in the first place. They were wrong then and they are wrong now. If we want to turn around the economy, now is the time for smart investments that pay off over the long term. We want to make sure we create jobs and business opportunities, investing in things that will pay off for a long time to come. The President spelled them out last night.

We know if we invest in health care in America to reduce the cost so that individual families and businesses, State and local governments, as well as the Federal Government, have a reduced increase in the cost of health care each year, it will help us balance the books. President Obama is dedicated to doing that. It will not only be good from a budget viewpoint, it is good from a health care viewpoint. It makes health insurance more affordable. It makes health care more affordable. It will mean that by modernizing and computerizing health records, we will have a better diagnosis and we will avoid the medical errors that frequently occur when information isn't gathered correctly and completely. So that investment in health care is part of President Obama's spending, spending to bring us out of the recession the right way: investing in our future.

He also invests in energy. It wasn't that long ago we were captives of the oil cartels that decided how much we would pay for gasoline. It went up to about $4.50 in the Midwest. In Illinois, where I am honored to be Senator, people were hurting. Filling a gas tank was a big deal. I remember pulling my little Ford pickup truck into a gas station in Springfield to fill it up on the weekend and it was 60 bucks and I couldn't believe it. I had never paid 60 bucks to fill up that little truck, ever. That is what happened. For other folks, they had to fill up every other day to get back and forth to work. We were the captives of these oil cartels, these dictators, who were draining off hundreds of billions of dollars from families and businesses in America for overpriced oil—$120 a barrel and beyond. President Obama wants to bring that to an end. He wants us to move toward energy independence.

He wants to invest in making certain we have green energy sources, renewable and sustainable, right here at home. Is that a good thing for the long term? I think it is one of the best investments we can make. It is the kind of smart investment we need in a budget which many of my friends on the other side of the aisle have rejected. They were the first to complain about gas prices. They are obviously the last to sign up for changing our energy economy.

The third area, of course, is education. I wouldn't be here today without it. Most of us have profited from education that has given us chances we never dreamed of. President Obama can tell that story personally and many others can as well. His investment in education is to make sure we have better teachers, better classrooms, new libraries, laboratories, buildings that will service us in the 21st century. These are investments that will pay off for a long time to come as our kids get the education they need to compete in the 21st century.

We will hear a lot about the budget debate next week. There will be a ton of amendments. There always have been. Everybody has their favorite issue, their favorite amendment. But when it gets down to the bottom line,

the question is what that budget will say about who we are and what we value. President Obama has proposed a budget that will make critical investments in our Nation's highest priorities at a time when America needs them more than ever. This budget would provide a little bit of help to hard-working families who desperately need it: tax cuts, as long as we pay for them, education assistance, health care, and alternative energy investments. That is what this budget is all about. The budget restores fairness, reestablishes responsibility.

Incidentally, we are finally going to put in this budget the real cost of Iraq and Afghanistan. For 8 years the Republican administration ignored it, wouldn't count it, said it was some mystery emergency spending. We know better. This budget is more honest.

We also realize to make smart investments—and this budget will make a lasting impact on our country by improving our economy, that will benefit our children and grandchildren for many years to come.

When the time comes next week, I hope my colleagues will step forward, be part of a new era of responsibility, be part of renewing America's promises, promises we have made that we will show good stewardship in leading this country out of this recession into a bright day tomorrow.

Mr. President, I yield the floor and 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL SERVICE REAUTHORIZATION ACT—Continued

AMENDMENTS NOS. 691, 712, 695, AS MODIFIED, AND 696, AS MODIFIED

Mr. DURBIN. Mr. President, notwithstanding the pendency of H.R. 1388, I ask unanimous consent that it be in order for the Senate to consider the following amendments and that, where applicable, the amendments be modified with the changes at the desk; that the amendments be agreed to, as modified, where applicable, and that the motions to reconsider be laid upon the table en bloc: amendment No. 691 and amendment No. 712; that amendments Nos. 695 and 696 be called up for consideration, and that each amendment be modified with the changes at the desk; that the amendments, as modified, be agreed to and the motions to reconsider be laid upon the table en bloc.

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

The amendments (Nos. 691 and 712) were agreed to.

Mr. DURBIN. Mr. President, I ask that amendments Nos. 695 and 696 be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. BURR, proposes amendments numbered 695 and 696, as modified.

The amendments are as follows:

AMENDMENT NO. 695, AS MODIFIED

(Purpose: To provide for outreach to high schools with low graduation rates)

On page 19, line 22, strike ''identified for school improvement under title 1'' and insert ''not making adequate yearly progress for two or more consecutive years under section 1111.''

AMENDMENT NO. 696, AS MODIFIED

(Purpose: To clarify references to high school graduation rates)

On page 49, line 15, insert ''(as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education'' after ''graduation rate''.

On page 59, line 9, insert ''and as clarified in applicable regulations promulgated by the Department of Education before ''; and''.

On page 69, line 14, insert ''and as clarified in applicable regulations promulgated by the Department of Education before the semicolon.

The PRESIDING OFFICER. The amendments, as modified, are agreed to, and the motions to reconsider are laid upon the table.

The amendments (Nos. 695 and 696), as modified, were agreed to.

FLOODING IN NORTH DAKOTA

Mr. DORGAN. Mr. President, Senator CONRAD and I and Congressman POMEROY, our two colleagues from Minnesota, Senator KLOBUCHAR and Congressman PETERSON, met with President Obama just a few moments ago in the Vice President's Room behind the Chamber to talk about the flood threat in our region. This is today's NOAA flood warning map of our country, and you will see that North Dakota is entirely green. The green represents the flood warning areas in our country. We have an entire State under a flood watch.

The headline in our State today is ''Blizzard Blasts The State.'' We have a raging blizzard that has gone on now for the last day and a half. It has closed the interstate highways. We have had up to 18 inches of snow in some areas, and then we have unbelievable flooding threats up and down the Red River and the Red River Valley of North Dakota. Now we have an urgent flood threat that exists in Bismarck, ND, as I speak.

I think it would probably be helpful just to show a few of the scenes. This is piling sandbags. They have had nearly 3 million sandbags filled in a very short period of time with college and high school students and National Guard and others in the Red River Valley filling sandbags. As I said, 3 million sandbags in a very short period of time.

This is the North Dakota National Guard filling sandbags inside the Bismarck Civic Center. Just in the last 24 hours we have seen a threat to the capital city—a very significant threat—and that threat is described in this photograph. This photograph shows what is called an ice jam. There are two ice jams at this point on the Missouri River and the Knife River that flows into the Missouri River. This shows an ice jam. As I speak, they are trying with explosives to deal with this ice jam. There are two ice jams, and if this happens in the wrong way, and one ice jam gives at the wrong time, we will see the entire south side of the capital city of Bismarck, ND, with a substantial amount of water.

Evacuations are underway as I speak in portions of that city. The mayor and the Governor and others, the Corps of Engineers, virtually everyone is involved, and this is a very significant flood threat that just really in the last 24 to 48 hours has developed as a result of significant ice jams.

This is a city that has not had substantial flood threats since the dam was built on the Missouri River about 60 miles north of Bismarck, ND. But these ice jams have completely changed the calculation and pose a serious threat to the city of Bismarck today. There is a great deal of work going on in the city. I say to all of them how much we admire the work they are doing. They are heroes. There are so many in the military and volunteers who are filling sandbags and doing the work that is necessary to fight that flood.

The Red River Valley flood—this is volunteers in the Fargodome filling sandbags. As I said, several million have now been filled. It appears that this flood could very well top the estimates of the 1997 flood. In 1997, in the Red River Valley, Grand Forks, ND, a community, then, of about 45,000 to 50,000 people was completely evacuated. I rode down the streets of Grand Forks in a boat in a community that was completely evacuated. In the middle of that flood, the center part of that downtown city caught on fire, and we had the spectacle of firefighters in the middle of a flood trying to fight a fire in a downtown area that had been completely evacuated.

This is the Red River Valley. It is completely flat, as flat as a table top. You can't see a hill in any direction. So because of unprecedented amounts of moisture—snowfall and rainfall—and because all of that occurred on top of ground that last fall, when it froze up was completely saturated, we now see, once again, the threat of record levels of flooding.

This is sandbagging outside of Fargo homes in the last day or two.

This is flooding in Beulah, ND.

This is 70 to 80 miles north and west of Bismarck, ND.

This is a feed lot in Mandan, ND. You can't see any feed, and you can't see a lot.

All you can see is water. This is a flooded yard in Fargo, ND. This is the

outskirts of Watford City, ND, which is 175 miles away from Bismarck. This is what the Jamestown Airport runway looks like.

The point is that we face a very serious threat. The urgent threat at the moment is in Bismarck, with the determination to try to solve the problem with these ice jams to prevent substantial flooding in the capital city. Our thoughts and prayers are certainly with the folks who are there today trying to do that.

In the Red River Valley—I will be there tomorrow and, hopefully, in Bismarck tomorrow night—the crest is expected in Fargo, ND, on Saturday. Our hope is that the flood fight that is occurring there goes well. Fargo has a lot of experience fighting flood waters. The mayor and others have done an extraordinary job over the years. They are building earthen dikes, filling sandbags, doing all they can, in coordination with FEMA, the Corps of Engineers, the National Weather Service, the North Dakota National Guard, and others.

I wanted to simply explain the circumstances of why we met with the President today, spoke with the Secretary of Homeland Security yesterday, and why it is important. The President, by the way, said, as President Clinton did when Grand Fork was evacuated, that the point is, in these circumstances you are not alone. This Government of ours—at the city, State, and Federal levels—brings to a flood fight a substantial amount of capability and expertise and people who know what they are doing. Added to that, the volunteers from all over our communities have done an extraordinary job.

I spoke this morning to a person who runs what was formerly called the Crippled Children's School in Jamestown, ND, which has been called in recent years the Ann Carlson School. Disadvantaged circumstances exist for the children in that school, who, when a flood comes, are not as mobile as others. They had to evacuate the Ann Carlson School yesterday. I think there were 60 to 70 children there who live in that school. They had to be evacuated. Again, these are kids with a lot of needs. They had 75 young student athletes show up from the high schools and colleges, and in 4 hours they evacuated that school. They had to take the beds and all of the special equipment those children need. In 4 hours, all those young athletes did that. The fellow who runs that school told me it was extraordinary to see how many showed up to say: Let us help you. So there is a lot going on.

I am going to travel to both the Red River Valley and to Bismarck. I wanted my colleagues to understand the circumstances. Again, to put the first chart back up, you will see that today's NOAA estimate of our country shows that our entire State is under a flood threat. It has been an extraordinary winter. Even as we have this threat, there is a raging blizzard that is shutting down interstate highways in our State and is dropping as much as 18 inches of snow. It has been a tough time.

North Dakotans are pretty resilient people. We will get through this. I wanted to tell my colleagues about this and about why I met with the President.

188TH ANNIVERSARY OF GREEK INDEPENDENCE

Mr. REID. Mr. President, I rise today to recognize Greek Independence Day. My home state of Nevada is home to one of the most vibrant Greek communities in the United States, and I am pleased to join in celebration with my fellow Nevadans and Greek Americans all around our country on this 188th anniversary of the independence of Greece.

The political and philosophical legacy of ancient Greece is the very cornerstone upon which our great experiment in American democracy rests, and the United States and Greece share a proud history of cooperation and friendship. Our two countries joined together as allies in every major international conflict throughout the 20th century, and the valiant contribution of the Greeks to the Allied effort in World War II in particular cannot be understated.

Today, Greek Americans join together in celebrations both religious and secular, as Greek Independence Day coincides with the Greek Orthodox Church's celebration of the Festival of the Annunciation. As families gather to honor their Hellenic heritage with festive parades, prominent displays of the Greek flag, and preparation of traditional foods, I invite my fellow United States Senators to join me in congratulating the Greek Americans who have so enriched our country with their many contributions.

Earlier this week, I was pleased to support Senate Resolution 82, which passed the Senate by unanimous consent, and recognizes the 188th anniversary of the independence of Greece and celebrates Greek and American democracy. The strong partnership between the United States and Greece has prospered for nearly two centuries, and I look forward to many more years of friendship between our countries.

Ms. SNOWE. Mr. President, today marks a truly cherished day for the Greek people, Greek-Americans and for all the friends of Greece around the globe. It is the 188th anniversary of the day in 1821 when the people of Greece declared independence from the Ottoman Empire, signaling the beginning of the end of centuries of political, religious, and cultural repression of their proud and ancient culture. It took a further 8 years of heroic struggle before Greece secured its full independence.

Americans have long recognized that the ideals which guided our own struggle for independence—liberty, democracy, and human dignity—were also the foundation for Greece's declaration of sovereignty. The United States and Greece were thus destined to become not only faithful allies but close friends. Nearly two centuries after the rebirth of Greek independence, our two nations and their citizens are bound by ever-strengthening bonds which link us through both a shared heritage of democratic values and a modern alignment of strategic interests.

Just as there is much to celebrate in the 188 years of modern Greece's independence, there are many challenges which it faces in the 21st century. Ongoing provocations by Turkey in the Aegean and irredentist actions by the Former Yugoslav Republic of Macedonia thwart Greece's quest for a stable southeastern Europe free of past centuries' often cataclysmic territorial adventurism. Ankara's continuing persecution of the Ecumenical Patriarchate of Constantinople—the leader of Greek Orthodox Christians around the world—and illegal occupation of the north of Cyprus remain an outrageous affront not only to Hellenes but to people everywhere who believe in human rights.

Therefore, on this anniversary of Greek independence, let us not only celebrate and congratulate our friends in Greece but also rededicate ourselves to strengthening the relationship that exists between our two great nations, so as to defend its foundational principles and ensure its vitality in the centuries to come.

TRIBUTE TO EDWARD R. WARD

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a member of our Armed Forces from my home State of Kentucky, 1LT Edward R. ''Eddie'' Ward, who is being inducted posthumously into the U.S. Army Aviation Association of America's Order of Saint Michael.

Established in 1900, the Order of St. Michael recognizes individuals who have contributed significantly to the promotion of Army aviation. Those selected have demonstrated the standards of integrity and moral character, displayed an outstanding degree of professional competence, and served the U.S. Army aviation or civilian aviation community with distinction. There are three levels of the Order of St. Michael—Bronze, Silver, and Gold. First Lieutenant Ward is receiving Gold, the top level, which is awarded when an individual exhibits the highest values of honesty and ethical character.

Ward first enlisted in the Army in 1901 at the age of 19. Six years later, at the age of 25, he was assigned by the signal officer of the Army to take charge of ''. . . all matters pertaining to military ballooning, air machines, and all kindred subjects.'' Ward became the first noncommissioned officer of the enlisted nucleus that eventually evolved into the present-day Aviation Branch of the Army.

His career was comprised of a great deal of leadership. He headed the team that uncrated and prepared the Wright aircraft for military trials at Fort Omaha. He also served at several air schools including Fort Omaha and the Philippines Air School. However the majority of his career was spent in the Aeronautic Branch of the Signal Corps until his retirement from the armed forces in 1930.

The Order of St. Michael uses the story of St. Michael defeating the dragon to exemplify the bravery and gallantry associated with the aviation soldier and the boldness and swiftness of aviation on the battlefield. Edward Ward was a true Kentuckian and an American hero who epitomizes the heroism and courage told in this story. He was a prime example of the brave and dedicated soldiers that make our military the best in the world.

Mr. President, I ask my colleagues to join with me in recognizing 1LT Edward R. Ward's dedication to our military and our country.

OMNIBUS PUBLIC LAND MANAGEMENT ACT

Ms. CANTWELL. Mr. President, today, Congress can be very proud of a very significant accomplishment.

Because today, Congress stood up for the enjoyment and protection of some of our nation's most pristine and breathtaking wilderness areas, historical sites, national parks, forests, trails, scenic rivers, and oceans. This bill will help our country address the impacts of climate change on our coastal areas, and provide educational opportunities for our Nation's children.

Today, the U.S. House of Representatives will pass the Omnibus Public Land Management Act of 2009 one of the most sweeping conservation bills that Congress has passed in many years.

It is a huge victory for the generations of Americans who enjoy these sites each year.

It is a huge victory for our American heritage.

And, it is a huge victory for Washington State.

This bill has been through many twists and turns over the last year.

But today's successful vote could not have been possible without the tenacity and dedication of Majority Leader REID.

I thank the majority leader for his steadfast support and dedication to seeing that these important public land and ocean priorities became law.

Today, I would like to highlight some of the provisions in this bill that I am especially pleased to see go to the President's desk.

First, this package includes the Snoqualmie Pass Land Conveyance Act, which I sponsored. This bill would transfer an acre and a half of Forest Service land to the Snoqualmie Pass Fire District to help them build a new fire station.

For decades, the Fire District has been leasing its current site from the Forest Service. They operate out of an aging building that was not designed to be a fire station.

While they have been able to serve their community despite this building's many shortcomings, the time has come for us to pay them back for their hard work and dedication. With traffic on the rise and the need for emergency services in the area growing, the Fire District needs to move to a true fire station and this bill will finally help them do that.

Second, the Ice Age Floods National Geologic Trail Designation Act is included in this bill.

Since 2001, I have been working with communities in Central and Eastern Washington, the National Park Service, and community stakeholders to create an Ice Age Floods National Geologic Trail through portions of Washington, Oregon, Idaho, and Montana.

Visitors to the trail will not only provide an important economic boost to central and eastern Washington communities, but they will learn about an amazing, and often overlooked, part of our region's history.

You see, most people don't know that during the last Ice Age, when a glacial lake in Montana formed and deepened enough, the sheer force of the backed up water undermined the glacial ice-dam. And, the ice gave way in a cracking explosion.

The huge lake, bigger than all the rivers of the world today combined, was released all at once and carved its way through the Pacific Northwest. This changed the region's geography. But these cataclysmic floods have been a story that's gone largely untold. Because of this bill, more people will know this important part of Pacific Northwest history.

Third, this package includes my Pacific Northwest National Scenic Trail Act.

The Pacific Northwest Trail runs from the Continental Divide to the Pacific Coast, is 1,200 miles long, and is one of the most pristine and breathtaking trails in the world.

This carefully chosen path runs through the Rocky Mountains, Selkirk Mountains, Pasayten Wilderness, North Cascades, Olympic Mountains, and Wilderness Coast.

From beginning to end it passes through three states. It crosses three National Parks. And it winds through seven National Forests.

Finally, this trail will receive the designation is deserves.

This package also includes my Wildland Firefighter Safety legislation.

Wildland firefighting and the safety of wildland firefighters is vitally important to our brave men and women who battle these blazes, and for the communities that depend on them. This legislation will improve accountability and transparency in wildland firefighter safety training programs.

Through training and certification we can lower the risk to the brave men and women who protect our forests and communities. It's critical that Congress is actively engaged to make sure this happens.

I would also like to mention the three provisions in this package aimed and conserving and protecting our nation's oceans and the communities that depend on them.

This is particularly important in these days of economic turmoil, as millions of Americans depend directly and indirectly on healthy oceans and coasts.

Also, as our climate changes, we must work to address some of the issues that have the potential to affect millions of jobs.

That is why I was thankful that Majority Leader REID included several provisions in this package that address our oceans.

I am particularly thrilled about the Federal Ocean Acidification Research and Monitoring Act.

The world's oceans are absorbing roughly 22 million tons of carbon dioxide every day, causing seawater chemistry to become more acidic possibly withholding the basic chemical building blocks needed by many marine organisms.

This act creates a comprehensive national ocean acidification research and monitoring program that will take a hard look at the devastating impacts greenhouse gas emissions are having on our oceans.

All of this could not have been accomplished without the strong support and hard work and dedication of the majority leader and I thank the leader for successfully moving these priorities.

Today is a proud day for Congress, for Washington State, for our world's ocean and marine environments, and for some of the most breathtaking views and important legacies this Nation has to offer.

Because the steps we have taken in this package will protect our lands, our coastal areas, and our first responders.

UNNECESARY KILLING OF BABY SEALS

Mr. LEVIN. Mr. President, yesterday Senator COLLINS and I submitted Senate Resolution 84, urging the Government of Canada to end the senseless and inhumane slaughter of seals off the east coast of Canada.

To reiterate, on March 18, 2009, just weeks before its hunting season was scheduled to begin, Russia announced that it would ban the hunting and killing of baby seals. Youri Trutnev, Russia's Minister of Natural Resources, who was quoted in the New York Times last week, graphically depicted the shameful practice, saying: ''The bloody sight of the hunting of seals, the slaughter of these defenseless animals, which you cannot even call a real hunt, is banned in our country, just as well as in most developed countries.''

In addition, the Internal Markets and Consumer Protection Committee, IMCO, of the European Parliament approved a prohibition on trade in seal products in the European Union. This measure may now be considered by the full European Parliament in the coming months.

Yet, in Canada, the largest commercial slaughter of marine mammals in the world continues. According to the Humane Society of the United States, HSUS, over one million seals have been killed over the past 4 years. In Canada, seal pups as young as 12 days old can legally be killed. The vast majority of seals killed in these hunts are between 12 days and 12 weeks of age.

Canada has officially opened another seal hunting season, paving the way for hundreds of thousands of baby seals to be killed for their fur in the coming weeks, when the harp seal hunt begins in earnest. I am pleased to have been joined by Senator COLLINS in submitting this resolution that urges the Government of Canada to end this senseless and inhumane slaughter.

The U.S. Government has opposed this senseless slaughter, as noted in the January 19, 2005, letter from the U.S. Department of State, in response to a letter Senator COLLINS and I wrote to President Bush, urging him to raise this issue during his November 30, 2004, visit with Canadian Prime Minister Paul Martin. The letter reads, in part, as follows: ''The United States has made known to the Government of Canada its objections and the objections of concerned American legislators and citizens to the Canadian commercial seal hunt on numerous occasions over recent years. The United States has also opposed Canada's efforts within the Arctic Council to promote trade in sealskins and other marine mammal products.''

Mr. President, I ask unanimous consent the New York Times article of March 19, 2009, entitled ''Russia to Ban Hunting Baby Seals'' be printed in the RECORD, as follows:

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

RUSSIA TO BAN HUNTING OF BABY SEALS

(By A.G. Sulzberger, Mar. 19, 2009)

Russia announced on Wednesday that it would ban the hunting of baby seals, effectively shutting one of the world's largest hunting grounds in the controversial trade in seal fur.

The decision is yet another blow to an age-old industry that has been losing a public relations battle in recent years to animal-rights groups, who have gained public support by using stark photographs of harp seal pups less than a month old being clubbed to death on blood-stained ice flows.

In addition, the European Union is considering a ban of all seal products—similar to one that the United States adopted decades ago—which would eliminate a key trade route and end market for the furs. And even in Canada, where the world's largest seal hunt is scheduled to begin later this month and top leaders vigorously defend the industry, a legislator for the first time introduced a proposal to curtail sealing.

''It's highly significant,'' Rebecca Aldworth, director of Humane Society International in Canada, said of the political developments. ''It shows that world opinion is moving away from commercial seal hunting. There's hope on the horizon that this may be the last year that we ever have to witness this cruelty.''

In Russia, where the number of new pups has dropped sharply in recent years because of the hunts as well as shrinking ice in the White Sea, the government initially announced a ban on the killing of the very youngest and most highly prized seals, known as ''whitecoats.'' The seals shed the white fur in about two weeks, with the resulting silver coat also coveted.

But the government announced in unsparing language that it intended to extend the ban to include all seals less than a year old. (While adult seals are also hunted in smaller quantities, their coarse, scarred fur is generally not used in clothing.) The move, publicly backed by Prime Minister Vladimir V. Putin and coming just weeks before the hunting season was to begin, could save as many as 35,000 seals, according to a spokesman for the International Fund for Animal Welfare.

The Associated Press quoted the natural resources minister, Yuri Trutnev, as saying in a statement: ''The bloody sight of the hunting of seals, the slaughter of these defenseless animals, which you cannot even call a real hunt, is banned in our country, just as well as in most developed countries, and this is a serious step to protect the biodiversity of the Russian Federation.''

Masha Vorontsova, the head of the International Fund for Animal Welfare in Russia and a biologist who has been pushing for a ban since the fall of the Soviet Union, credited an outpouring of public support for ending the hunt. ''It's a fantastic achievement,'' she said.

In contrast, Gail Shea, Canada's Minister of Fisheries and Oceans, did little to disguise her frustration at moves taking aim at the industry both abroad and at home, which she attributed to ''mistruths and propaganda'' spread by special interest groups. ''For some reason the European Union will not recognize what the actual facts are because it's an emotional issue and a political issue,'' she said in an interview.

Ms. Shea, who earlier flew to Europe to lobby against a European Union ban, warned that such a move could violate international trade law. An industry spokesman said that nearly all Canadian seal products passed through Europe on their way to major consumers like Norway, Russia and China. It is unclear whether Russia will also ban the import and sale of seal products.

Commercial sealing also takes place in a handful of other counties, including Norway, Greenland and Namibia. In Canada, last year's catch of 207,000 seals—or roughly one in every five pups born that year—earned the roughly 6,000 licensed sealers a total of $7 million, down from $33 million in 2006, according to Phil Jenkins, a spokesman for the Canadian fisheries department. The hunting decreased, he said, largely because of a sharp drop in prices for the pelts, from $97 to $33, for a perfect specimen. Seals are killed by rifle or by club.

The harp seal population level has held steady at about 5.6 million for the last decade, he said, but anti-sealing groups contest that figure.

However, the Canadian industry came under rare official scrutiny last week, when Mac Harb, a senator from Ontario, introduced the legislation to cancel the coming hunt. He argued that the industry was dying, propped up by public tax dollars and costing Canada international good will. But his proposal died when Mr. Harb could not get another member to second his motion.

''There was silence. Total silence!'' he said in a telephone interview on Wednesday. ''I was amazed that not one of my colleagues, from any one of the political parties, would even want to debate the issue.''

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:

I am a Meridian resident, who works in Boise, an 8-mile commute for me. I own a 2003 Dodge Dakota, and it was my commuter vehicle until a couple months back. It has a fuel capacity of 23 gallons. Before I stopped driving my truck, it was costing me about $160 per month in gas . . . just for me to get to and from work—8 miles away. That is before gas went over $4/gallon. The reason I do not have to drive my truck anymore, is because my wife got a new job in Boise, a mile from my workplace, and we are now able to carpool together in her car, a 2003 Mazda 6. Previously, she worked in Meridian, just a couple miles from our home. My wife hates driving the truck, which is why I drove it, instead of her.

Since my wife got her new job nearly two months ago, my truck has just sat in the garage. I filled it up 6-8 weeks ago—and it still has the same full tank of gas. It hasn't moved an inch. How can I afford to move it, when it only gets 12-16 mpg, and gas is now hovering between $4.10–$4.15 a gallon? If I was still driving my truck to work, it would now be costing about $200 a month just to commute back and forth to work. Ridiculous. So my truck sits and waits for something to cause fuel prices to go down.

Now for the possible solution I read about the other day. SwiftFuel: I saw a blurb on it on the website, http://slashdot.org, which had a link to a full article by Robert X. Cringly on PBS' website. Basically, SwiftFuel is made from ethanol, but contains no ethanol. It is currently being tested by the FAA as a replacement fuel for the current lead based aviation fuels, which must cease to exist in 2010. It has a higher octane rating (about 104); has more energy per gallon, which results in a 15–20 percent increase in fuel efficiency; can be run on existing engines without modification; can be stored in the same

tanks and shipped in the same pipelines as gasoline; and since it is a biomass, has a net 0 carbon footprint on the environment. Oh, the ethanol used to make it—it is not produced from corn. It is produced from sorghum which produces six times more ethanol than corn, per acre. No higher food costs from the production of its ethanol. Currently, SwiftFuel costs about $1.80 to produce, and we can make it right here, in the good ol' U. S. of A.

Obviously, this is just one article, and one side. But if most of what this article claims is true, this could be a very viable, quick remedy to breaking our addiction to oil. Everyone could benefit from it immediately, without having to buy new cars, or paying for expensive modifications. I think it deserves a very serious look from the Government, and I hope you will encourage other lawmakers to look into it.

If it makes it to our local pumps, my Dakota can come out of the garage and play.

JARED.

Thank you for all you are doing to keep energy prices, costs, and options open.

Our family is spread all over the country because we gave them wings to fly. Giving them independence sometimes means higher costs for visits. When my husband and I married in 1967, the Viet Nam War was the countries overseas involvement. Since then so many, many more overseas events have affected our society.

Being part of a world economy is a challenge. I think our country will be challenged beyond our wildest dreams and people from all over the world will be meeting our expectations of being like us. That is not all good. One of the things is energy and high cost of traveling. Staying close to home will be the only option for most people in our world and probably not a bad thing.

I would hope that other energy options will finally come out and be fully embraced by the government with incentives and with financial responsibilities that all Americans can understand and live with.

We will need another post World War II plan of some sort to put people to work, give them self esteem to continue to work things out.

With our medical crisis, overseas wars, and societal morality issues we face a time of great challenge!

I hope that you and others in Washington will take the time off and spend time at home and have smaller salaries so we as Americans can have examples of sacrifice and fiscal responsibly.

Thank you for your service to our state and our country. I look forward to the next four years and hopefully we will have a more responsible White House and legislative sessions!

NANCY.

As you have heard from many sources, the high energy costs are providing difficult choices: food or gas, rent or gas, mortgage or gas, utilities or gas, medicine or gas, etc. I just read the results of a survey that indicated that 76% of respondents say that the country is headed the wrong way. This is not only a White House issue. This is a White House and Congress issue. All I see reported is finger pointing; one party blaming the other or the White House. It is time to put aside partisan bickering and seek for bipartisan solutions. OPEC is creating a false supply shortage due to lack of daily production. Oil companies must share the blame.

Refineries are creating a false supply shortage by not producing to their capacity. They post record profits but do nothing to increase refinery capacity or build new refineries. Oil production in the United States can and must increase.

Conservation by the American people is a must. A change in my driving habits has resulted in a 3 miles per gallon increase. I drive twenty miles a day to and from work. One road posts 65 mph. I drive 55 mph. I coast up to stop signs where safely possible. Where safely possible, I drive 55 miles per hour instead of 65, or 65 instead of 75. One can only imagine what would happen if every driver in America would increase their miles per gallon by changing driving habits.

Demand would definitely decrease which should have a positive effect on supply. But, unfortunately, the American people will not conserve on their own. The congress must force conservation. During the early 1970s, America faced an oil crisis. One of the measures the government instituted was lowering the speed limit to 55 miles per hour. Not only did this action reduce demand, it saved lives. This seems to be an inexpensive option. The only cost to the government, as I see it, is in putting up new speed limit signs.

The interesting thing to me is that the American public have driven one billion miles less this year compared to last year, yet the price of gas continues to rise. It makes one wonder what kind of coalition has be created to keep supply down and prices up in spite of the minimal conservation efforts of the American people. Does anything the American people say really carry any weight with our government?

I know that this is a complex problem. Some stop-gap measures need to be put in place while long-term solutions are reached. Now would be a good time for Congress to step up to the plate and hit a grand slam to win the game for the American people.

R.

Thank you for the opportunity to share my concern about the rising energy costs in our country. I have a 2001 Toyota Camry and when I first bought the car it cost between $12 and $15 to fill the tank. Last Friday I filled it and it was $56.03! From $15 to $56, and the news says the price of gas is still rising!

In the past, whenever something was totally out of control in our country, we could count on our leaders to do something about it. Gas prices have gone up before (but never to this extent) and then came back down? I always felt safe and secure in the United States but now things seem to be totally out of control. Where are our leaders/Senate? What are they doing to help us? With the extremely high gas prices everything else is going up, too. So much so that we all are being forced to cut back everywhere else—even in critical areas such as food and/or medicine. Living in Idaho does not give me an option on not driving my car to work and I have to work in order to survive. I do not want to quit work and be supported by welfare, or any other assistance, simply because I cannot get to work. I am disabled and cannot ride a bicycle to work (which will not work in Idaho during the winter, either).

After a horrific divorce, I struggled many, many years as a single woman to get my feet on the ground and be self-sufficient. It terrifies me to think that security can easily be taken away from me

Where in the world did the United States ever get the notion we could be dependent on foreign countries for energy? That is absolutely ridiculous! We are supposed to be the leader of the free world, not depending on other countries to survive. We have resources on our own soil so why are we not using them? What is happening with the reserve oil? As the Senate, I implore you to please do something to stop the rising gas prices and get them lowered again!

CONNIE, *Post Falls.*

I am a non-traditional student at BSU. I depend on grants and loans to attend college and only work part-time as a tutor on campus. I live relatively close to campus so I can walk or take the bus if need be, but so far I have not had to. The real story I wanted to share is why I am not bothered with the rising prices of gas as much as everyone else seems to be.

I was in the US Army from 1968 to 1972 and served in Germany from the fall of 1968 to the spring of 1970. Gas prices in Germany, at that time, after converting from the old Mark to US dollars, were about $3.65 a gallon. We have been very fortunate to have cheap prices for as long as we have. Now it is our turn to pay up.

I would say to Congress: Shame on you for not allowing the drilling of more oil reserves in those areas of our country that have it, for you are keeping us dependent upon OPEC and keep us at the mercy of their pocket book needs. I also would ask Congress to seriously consider tholium research to replace uranium in our reactors, for it is considerably more economical, safer for the environment and would go a long way to promote anti-proliferation by terrorists.

KERMIT.

My husband works in construction. The good news is: He has had job after job out at the nuclear site west of Idaho Falls. The bad news is: Construction workers do not get to ride the buses. They have to drive out themselves, unless they are lucky enough to work for a company that carpools their men in a company truck. That is not happening right now. Gary drives out to work every day. Even with a fuel stipend to offset his gas purchases each week, we are going in deeper and deeper because of the rising fuel prices. I am sure construction companies can only afford to offset just so much for their employees. It will cap out and we will be left making up the difference. After all, we have to keep Gary working. For my job, I travel the upper Snake River Valley, making visits in the homes of adult clients with developmental disabilities. I am required by the state Medicaid to make these monthly visits. I drive a fairly fuel efficient vehicle, but again, our miscellaneous expense budget has been hacked by increases expense at the fuel pump.

I am so hoping the government will explore and implement domestic oil production. Get these foreign countries off our backs! They are grinding the faces of the American citizen into the pavement. Of course, I am in favor of expanded nuclear energy research. We here in southeast Idaho have grown up with the nuclear site in our backyard. Incentives for conservation may help, but do not let too much red tape bind the effectiveness of the incentive or companies will not feel it is worth it. I repeat, the environmentalists have had their day and now we are suffering for it. They need to quiet down and let business address the issues of the American family trying to survive in the United States.

Thank you for your interest in our story.

GARY and JANA.

The increase in prices caused by an increase in demand is not a valid cause for increasing the pressure put on the environment by our society's increasing demand for high quality energy. The price increase is a result of capitalism—imagine that, the U.S. has promoted a change in world economy to be more like ours and it has worked. More demand translates to higher prices. The stock brokers are now speculating on energy futurs.

So the solution is efficiency. Start carpooling. The demand could be reduced if people rode together to work and school in their current vehicles. As new vehicles are purchased, energy efficient machines could be

purchased instead of the CAFE loop-hole SUVs that the current federal government still subsidizes. Also the speed limit could be reduced. Yes, all the machines on the freeways are more efficient at lower speeds. It is just physics. Then reduce the need for energy by reducing the demand for AC and Heating because of the unrealistic size of homes. Start programs to subsidize development of solar electric to AC systems in the sunbelt of the U.S. Such a program would significantly reduce the electric grid demand.

The answer to the impact of energy prices could be altered immediately through conservation, not 5 years from now by increases in exploration.

DALE, *Coeur d'Alene.*

We are writing to express our complete exasperation with the U.S. Congress' inaction on vital energy questions or maybe it is a not so subtle attempt to ruin our way of life. We and our neighbors live about 70 miles from adequate shopping and medical services. We spend about $30 for gasoline for each round trip. Ours is a poor, rural community where many people have to commute long distances to work and whose budgets are being wrecked by the current cost of gasoline and diesel fuel. Being a community of mostly self-sufficient, hardworking people who do not have time to publicly complain or demonstrate, we seldom have the opportunity to be heard. We appreciate your invitation to let us express our frustrations.

We believe that election year politics is important but that an issue so vital as energy supplies should be something that our representatives should agree upon. Have we reached a point where the elite of our society are so powerful that the pain felt by everyday citizens is of no importance when balanced against their idealistic agendas?

I am a retired engineer with adequate retirement reserves, and $4 a gallon gasoline will not bankrupt me. Most of my neighbors are not so fortunate and will be strapped to ever achieve adequate retirement finances if fuel costs and the increased cost of products due to fuel costs are not addressed. The ability to save is being destroyed for the average citizen by increased fuel costs.

Again, thank you for the opportunity to state my opinions. I hope that you will do all that is possible for you to do to ease this burden. We are in favor of drilling for oil both in ANWR and offshore. We are also in favor of nuclear energy. It is the fuel of the future and again we are letting a few loudmouthed elitists dictate policy and add to the hardships of the people who make the country work.

KAREN and ROY, *Orofino.*

I suspect that you have heard quite a few stories about how rising energy costs have impacted Idahoans lives. I want to tell you how mine has been changed. I work at the INL (Idaho National Laboratory) for the CCP (Central Characterization Project) on the ICP (Idaho Cleanup Project). I tried riding the bus service that the site has provided for decades. At the end of last year, the fuel prices prompted a change in the cost of a bus pass from approx $11 a week—more than doubling (I believe) to almost $23 a week. I no longer ride the bus but ride with a co-worker who has been forced to drive because it is cheaper for he and his wife who both work on the ICP to drive than to ride the bus. He is gracious and insists that I do not pay my share of fuel costs or the maintenance on his car. I have filled the car's fuel tank twice, and each time I was caught off guard by my upset wife telling me that the lack of that money was going to cut down on food and other things that we have necessity for in our home. I have been very blessed by the hands of God in which our country and state reside. My family has never gone hungry, but I truly have to hope now that we never will. If there can be a way to improve the value of the dollar, to lower the price in gas (or even maintain it at the ridiculous price that it is currently at), then myself and many other Idahoans and Americans would be greatly appreciative. I continue to support those who are making wise decisions for the people of the United States, and continue to pray to God that he will preserve me and my family from harder times.

STEPHAN.

My husband and I both are retired. We recently bought a Silverado pick-up in February, almost $32,000. Do you think we would have bought that had we seen the gas crisis coming? Heavens no! We were going to buy a travel trailer for it to hitch and explore our nation. That thought is completely gone. We have six children, three of whom are married with children, with double incomes to make ends meet. Now, that is all we can do—make ends meet. We are all surviving and, thank God, we are a resourceful nation. We bought a 32 mpg Chevy, and one son bought a motorcycle to commute to work, but we just do not go shopping. We are all making it, but groceries and gasoline seem to be taking our checks. I am worried about the other businesses of our nation who have depended a bit on our incomes. What about them? Start drilling! We are worth more than what we are being handed by the radical environmentalists. God is the one who selects plants and animals for extinction, not us. If he chooses, they could be gone tomorrow no matter what we do. Start drilling!

VAL.

ADDITIONAL STATEMENTS

HONORING HARTLEY'S CHRYSLER DODGE JEEP GMC

• Ms. SNOWE. Mr. President, as we heard in testimony before the Senate Committee on Small Business and Entrepreneurship last week, auto dealerships are struggling to sell cars in this difficult economy. One of our witnesses remarked that in a healthy economy, auto sales make up approximately 20 percent of our country's retail spending. Clearly, a healthy automobile industry is critical to our economic success. I rise this week to recognize Hartley Chrysler Dodge Jeep GMC, an outstanding auto dealership from my home State of Maine that has remained true to its longstanding commitment to serving its customers and its community, regardless of economic conditions.

Located in the central Maine town of Newport, Hartley's Chrysler Dodge Jeep GMC is a second-generation family-owned small business. Hartley's opened its doors in 1946, when Perley Hartley began selling used vehicles from a filling station in the neighboring town of Corinna. In 1960, the dealership started selling new cars, adding Chrysler and Plymouth as its first automobile lines.

A year after graduating from Eastern Maine Community College in the early 1970s, Steven H. Hartley, now the company's president, went to work for his father in the sales department at Hartley Motors in the town of Dexter. He eventually bought the original dealership from his uncle Perley and took over operations in 1983, when he moved the business to its current location in Newport. Since then, Steven Hartley has ensured that the dealership is profitable every year. For the company's dedicated work, Hartley's received Daimler/Chrysler's five-star elite dealership status in 2005, an honor held by only two dealerships across Maine.

Mr. Hartley donates his time to promoting the well-being of the entire auto dealer industry throughout Maine and New England. He is a former director of the New England Chrysler Ad Association, and presently serves as a director on the New England Dodge Ad Association. Mr. Hartley also contributes his time and talents as a Director at the Maine Auto Dealers, and a trustee for the Maine Auto Dealers health and insurance trust.

In addition to his business and professional accomplishments, Steven Hartley is a Master Mason and a member of the Shriners. Additionally, Mr. Hartley has served for 20 years as a volunteer firefighter for the Corinna Fire Department, even attaining the rank of department chief. Late last year, he was one of just 49 automobile dealers out of more than 19,500 nationwide that were nominated for the TIME Magazine Dealer of the Year award. Through this nomination, he garnered national recognition at the National Automobile Dealers Association Convention and Exposition in January, where he was honored by TIME and the Goodyear Tire and Rubber Company for his honorable community contributions and his service to the auto dealer industry.

Driving his dealership to a whole new level of success, Steven Hartley has led Hartley's Chrysler Dodge Jeep GMC to the top of the industry and the forefront of the community. Entrepreneurs like Mr. Hartley are striving to ensure that our Nation's auto dealerships are here to stay, and we owe them a debt of gratitude. Congratulations to Steven H. Hartley on his most recent accolades, and I wish everyone at Hartley's Chrysler Dodge Jeep GMC a prosperous year.•

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.)

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–1089. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''General Policies, Types of Loans, Loan Requirements—Telecommunications'' (RIN0572–AC13) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1090. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Castor Oil, Ethoxylated, Oleate; Tolerance Exemption'' (FRL–8399–8) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1091. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dinotefuran; Pesticide Tolerances for Emergency Exemptions'' (FRL–8401–5) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1092. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpropathrin; Pesticide Tolerances'' (FRL–8400–8) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1093. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propiconazole; Pesticide Tolerances'' (FRL–8403–7) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1094. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thymol; Exemption From the Requirement of a Tolerance'' (FRL–8404–4) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1095. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triethanolamine; Exemption From the Requirement of a Tolerance'' (FRL–8404–1) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1096. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tristyrylphenol Ethoxylates (CAS Reg. No. 70559–25–0) and (CAS Reg. No. 99734–09–5); Exemption From the Requirement of a Tolerance'' (FRL–8404–7) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1097. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico'' (Docket No. APHIS–2008–0124) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1098. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to demonstration project notices, amendments, and changes requested by the Science and Technology Reinvention Laboratories during calendar year 2008; to the Committee on Armed Services.

EC–1099. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–1100. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Accuracy of Advertising and Notice of Insured Status'' (RIN3133–AD52) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1101. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination in the position of Deputy Secretary; to the Committee on Banking, Housing, and Urban Affairs.

EC–1102. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendment 15'' (RIN0648–AW08) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1103. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Emergency Rule'' (RIN0648–AX61) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1104. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2009–2010 Biennial Specifications and Management Measures'' (RIN0648–AX24) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1105. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Reduction of the Landing Limit for Eastern Georges Bank Cod in the U.S./Canada Management Area'' (RIN0648–XN46) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1106. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XN33) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1107. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XN69) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1108. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XN53) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1109. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure'' (RIN0648–XN55) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1110. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the DTV Delay Act'' (MB Docket No. 09–17) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1111. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Reexamination of the Comparative Standards for Noncommercial Educational Applicants'' (MM Docket No. 95–31) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1112. A communication from the Senior Legal Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Improving Public Safety Communications in the 800 MHz Band; New 800 MHz Band Plan for U.S.-Canada Border Regions'' (WT Docket No. 02–55) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1113. A communication from the Acting Director of the Office of Policy, Import Administration, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Steel Import Monitoring and Analysis'' (RIN0625–AA82) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1114. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Regulations Under the Textile Fiber Products Identification

Act'' (16 CFR Part 303) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1115. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of a Dose Standard After 10,000 Years'' (RIN3150-AH68) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Energy and Natural Resources.

EC–1116. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' ((SATS No. PA-152-FOR)(Docket No. OSM-2008-0019)) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Energy and Natural Resources.

EC–1117. 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 ''Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment'' (RIN1904-AB74) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Energy and Natural Resources.

EC–1118. 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 ''Procedural Rules for DOE Nuclear Activities'' (RIN1990-AA30) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Energy and Natural Resources.

EC–1119. A communication from the Acting Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2008; to the Committee on Energy and Natural Resources.

EC–1120. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Chemical Reporting; Tier II Inventory Information'' (FRL-8785-3) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Environment and Public Works.

EC–1121. 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: Kentucky; Approval Section 110(a)(1) Maintenance Plans for the 1997 8-hour ozone standard for the Huntington-Ashland Area, Lexington Area and Edmonson County'' (FRL-8781-5) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC–1122. 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 Plan; Maryland; Reasonably Available Control Technology Requirements for Volatile Organic Compounds'' (FRL-8780-2) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC–1123. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Volatile Organic Compound Reasonably Available Control Technology for Reynolds Consumer Products Company'' (FRL-8779-8) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC–1124. 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; West Virginia; Amendments to the Control of Air Pollution from Combustion of Refuse'' (FRL-8782-2) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC–1125. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Alabama State Implementation Plan; Birmingham and Jackson Counties'' (FRL-8781-7) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC–1126. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Other Solid Waste Incinerator Units; Arizona; Pima County Department of Environmental Quality'' (FRL-8781-2) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC–1127. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of California; Amador County Air Pollution Control District, San Diego County Air Pollution Control District'' (FRL-8783-7) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC–1128. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Mexico: Final Authorization of State Hazardous Waste Management'' (FRL-8784-9) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC–1129. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Parent Locator Service; Safeguarding Child Support Information'' (RIN0970-AC01) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Finance.

EC–1130. 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 ''Asset Valuation under Section 430(g)(3)(B) as amended by WRERA'' (Notice 2009-22) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Finance.

EC–1131. 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 ''Taxation of fringe benefits'' (Rev. Rul. 2009-6) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Finance.

EC–1132. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to providing information on U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–1133. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's Other Transaction Authority; to the Committee on Homeland Security and Governmental Affairs.

EC–1134. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Implementation of Omnibus Homeland Security Act: D.C. Government Needs to Sharpen Its Focus on Homeland Defense''; to the Committee on Homeland Security and Governmental Affairs.

EC–1135. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Certified Capital Companies Program''; to the Committee on Homeland Security and Governmental Affairs.

EC–1136. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005-31'' (Docket FAR 2009-0001, Sequence 2) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Homeland Security and Governmental 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–13. A resolution adopted by the Senate of the Republic of the Philippines, forwarded by the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, expressing the sense of the Senate to thank the United States Congress for the approval of the Conference Report on the American Recovery and Reinvestment Act of 2009, which provides the amount of one hundred ninety-eight million dollars for the benefit of eligible Filipino veterans; to the Committee on Appropriations.

RESOLUTION NO. 161

Whereas, then President of the United States Franklin D. Roosevelt issued a military order on 26 July 1941, calling into service the organized military forces of the country under the command of General Douglas MacArthur to fight with the American soldiers in World War II;

Whereas, President Roosevelt's military order stated that, ''As Commander-in-Chief of the Army and Navy of the United States, I hereby call and order into service of the Armed Forces of the United States for the period of the existing emergency, and place under the command of a General Officer, United States Army, to be designated by the Secretary of War from time to time, all of the organized military forces of the Government of the Commonwealth of the Philippines'':

Whereas, on February 20, 1946, then President Harry Truman affirmed the status of these Filipino veterans as ''nationals of the United States'' who ''fought, as American nationals, under the American flag, and under the direction of our military leaders'';

Whereas, President Truman likewise recognized that they ''fought with gallantry and courage under most difficult conditions'';

Whereas, regrettably, on 18 February and 17 May 1946, the First and Second Supplemental Surplus Appropriation Rescission Acts, collectively known as the Rescission Acts of 1946, were enacted, preventing our veterans from receiving benefits which were previously granted to them;

Whereas, our veterans have been fighting for more than six decades for the restoration of their honor and the recognition of their dignity as soldiers who fought with the Americans during World War II;

Whereas, previous administrations, starting from former President Elpidio Quirino, including Philippine Ambassadors to the United States, have continuously exerted collective efforts for the realization of this goal;

Whereas, on June 2007, members of the United States Congress expressed their support for the passage of a legislative measure reversing, the ill effects the Rescission Acts of 1946 and granting pension benefits to our veterans then pending in the US Congress;

Whereas, these legislators, however, intimated their concern that upon the passage of this US bill, the benefits currently granted to our veterans would be revoked, as provided under RA 6948, amended by RA 7696;

Whereas, to address this concern and to grant full benefits to our veterans which they rightfully deserve, Republic Act No. 9499, otherwise known as the Filipino World War II Veterans Pensions and Benefits Act of 2008, was signed into law on 9 April 2008;

Whereas, the law paved the way for the approval by the United States Senate and House of Representatives of the proposed American Recovery and Reinvestment Act of 2009, otherwise known as the Economic Stimulus Bill, with the valiant and unfaltering support of Senators Daniel K. Inouye, Harry Reid and Daniel Kahikina Akaka, and Representatives Robert Filner, Mike Honda and Nancy Pelosi, among other legislators;

Whereas, on 13 February 2009, both Houses of the US Congress approved the Conference Report on the Economic Stimulus Bill, with 60 affirmative votes and 38 negative votes;

Whereas, United States President Barack Obama is scheduled to sign the Economic Stimulus Bill in Denver, Colorado, on 17 February 2009, the eve of the 63rd anniversary of the enactment of the First Rescission Act;

Whereas, the end of the decades-long suffering of our veterans is now within reach, for when the Economic Stimulus Bill is enacted into law, our surviving veterans can claim up to Fifteen Thousand Dollars (USD 15,000) in lump-sum benefits, not as monetary compensation for their gallantry during World War II, but as recognition of their honor for risking life and limb for our allies and our country. Now, therefore, be it

Resolved as it is hereby resolved by the Senate of the Philippines, To express the sense of the Senate to commend Senator Daniel K. Inouye and the United States Congress for the approval of the Conference Report on the American Recovery and Reinvestment Act of 2009, which provides the amount of One Hundred Ninety-eight Million Dollars (USD 198,000,000) for the benefit of eligible Filipino Veterans.

POM–14. A resolution adopted by the Senate of the State of New Mexico memorializing a request that Congress be urged to hold hearings on a new management system for the Valles Caldera National Preserve; to the Committee on Energy and Natural Resources.

SENATE MEMORIAL NO. 32

Whereas, the Valles Caldera National Preserve is one of New Mexico's most spectacular places and important wildlife habitats, consisting of eighty-nine thousand acres of forest, high-mountain grassland and clear streams nestled into the caldera of an ancient volcano; and

Whereas, hunting, fishing and outdoor recreation are important parts of the way of life in New Mexico; and

Whereas, accessible and protected public lands benefit local economies by offering a higher quality of life that attracts tourism and high-wage jobs; and

Whereas, the current management experiment at the Valles Caldera National Preserve is based on a system set up for the Presidio, an urban area located in San Francisco, California; and

Whereas, it has become clear that the experimental management system for the Valles Caldera National Preserve will never generate adequate funding without developing, and thereby destroying, the Valles Caldera itself; and

Whereas, the current experimental management system has failed to provide adequate access to the public for responsible use and enjoyment of the area; and

Whereas, a new management system would improve opportunity for the public to responsibly enjoy the Valles Caldera National Preserve, thereby benefiting all residents and helping the local economy; and

Whereas, a new management system would expand access to hunting, fishing and outdoor recreational opportunities for all residents regardless of financial means; and

Whereas, a new management system would improve natural resource management at the Valles Caldera National Preserve and put it on more solid financial footing, ensuring that this spectacular place can be enjoyed by present and future generations: Now, therefore, be it

Resolved by the Senate of the State of New Mexico, That Congress be urged to hold hearings as soon as possible on the establishment of a new management system for the Valles Caldera National Preserve, in which the United States Forest Service, the National Park Service or the United States Fish and Wildlife Service provide management to improve responsible public access, expand hunting, fishing and outdoor recreational opportunities for the public and place the Valles Caldera National Preserve on firm financial footing so that present and future generations can enjoy and experience this spectacular place and benefits to the economy can be fully realized; and be it further

Resolved, That copies of this memorial be transmitted to the New Mexico Congressional Delegation and the Chief Clerks of the United States House of Representatives and Senate for distribution to the appropriate committees.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself and Mr. CARDIN):

S. 689. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of church pension plans, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. 690. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 691. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southern Colorado region, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHUMER:

S. 692. A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. ISAKSON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 693. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. HATCH):

S. 694. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. KOHL, Ms. STABENOW, Mr. BROWN, and Mr. LIEBERMAN):

S. 695. A bill to authorize the Secretary of Commerce to reduce the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Mr. ALEXANDER):

S. 696. A bill to amend the Federal Water Pollution Control Act to include a definition of fill material; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Mr. BROWN, Mr. CASEY, and Mr. WHITEHOUSE):

S. 697. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. GRAHAM, and Ms. COLLINS):

S. 698. A bill to ensure the provision of high-quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 699. A bill to provide for the construction by the Secretary of Veterans Affairs of a full service hospital in Far South Texas; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. BROWN, and Ms. COLLINS):

S. 700. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. ALEXANDER, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. BROWNBACK):

S. 701. A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG); to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. ENSIGN, Ms. COLLINS, Ms. KLOBUCHAR, and Mr. GRAHAM):

S. 702. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Finance.

By Mr. SANDERS:

S. 703. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. BURR):

S. 704. A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. KAUFMAN, and Mr. MENENDEZ):

S. 705. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ:

S. 706. A bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 707. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mr. INOUYE, Ms. MURKOWSKI, and Mr. BEGICH):

S. 708. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 709. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. UDALL of Colorado):

S. 710. A bill to prohibit unfair or deceptive acts or practices relating to gift certificates, store gift cards, and other general-use prepaid cards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 711. A bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER (for himself and Mr. BAUCUS):

S. Res. 85. A resolution congratulating the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. KAUFMAN, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 277, supra.

S. 355

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 355, a bill to enhance the capacity of the United States to undertake global development activities, and for other purposes.

S. 475

At the request of Mr. BURR, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor 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. 476

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 491

At the request of Mr. WEBB, the name of the Senator from South Dakota (Mr. JOHNSON) 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 Pennsylvania (Mr. SPECTER) 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. 511

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 527

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 546

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SESSIONS) 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. 547

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 622

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 622, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 631

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 631, a bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of 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.

S. 661

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 661, a bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of 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.

S. 671

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 676

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 676, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

AMENDMENT NO. 688

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 688 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

AMENDMENT NO. 691

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 691 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

AMENDMENT NO. 692

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 692 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON, of Florida):

S. 690. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am introducing the Neotropical Migratory Bird Conservation Act with the support of my colleagues, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON. This bill supports habitat protection, education, research, monitoring, and capacity building to provide for the long-term protection of neotropical migratory birds. It does this by providing grants to countries in Latin America and the Caribbean for the conservation of these birds, through a U.S. Fish and Wildlife Service competitive matching grants program. Up to one-quarter of the annual grants can also be used for projects in the United States. Projects include activities that benefit bird populations, such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

Neotropical migratory birds breed in Canada and the U.S. during our summer and spend our winters in Latin America and the Caribbean. There are nearly 500 species of these birds, and they face a range of threats, including development pressures, invasive species, climate change, and avian diseases. Protecting these birds requires international cooperation.

The NMBCA program has a proven track record of reversing habitat loss and advancing conservation strategies for the broad range of neotropical birds that populate the United States and the rest of the Western hemisphere. The public-private partnerships and international collaboration provided by this program are integral to preserving vulnerable bird populations. Just as importantly, this Federal program is a good value for taxpayers, leveraging over four dollars in partner contributions for every one that we spend.

Migratory birds are not only beautiful creatures eagerly welcomed by millions of Americans into their backyards every year; they help generate $2.7 billion annually for the U.S. economy through wildlife watching activities, and they help our farmers by consuming billions of harmful insect pests. Bird watchers include over 48 million Americans, 20 million of whom take annual trips to watch birds. In 2006, 20 million American wildlife watchers spent $12.8 billion on trip-related expenditures. Americans spend $3.3 billion each year on bird food. 16 million Americans spend $790 million each year on bird houses, nest boxes, feeders, and baths.

The Baltimore Oriole, the state bird of my state of Maryland, migrates in flocks to southern Mexico, Central America, and northern South America. The Oriole has recently been threatened by destruction of breeding habitat and tropical winter habitat, and by toxic pesticides ingested by the insects which constitute the Oriole's main diet. This legislation will help ensure that the broad range of migratory birds, from the Cerulean Warbler to the Baltimore Oriole, will have the healthy habitat they need on both ends of their annual migration routes so they can continue to play their vital biological, recreational, and economic roles.

Congress passed the Neotropical Migratory Bird Conservation Act of 2000 and it became public law 106–527. It authorized an annual $5 million for each of the fiscal years 2001 through 2005. Since 2002, the U.S. has invested more than $25 million in 262 projects in 44 U.S. states, Canada, and 33 Latin American and Caribbean countries, and leveraged an additional $112 million in partner funds to support these projects. The reauthorization legislation would authorize $8 million for fiscal year 2010, gradually escalating to $20 million for fiscal year 2015, in order to meet expanding funding needs.

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. 690

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

SECTION 1. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, to remain available until expended—

''(1) $8,000,000 for fiscal year 2010;

''(2) $11,000,000 for fiscal year 2011;

''(3) $13,000,000 for fiscal year 2012;

''(4) $16,000,000 for fiscal year 2013;

''(5) $18,000,000 for fiscal year 2014; and

''(6) $20,000,000 for fiscal year 2015.

''(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.''.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 691. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southern Colorado region, and for other purposes; to the Committee on Veterans' Affairs.

Mr. UDALL of Colorado. Mr. President, I am proud to join today with my colleague and fellow Coloradan Senator MICHAEL BENNET in introducing legislation to create a national veterans' cemetery in El Paso County, CO, and provide a respectful final resting place that our Colorado veterans so deserve.

In a few months, we will honor those who made the ultimate sacrifice in defending our Nation, as we celebrate Memorial Day weekend. On that weekend, friends and family members of our departed veterans will go to Veterans Affairs, VA, cemeteries throughout the

country to honor the memory of their loved ones. Unfortunately, too many family members will have to travel far too many miles to pay their respects. Even worse, the long distance that some veterans' survivors must travel will prevent them from making the trip at all.

This is true of the loved ones of veterans in southern Colorado, whose population features one of the highest concentrations of veterans in the Nation. The vast majority of veterans in southern Colorado are located far outside of a 75-mile radius of the nearest VA cemeteries, Fort Logan National Cemetery in Denver and Fort Lyon National Cemetery in Bent County.

For nearly a decade, it has been a goal of the Pikes Peak Veterans Cemetery Committee, as well as the Department of Colorado Veterans of Foreign Wars, the Colorado chapters of the American Legion, the Paralyzed Veterans of America, and the Association for Service Disabled Veterans, to bring a national cemetery to El Paso County. In the last Congress, Representative JOHN SALAZAR introduced legislation that would address this issue, and I supported that legislation along with other members of the Colorado delegation.

That bill, H.R. 1660, passed the House of Representatives unanimously by voice vote, highlighting the support southern Colorado veterans have received from the entire Nation for the establishment of a VA cemetery in El Paso County. Unfortunately, the Senate did not act on this bill in the last Congress.

I hope—and I know that veterans throughout Colorado hope—that this year will be different. Representative SALAZAR has again introduced a House bill, and today we introduce the Senate companion. Senator BENNET and I will work hard to raise awareness of the need for a new national cemetery for southern Colorado and get this bill passed in the Senate. We need to ensure that all of our veterans receive the recognition they deserve with a final resting place close to their own communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 691

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

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Colorado and local officials in the southern Colorado region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in El Paso County, Colorado, that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term ''southern Colorado region'' means the geographic region consisting of the following Colorado counties:

(1) El Paso.
(2) Pueblo.
(3) Teller.
(4) Fremont.
(5) Las Animas.
(6) Huerfano.
(7) Custer.
(8) Costilla.
(9) Alamosa.
(10) Saguache.
(11) Conejos.
(12) Mineral.
(13) Archuleta.
(14) Hinsdale.
(15) Gunnison.
(16) Pitkin.
(17) La Plata.
(18) Montezuma.
(19) San Juan.
(20) Ouray.
(21) San Miguel.
(22) Dolores.
(23) Montrose.
(24) Delta.
(25) Mesa.
(26) Crowley.
(27) Kiowa.
(28) Bent.
(29) Baca.

By Mr. HARKIN (for himself, Mr. ISAKSON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 693. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am here today to lay the foundation for what I hope will be a broad effort to reform our health care system. In these troubled economic times, it has never been more clear that our current system is broken. I have said many times that we do not have a ''health'' care system, we have a ''sick'' care system. If you are sick, you get care. We spend untold hundreds of billions on pills, surgery, hospitalization, and disability. But we spend peanuts about 3 percent of our health-care dollars for prevention. There are huge, untapped opportunities in the area of wellness and prevention.

Last fall, I was honored to be asked by Senator KENNEDY to lead the Health, Education, Labor and Pension Committee's working group on Prevention and Public Health in our health reform efforts. I am a long-time believer that prevention and wellness are the keys to solving our health care crisis. Our working group has already started looking at prevention and public health-based solutions. We have held three hearings so far. First, we laid down the case for why prevention and public health strategies are so important to improving health care. We heard from a variety of experts, including health economists and successful health promotion programs in the corporate world and in small communities. It was clear that prevention works and that we can not afford not to do it. Next, we heard from a number of States about the innovative things they are doing to improve public health and encourage wellness. We heard about universal coverage in Massachusetts, improving quality and reducing cost in North Carolina's Medicaid program, and emphasizing prevention and chronic care management in Iowa. Some truly groundbreaking efforts are already underway in many states. Finally, we held a hearing about access to public health and wellness services for vulnerable populations. We heard about some creative solutions addressing public health disparities for children, seniors, individuals with disabilities, and folks in rural areas. In all of our hearings, we have learned a great deal about what we are doing right to make prevention happen. But we have also learned about how far we still have to go in making sure that everyone has the opportunity to become healthier.

What is abundantly clear to me is that we can and must do more. We have good science behind us, and we know that there are many proven techniques to make our population healthier. This is particularly true in preventive medicine, where health care providers have expertise both in medicine and in public health. These are the people we need to help tackle our growing obesity epidemic, the alarming trends in cardiovascular disease and drug-resistant bacterial infections. They can both treat patients and address public health concerns. They understand both the physiology of disease and the population effects of disease. They know how to provide the best care for the patient and the broader population.

When tens of millions of Americans suffer from preventable diseases such as type 2 diabetes, heart disease, and some types of cancer we need experts in preventive medicine. And even

though the need is growing, our work force in preventive medicine is shrinking. We are not training enough preventive medicine specialists, and our capacity to do so is being limited. Though there were 90 preventive medicine residency programs in 1999, today there are only 71. Today, I am introducing legislation, along with Senators ISAKSON, BINGAMAN and LIEBERMAN, to make sure that we train enough professionals in preventive medicine. The Preventive Medicine and Public Health Training Act will provide training grants to medical schools, teaching hospitals, schools of public health, and public health departments to fund existing programs and in some cases develop new residency training programs in Preventive Medicine. This bill is designed with one simple goal in mind: to improve and increase our prevention workforce. We have seen how an ounce of prevention really is worth a pound of cure, but we know that we need someone to provide that ounce of prevention. And our bill will help train future generations of experts in Preventive Medicine.

This legislation is a small but vitally important part of our efforts at health reform. In the coming months, I will be working with HELP Committee Chairman KENNEDY and other interested members to ensure that, as we craft legislation to provide health insurance to all, we do so in a way that guarantees that all Americans have access to and take advantage of exemplary preventive care. We must guarantee that our health care system will not just fix us when we are sick, but keep us well throughout our lifetimes. We must lay down a marker today to say that reforming our health care system means rejecting our current delivery of ''sick care'' and instead strengthening our ability to provide ''well care'' through preventive medicine. Today's legislation is just one part of that effort, and I look forward to working with other interested Senators to build on this legislation as health care reform moves forward.

By Mr. DODD (for himself and Mr. HATCH):

S. 694. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce with Senator ORRIN HATCH the Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009. The bill we are introducing would help to better integrate individuals with intellectual disabilities into their communities, improve their quality of life and promote the extraordinary gifts of these individuals.

I am proud to introduce this bill with my good friend Senator HATCH. He has been a long time leader in the cause of Americans with disabilities. We, as a society, have an obligation to do all we can to better include individuals with disabilities within our communities and help them to reach their full potential.

Yet, as one study on teen attitudes notes: ''Legal mandates cannot, however, mandate acceptance by peers, neighbors, fellow employees, employers or any of the other groups of individuals who directly impact the lives of people with disabilities.'' People with intellectual disabilities have indeed gained many rights that have improved their lives; however, negative stereotypes abound. Social isolation, unfortunately, is the norm for too many people with intellectual disabilities.

Early intervention, effective education, and appropriate support all go a long way toward helping individuals with intellectual disabilities achieve the best of his or her abilities and lead a meaningful life in the community. I would like to tell you about the accomplishments of Best Buddies, a remarkable non-profit organization that is dedicated to helping people with intellectual disabilities develop relationships that will provide the support needed to help them reach their potential.

Founded in 1989, Best Buddies is the only national social and recreational program in the United States for people with intellectual disabilities. Best Buddies works to enhance the lives of people with intellectual disabilities by providing opportunities for friendship and integrated employment. Through more than one thousand volunteer-run chapters at middle schools, high schools and colleges, students with and without intellectual disabilities are paired up in a one-to-one mentoring friendship. Best Buddies also facilitates an Internet pen pal program, an adult friendship program, and a supported employment program.

Approximately 7,000,000 people in the U.S. have an intellectual disability; every one of these individuals would benefit from the kind of relationships that the Best Buddies programs help to establish. The resulting friendships are mutually beneficial, increasing the self-esteem, confidence, and abilities of people both with and without intellectual disabilities.

The legislation we introduce today would allow the Secretary of Education to award grants to promote the expansion of the Best Buddies programs and to increase participation in and public awareness about these programs. The bill authorizes $10,000,000 for fiscal year 2010 and such sums as necessary through fiscal year 2014. If passed, this legislation would allow Best Buddies to expand their valuable work and offer programs in every state in the America, helping to create a more inclusive society with a direct and positive impact on more than 1.2 million citizens.

I thank my colleague Senator HATCH for working with me on this important legislation. I urge my colleagues to join with me in supporting this legislation that will make a positive—and needed—difference in the lives of individuals with intellectual disabilities and in the lives of those with whom they develop relationships through the Best Buddies program.

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. 694

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 ''Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Best Buddies operates the first national social and recreational program in the United States for people with intellectual disabilities.

(2) Best Buddies is dedicated to helping people with intellectual disabilities become part of mainstream society.

(3) Best Buddies is determined to end social isolation for people with intellectual disabilities by promoting meaningful friendships between them and their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities.

(4) Since 1989, Best Buddies has enhanced the lives of people with intellectual disabilities by providing opportunities for 1-to-1 friendships and integrated employment.

(5) Best Buddies is an international organization spanning 1,300 middle school, high school, and college campuses.

(6) Best Buddies implements programs that will positively impact more than 400,000 individuals in 2009 and expects to impact 500,000 people by 2010.

(7) The Best Buddies Middle Schools program matches middle school students with intellectual disabilities with other middle school students and supports 1-to-1 friendships between them.

(8) The Best Buddies High Schools program matches high school students with intellectual disabilities with other high school students and supports 1-to-1 friendships between them.

(9) The Best Buddies Colleges program matches adults with intellectual disabilities with college students and creates 1-to-1 friendships between them.

(10) The Best Buddies e-Buddies program supports e-mail friendships between people with and without intellectual disabilities.

(11) The Best Buddies Citizens program pairs adults with intellectual disabilities in 1-to-1 friendships with other individuals in the corporate and civic communities.

(12) The Best Buddies Jobs program promotes the integration of people with intellectual disabilities into the community through supported employment.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide support to Best Buddies to increase participation in and public awareness about Best Buddies programs that serve people with intellectual disabilities;

(2) dispel negative stereotypes about people with intellectual disabilities; and

(3) promote the extraordinary contributions of people with intellectual disabilities.

SEC. 3. ASSISTANCE FOR BEST BUDDIES.

(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter

into contracts or cooperative agreements with, Best Buddies to carry out activities to promote the expansion of Best Buddies, including activities to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life, including education and employment, within the United States.

(b) LIMITATIONS.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act may not be used for direct treatment of diseases, medical conditions, or mental health conditions.

(2) ADMINISTRATIVE ACTIVITIES.—Not more than 5 percent of amounts appropriated to carry out this Act for a fiscal year may be used for administrative activities.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the use of non-Federal funds by Best Buddies.

SEC. 4. APPLICATION AND ANNUAL REPORT.

(a) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under section 3(a), Best Buddies shall submit an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, an application under this subsection shall contain the following:

(A) A description of activities to be carried out under the grant, contract, or cooperative agreement.

(B) Information on specific measurable goals and objectives to be achieved through activities carried out under the grant, contract, or cooperative agreement.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—As a condition of receipt of any funds under section 3(a), Best Buddies shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, each annual report under this subsection shall describe the degree to which progress has been made toward meeting the specific measurable goals and objectives described in the applications submitted under subsection (a).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Education for grants, contracts, or cooperative agreements under section 3(a), $10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the 4 succeeding fiscal years.

By Ms. SNOWE (for herself, Mr. KOHL, Ms. STABENOW, Mr. BROWN, and Mr. LIEBERMAN):

S. 695. A bill to authorize the Secretary of Commerce to reduce the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today in support of critical legislation that I am introducing, along with Senators KOHL, STABENOW, BROWN, and LIEBERMAN, to reduce the cost share amount that the Manufacturing Extension Partnership, or MEP, faces in obtaining its annual funding. The MEP is a nationwide public-private network of counseling and assistance centers that provide our nation's nearly 350,000 small and medium manufacturers with services and access to resources that enhance growth, improve productivity, and expand capacity. The MEP's contribution to sustaining America's manufacturing sector is indisputable. In fiscal year 2008 alone, MEP clients created or retained 57,079 jobs; provided cost savings in excess of $1.44 billion; and generated over $10.5 billion in sales.

At present, individual MEP centers must raise a full two-thirds of their funding after their fourth year of operation, placing a heavy burden on these centers. The National Institute of Standards and Technology, NIST, at the Department of Commerce, in turn, provides ⅓ of the centers' funding. MEP centers can meet their portion of the cost share requirement through funds from universities, State and local governments, and other institutions.

In today's tumultuous economy, these centers are experiencing increased difficulties finding adequate funding from both private and public sources. As economic concerns weigh down on all of us, States, organizations, and groups that traditionally assist MEP centers in meeting this cost share are reluctant to expend the money—or do not have the resources to do so.

Our bill is simple and straightforward. It would reduce the statutory cost share that MEP centers face to 50 percent for all years of the centers' operation. Frankly, the Nation's MEP centers are subject to an unnecessarily restrictive cost share requirement. It is inequitable, as the MEP is the only initiative out of the 80 programs funded by the Department of Commerce that is subject to a statutory cost share of greater than 50 percent. There is no reason for this to persist, particularly not during this trying economy when so many manufacturers are trying to remain afloat.

The MEP is an essential resource for small and medium manufacturers nationwide. With centers in all 50 States, as well as Puerto Rico, its reach is unmatched and its experience in counseling manufacturers is unrivaled. It is my hope that my colleagues will support this legislation as a direct way to bolster an industry that is indispensable to our Nation's economy health.

By Mr. CARDIN (for himself and Mr. ALEXANDER):

S. 696. A bill to amend the Federal Water Pollution Control Act to include a definition of fill material; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today the Obama administration is taking an important first step in ending mountaintop mining, one of the most environmentally destructive practices currently in use in this country. More than 1 million acres of Appalachia have already been destroyed. An estimated 1,200 miles of headwater streams have been buried under tons of mining wastes. Over 500 mountains have been permanently scarred. Homes have been ruined and drinking water supplies contaminated. It is time to end this especially destructive method of coal mining.

By stopping the issuance of some of the most destructive permits, today the administration is sending the right signals that the days of mountaintop mining are being relegated to the dust bin of the past, where they belong.

Today, Senator LAMAR ALEXANDER and I are introducing bipartisan legislation that will go one step further. Our bill, the Appalachia Restoration Act, will make clear that mining wastes cannot be dumped into our streams, smothering them and sending plumes of toxic run-off into groundwater systems. This Cardin-Alexander legislation amends the Clean Water Act, specifically preventing the so-called ''excess spoil'' of mining wastes from entering our streams and rivers. This simple legislation will restore the Clean Water Act to its original purpose. In doing so, it will stop the wholesale destruction of some of America's most beautiful and ecologically significant regions.

Mountaintop mining produces less than five percent of the coal mined in the United States. This bill does not ban other methods of coal mining. Instead, it is narrowly tailored to stop a practice that has earned the condemnation of communities across Appalachia as well as citizens across the rest of the country.

I applaud the Obama administration for the steps it is taking today, and Senator ALEXANDER and I look forward to working with the Administration to pass the Cardin-Alexander Appalachia Restoration Act later this year.

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

S. 696

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 ''Appalachia Restoration Act''.

SEC. 2. FILL MATERIAL.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(26) FILL MATERIAL.—

''(A) IN GENERAL.—The term 'fill material' means any pollutant that—

''(i) replaces a portion of the waters of the United States with dry land; or

''(ii) modifies the bottom elevation of a body of water for any purpose.

''(B) EXCLUSIONS.—The term 'fill material' does not include—

''(i) the disposal of excess spoil material (as described in section 515(b)(22) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1265(b)(22))) in waters of the United States; or

''(ii) trash or garbage.''.

By Mr. FEINGOLD (for himself, Mr. GRAHAM, and Ms. COLLINS):

S. 698. A bill to ensure the provision of high-quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency

in the health care system; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, there is a crisis facing our country, a crisis that directly affects the lives of almost 50 million people in the U.S., and that indirectly affects many more. The crisis is the lack of universal health insurance in America, and its effects are rippling through our families, our communities, and our economy. It is the number one issue that I hear about in Wisconsin, and it is the number one issue for many Americans. Nevertheless, for too long, Congress has been locked in a stalemate when it comes to health reform, refusing to move forward on this life-threatening problem because of party politics and special interests. That is why, for the past few Congresses, I have introduced with the Senator from South Carolina, LINDSEY GRAHAM, the State-Based Health Care Reform Act.

Senator GRAHAM and I are from opposite ends of the political spectrum, we are from different areas of the country, and we have different views on health care. But we agree that something needs to be done about health care in our country. Every day, all over our nation, Americans suffer from medical conditions that cause them pain and even change the way they lead their lives. Every one of us has either experienced this personally or through a family member suffering from cancer, Alzheimer's, diabetes, genetic disorders, mental illness or some other condition. The disease takes its toll on both individuals and families, as trips to the hospital for treatments such as chemotherapy test the strength of the person and the family affected. This is an incredibly difficult situation for anyone. But for the uninsured and underinsured, the suffering goes beyond physical discomfort. These Americans bear the additional burden of wondering where the next dollar for their health care bills will come from; worries of going into debt; worries of going bankrupt because of health care needs. When illness strikes families, the last thing they should have to think about is money, but for many in our country, this is a persistent burden that causes additional stress and hopelessness when they are ill.

It is difficult to do justice to the magnitude of the uninsurance problem, but I want to share a few astounding statistics. The need for health care reform has reached crisis proportions in America, with over 46 million Americans uninsured. As a result of our current economic crisis, that number is climbing by the day. In December of 2008 and January of 2009, it is estimated that 14,000 Americans lost their access to health care each day; in Wisconsin, 230 people each day lost access to care during these 2 months. The cost of providing care to the uninsured weighs heavily on the U.S. economy. According to research done by the journal Health Affairs, the uninsured received approximately $56,000,000,000 in uncompensated care in 2008. Government programs finance about 75 percent of uncompensated care. The cost of the uninsured weighs heavily on our collective conscience, as well. In my home State of Wisconsin alone, it is estimated that 250 Wisconsinites, or 5 people each week, died in 2006 because they did not have health insurance.

The U.S. is the only industrialized nation that does not guarantee health care for its citizens. In other countries, if someone is sick, they get proper care regardless of ability to pay. In our country, that is not the case. It is unacceptable for a nation as great as America to not provide good health care for all our citizens. We are failing those in need. We are failing the hardworking family that cannot afford the insurance offered to them. We are failing the uninsured children whose parents do not have any access to insurance. We are failing low-income Americans and middle-income Americans alike. This is not right. We can do better.

Even for those Americans who currently have health insurance through their employer, the risk of becoming uninsured is very real. Large businesses are finding themselves less competitive in the global market because of skyrocketing health care costs. Small businesses are finding it difficult to offer insurance to employees while staying competitive in their own communities. Our health care system has failed to keep costs in check, and there is simply no way we can expect businesses to keep up. More and more, employers are forced to increase employee cost-sharing or to offer sub-par benefits, or no benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

I travel to each of Wisconsin's 72 counties every year to hold townhall meetings. Almost every year, the number one issue raised at these listening sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. These people used to think Government involvement was a terrible idea, but not anymore. Now they come armed with their frustration, their anger, and their desperation, and they tell me that their businesses and their lives are being destroyed by health care costs, and they want the Government to step in.

I am pleased to be joined by Senator GRAHAM in introducing the State-Based Health Care Reform Act. In short, this bill establishes a pilot project to provide States with the resources needed to implement universal health care reform. The bill does not dictate what kind of reform the States should implement, it just provides an incentive for action, provided States meet certain minimum coverage and low-income requirements.

Even though Senator GRAHAM and I support different methods of health care reform, we both agree that this legislation presents a viable solution to the logjam preventing reform. It may well be that, with a new President and a new Congress, that logjam is already broken. I hope that is the case, as I have long said that a single-payer health care system is what I prefer for our country. I also recognize that there are strong obstacles to enacting real reform, and that we may need the support of members of Congress with different views on this topic. Senator GRAHAM would like to see health care privatized and see a base, catastrophic coverage offered to everyone. Despite our disagreements about the form that health care reform should take, we agree on this legislation.

With the election of Barack Obama, Americans have a real opportunity to reform our health care system. I look forward to consideration of health care reform this Congress, and I do not intend to push this bill as an alternative to broader efforts. But I do think our proposal may help provide ideas about how to bring together Democrats and Republicans on this issue.

Under our proposal, States can be creative in the State resources they use to expand health care coverage. For example, a State can use personal or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan. The proposals are subject only to the approval of the newly created Health Care Coverage Task Force, which will be composed of health care experts, consumers, and representatives from groups affected by health care reform. This Task Force will be responsible for choosing viable State projects and ensuring that the projects are effective. The Task Force will also help the States develop projects, and will continue a dialogue with the States in order to facilitate a good relationship between the State and Federal Governments.

The Task Force is also charged with making sure that the State plans meet certain minimal requirements. First, the State plans must include specific target dates for decreasing the number of uninsured, and must also identify a set of minimum benefits for every covered individual. These benefits must be comparable to health insurance offered to Federal employees. Second, the State plans must include a mechanism to guarantee that the insurance is affordable. Americans should not go broke trying to keep healthy, and health care reform should ensure that individual costs are manageable. The State-Based Health Care Reform Act bases affordability on income.

Another provision in this legislation requires that the States contribute to paying for their new health care programs. The Federal Government will provide matching funds based on enhanced FMAP—the same standard used for SCHIP—and will then provide an additional 5 percent. States that can

afford to provide more are encouraged to, but the matching requirement will ensure the financial viability of the bill and State buy-in. Other than these requirements, the States largely have flexibility to design a plan that works best for their respective residents. The possibilities for reform are wide open.

One of the main criticisms of Federal Government spending on health care is that it is expensive and increases the deficit. My legislation is fully offset, ensuring that it will not increase the deficit. The bill does not avoid making the tough budget choices that need to be made if we are going to pay for health care reform.

We need a solution for a broken system where millions are uninsured, and where businesses and Americans are struggling under the burden of health care costs.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

We are fortunate to live in a country that has been abundantly blessed with democracy and wealth, and yet there are those in our society whose daily health struggles overshadow these blessings. That is an injustice, but it is one we can and must address. Dr. Martin Luther King, Jr., said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' It is long past time for Congress to heed these words and end this terrible inequality.

By Mr. BINGAMAN (for himself, Mr. BROWN and Ms. COLLINS):

S. 700. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today along with my colleagues, Senators BROWN and COLLINS, to introduce bipartisan legislation entitled Ending the Medicare Disability Waiting Period Act of 2009. This legislation would phase out the current 2-year waiting period that people with disabilities must endure after qualifying for Social Security Disability Insurance, SSDI. In the interim or as the waiting period is being phased out, the bill would also create a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people with significant disabilities, lawmakers created the 24-month waiting period. According to an April 2007 report from the Commonwealth Fund, it is estimated that over 1.5 million SSDI beneficiaries are in the Medicare waiting period at any given time, ''all of whom are unable to work because of their disability and most of whom have serious health problems, low incomes, and limited access to health insurance.'' Nearly 39 percent of these individuals do not have health insurance coverage for some point during the waiting period and 26 percent have no health insurance during this period.

The stated reason at the time was to limit the fiscal cost of the provision. However, I would assert that there is no reason, be it fiscal or moral, to tell people that they must wait longer than 2 years after becoming severely disabled before we provide them access to much needed health care.

In fact, it is important to note that there really are actually three waiting periods that are imposed upon people seeking to qualify for SSDI. First, there is the disability determination process through the Social Security Administration, which often takes many months or even longer than a year in some cases. Second, once a worker has been certified as having a severe or permanent disability, they must wait an additional five months before receiving their first SSDI check. And third, after receiving that first SSDI check, there is the 2-year period that people must wait before their Medicare coverage begins.

What happens to the health and well-being of people waiting more than 2½ years before they finally receive critically needed Medicare coverage? According to Karen Davis, president of the Commonwealth Fund, which has conducted several important studies on the issue, ''Individuals in the waiting period for Medicare suffer from a broad range of debilitating diseases and are in urgent need of appropriate medical care to manage their conditions. Eliminating the 2-year wait would ensure access to care for those already on the way to Medicare.''

Again, we are talking about individuals that have been determined to be unable to engage in any ''substantial, gainful activity'' because of either a physical or mental impairment that is expected to result in death or to continue for at least 12 months. These are people that, by definition, are in more need of health coverage than anybody else in our society. The consequences are unacceptable and are, in fact, dire.

The majority of people who become disabled were, before their disability, working full-time jobs and paying into Medicare like all other employed Americans. At the moment these men and women need coverage the most, just when they have lost their health, their jobs, their income, and their health insurance, Federal law requires them to wait 2 full years to become eligible for Medicare. Many of these individuals are needlessly forced to accumulate tens-of-thousands of dollars in healthcare debt or compromise their health due to forgone medical treatment. Many individuals are forced to sell their homes or go bankrupt. Even more tragically, more than 16,000 disabled beneficiaries annually, about 4 percent of beneficiaries, do not make it through the waiting period. They die before their Medicare coverage ever begins.

Removing the waiting period is well worth the expense. According to the Commonwealth Fund, analyses have shown providing men and women with Medicare at the time that Social Security certifies them as disabled would cost $8.7 billion annually. This cost would be partially offset by $4.3 billion in reduced Medicaid spending, which many individuals require during the waiting period. In addition, untold expenses borne by the individuals involved could be avoided, as well as the costs of charity care on which many depend. Moreover, there may be additional savings to the Medicare program itself, which often has to bear the expense of addressing the damage done during the waiting period. During this time, deferred health care can worsen conditions, creating additional health problems and higher costs.

Further exacerbating the situation, some beneficiaries have had the unfortunate fate of having received SSI and Medicaid coverage, applied for SSDI, and then lost their Medicaid coverage because they were not aware the change in income when they received SSDI would push them over the financial limits for Medicaid. In such a case, and let me emphasize this point, the Government is effectively taking their health care coverage away because they are so severely disabled.

Therefore, for some in the waiting period, their battle is often as much with the Government as it is with their medical condition, disease, or disability.

Nobody could possibly think this makes any sense.

As the Medicare Rights Center has said, ''By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty, or death. . . . Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today.''

Although elimination of the Medicare waiting period will certainly increase Medicare costs, it is important to note that there will be some decrease in Medicaid costs. Medicaid, which is financed by both Federal and State governments, often provides coverage for a subset of disabled Americans in the waiting period, as long as they meet certain income and asset limits. Income limits are typically at or below the poverty level, including at just 74 percent of the poverty line in New Mexico, with assets generally limited to just $2,000 for individuals and $3,000 for couples.

Furthermore, from a continuity of care point of view, it makes little sense that somebody with disabilities must leave their job and their health providers associated with that plan, move on to Medicaid, often have a different set of providers, then switch to Medicare and yet another set of providers. The cost, both financial and personal, of not providing access to care or poorly coordinated care services for these seriously ill people during the waiting period may be greater in many cases than providing health coverage.

Finally, private-sector employers and employees in those risk-pools would also benefit from the passage of the bill. As the Commonwealth Fund has noted, ''. . . to the extent that disabled adults rely on coverage through their prior employer or their spouse's employer, eliminating the waiting period would also produce savings to employers who provide this coverage.''

To address concerns about costs and immediate impact on the Medicare program, the legislation phases out the waiting period over a 10-year period. In the interim, the legislation would create a process by which others with life-threatening illnesses could also get an exception to the waiting period. Congress has previously extended such an exception to the waiting period to individuals with amyotrophic lateral sclerosis, ALS, also known as Lou Gehrig's disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001. Thus, the legislation would extend the exception to all people with life-threatening illnesses in the waiting period.

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. 700

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ending the Medicare Disability Waiting Period Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Phase-out of waiting period for medicare disability benefits.
Sec. 3. Elimination of waiting period for individuals with life-threatening conditions.
Sec. 4. Institute of Medicine study and report on delay and prevention of disability conditions.

SEC. 2. PHASE-OUT OF WAITING PERIOD FOR MEDICARE DISABILITY BENEFITS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) in paragraph (2)(A), by striking '', and has for 24 calendar months been entitled to,'' and inserting '', and for the waiting period (as defined in subsection (k)) has been entitled to,'';

(2) in paragraph (2)(B), by striking '', and has been for not less than 24 months,'' and inserting '', and has been for the waiting period (as defined in subsection (k)),'';

(3) in paragraph (2)(C)(ii), by striking '', including the requirement that he has been entitled to the specified benefits for 24 months,'' and inserting '', including the requirement that the individual has been entitled to the specified benefits for the waiting period (as defined in subsection (k)),''; and

(4) in the flush matter following paragraph (2)(C)(ii)(II)—

(A) in the first sentence, by striking ''for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2), and'' and inserting ''for each month beginning after the waiting period (as so defined) for which the individual satisfies paragraph (2) and'';

(B) in the second sentence, by striking ''the 'twenty-fifth month of his entitlement' refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and''; and

(C) in the third sentence, by striking '', but not in excess of 78 such months''.

(b) SCHEDULE FOR PHASE-OUT OF WAITING PERIOD.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

''(k) For purposes of subsection (b) (and for purposes of section 1837(g)(1) of this Act and section 7(d)(2)(ii) of the Railroad Retirement Act of 1974), the term 'waiting period' means—

''(1) for 2010, 18 months;
''(2) for 2011, 16 months;
''(3) for 2012, 14 months;
''(4) for 2013, 12 months;
''(5) for 2014, 10 months;
''(6) for 2015, 8 months;
''(7) for 2016, 6 months;
''(8) for 2017, 4 months;
''(9) for 2018, 2 months; and
''(10) for 2019 and each subsequent year, 0 months.''.

(c) CONFORMING AMENDMENTS.—

(1) SUNSET.—Effective January 1, 2019, subsection (f) of section 226 of the Social Security Act (42 U.S.C. 426) is repealed.

(2) MEDICARE DESCRIPTION.—Section 1811(2) of such Act (42 U.S.C. 1395c(2)) is amended by striking ''entitled for not less than 24 months'' and inserting ''entitled for the waiting period (as defined in section 226(k))''.

(3) MEDICARE COVERAGE.—Section 1837(g)(1) of such Act (42 U.S.C. 1395p(g)(1)) is amended by striking ''of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement'' and inserting ''of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b)''.

(4) RAILROAD RETIREMENT SYSTEM.—Section 7(d)(2)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)(ii)) is amended—

(A) by striking '', for not less than 24 months'' and inserting '', for the waiting period (as defined in section 226(k) of the Social Security Act); and

(B) by striking ''could have been entitled for 24 calendar months, and'' and inserting ''could have been entitled for the waiting period (as defined is section 226(k) of the Social Security Act), and''.

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(1), the amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2010).

SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVIDUALS WITH LIFE-THREATENING CONDITIONS.

(a) IN GENERAL.—Section 226(h) of the Social Security Act (42 U.S.C. 426(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting ''(1)'' after ''(h)'';

(3) in paragraph (1) (as designated by paragraph (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting ''or any other life-threatening condition'' after ''amyotrophic lateral sclerosis (ALS)''; and

(B) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''(rather than twenty-fifth month)''; and

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

''(2) For purposes of identifying life-threatening conditions under paragraph (1), the Secretary shall compile a list of conditions that are fatal without medical treatment. In compiling such list, the Secretary shall—

''(A) consult with the Director of the National Institutes of Health (including the Office of Rare Diseases), the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Institute of Medicine of the National Academy of Sciences; and

''(B) annually review the compassionate allowances list of conditions of the Social Security Administration.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2010).

SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON DELAY AND PREVENTION OF DISABILITY CONDITIONS.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall request that the Institute of Medicine of the National Academy of Sciences conduct a study on the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before the condition reaches disability levels.

(b) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the Institute of Medicine study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for the period of fiscal years 2010 and 2011.

By Mr. KERRY (for himself, Mr. ALEXANDER, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. BROWNBACK):

S. 701 A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVI); to the Committee on Finance.

Mr. KERRY. Mr. President, as we move forward with comprehensive health reform we must also not ignore that some of our most vulnerable Medicare beneficiaries are subject to costly, bureaucratic red tape which is delaying

essential, life-saving treatments. Addressing this problem can both increase the quality of life for many patients and ease financial burdens for their medical providers.

Between 6,000 and 10,000 Medicare beneficiaries have primary immunodeficiency diseases, PIDD, that require intravenous immunoglobulin, IVIG, treatment to maintain a healthy immune system.

Primary Immunodeficiency Diseases, PIDD, are disorders in which part of the body's immune system is missing or does not function properly. Untreated PIDDs result in frequent life-threatening infections and debilitating illnesses. Even illnesses such as the common cold or the flu can be deadly for someone with PIDD.

Because of advances in our medical understanding and treatment of primary immune deficiency diseases, individuals who in the past would not have survived childhood are now able to live nearly normal lives. While there is still no cure for PIDD, there are effective treatments available. Nearly 70 percent of primary immune deficient patients use intravenous immunoglobulin, IVIG, to maintain their health.

Immunoglobulin is a naturally occurring collection of highly specialized proteins, known as antibodies, which strengthen the body's immune response. It is derived from human plasma donations and is administered intravenously to the patient every three to four weeks.

Currently, Medicare beneficiaries needing IVIG treatments are experiencing access problems. This is an unintended result of the way Medicare has determined the payment for IVIG. In January 2005, the Medicare Modernization Act changed the way physicians and hospital outpatient departments were paid under Medicare. The law reduced IVIG reimbursement rates so most physicians in outpatient settings could no longer afford to treat Medicare patients requiring IVIG. Access to home based infusion therapy is limited since Medicare currently pays for the cost of IVIG, but not for the nursing services or supplies required for infusion.

As a result, patients are experiencing delays in receiving critically-needed treatment and are being shifted to more expensive care settings such as inpatient hospitals. In April 2007, the U.S. Department of Health and Human Services Office of the Inspector General, OIG, reported that Medicare reimbursement for IVIG was inadequate to cover the cost many providers must pay for the product. In fact, the OIG found that 44 percent of hospitals and 41 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate during the 3rd quarter of 2006. The previous quarter was even worse—77.2 percent of hospitals and 96.5 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate.

We have an opportunity to fix this very real problem with a compassionate and common sense solution. I believe we can improve the quality of life for PIDD patients and cut inpatient expenses by improving reimbursement procedures for IVIG treatments for physicians and outpatient facilities and allowing for home treatments and coverage for related services.

That is why, today, I am introducing the Medicare IVIG Access Act, with Senators ALEXANDER, WYDEN, WHITEHOUSE, and BROWNBACK, to authorize the Secretary of Health and Human Services to update the payment for IVIG, based on new or existing data, and to provide coverage for related items and services currently excluded from the existing Medicare home infusion therapy benefit. This bill is endorsed by several national organizations from the patient and physician communities, including the Immune Deficiency Foundation, GBS/CIDP Foundation International, the Jeffrey Modell Foundation, the Clinical Immunology Society, and the National Patient Advocate Foundation.

I hope all my colleagues can support this legislation to help patients, physicians, caretakers, researchers, and plasma donors.

By Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. ENSIGN, Ms. COLLINS, Ms. KLOBUCHAR, and Mr. GRAHAM):

S. 702. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, at 2:30 today, the Senate Finance Committee, Subcommittee on Health Care, held a hearing entitled The Role of Long-Term Care in Health Reform. In conjunction with the Subcommittee hearing, my colleagues Senators LINCOLN, SNOWE, ENSIGN, COLLINS, KLOBUCHAR, GRAHAM and I wanted to take the opportunity to introduce the Long-Term Care Affordability and Security Act of 2009.

Our Nation is graying. Research shows that the elderly population will nearly double by 2030. By 2050, the population of those aged 85 and older will have grown by more than 300 percent. Research also shows that the average age at which individuals need long-term care services, such as home health care or a private room at a nursing home, is 75. Currently, the average annual cost for a private room at a nursing home is more than $75,000. This cost is expected to be in excess of $140,000 by 2030.

Based on these facts, we can see that our Nation needs to prepare its citizens for the challenges they may face in old-age. One way to prepare for these challenges is by encouraging more Americans to obtain long-term care insurance coverage. To date, only 10 percent of seniors have long-term care insurance policies, and only 7 percent of all private-sector employees are offered long-term care insurance as a voluntary benefit.

Under current law, employees may pay for certain health-related benefits, which may include health insurance premiums, co-pays, and disability or life insurance, on a pre-tax basis under cafeteria plans and flexible spending arrangements, FSAs. Essentially, an employee may elect to reduce his or her annual salary to pay for these benefits, and the employee does not pay taxes on the amounts used to pay these costs. Employees, however, are explicitly prohibited from paying for the cost of long-term care insurance coverage tax-free.

Our bill would allow employers, for the first time, to offer qualified long-term care insurance to employees under FSAs and cafeteria plans. This means employees would be permitted to pay for qualified long-term care insurance premiums on a tax-free basis. This would make it easier for employees to purchase long-term care insurance, which many find unaffordable. This should also encourage younger individuals to purchase long-term care insurance. The younger the person is at the time the long-care insurance contract is purchased, the lower the insurance premium.

An aging Nation has no time to waste in preparing for long-term care, and the need to help people afford long-term care is more pressing than ever. I look forward to working with Senators LINCOLN, SNOWE, ENSIGN, COLLINS, KLOBUCHAR, GRAHAM and all of our Senate colleagues toward enacting the Long-Term Care Affordability and Security Act of 2009.

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. 702

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 ''Long-Term Care Affordability and Security Act of 2009''.

SEC. 2. TREATMENT OF PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.

(a) IN GENERAL.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) of the Internal Revenue Code of 1986 (defining qualified benefits) is amended by inserting before the period at the end ''; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract''.

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by an employer to accident and health plans) is amended by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 6041 of such Code is amended by adding at the end the following new subsection:

''(h) FLEXIBLE SPENDING ARRANGEMENT DEFINED.—For purposes of this section, a flexible spending arrangement is a benefit program which provides employees with coverage under which—

''(1) specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions), and

''(2) the maximum amount of reimbursement which is reasonably available to a participant for such coverage is less than 500 percent of the value of such coverage.

In the case of an insured plan, the maximum amount reasonably available shall be determined on the basis of the underlying coverage.''.

(2) The following sections of such Code are each amended by striking ''section 106(d)'' and inserting ''section 106(c)'': sections 223(b)(4)(B), 223(d)(4)(C), 223(f)(3)(B), 3231(e)(11), 3306(b)(18), 3401(a)(22), 4973(g)(1), and 4973(g)(2)(B)(i).

(3) Section 6041(f)(1) of such Code is amended by striking ''(as defined in section 106(c)(2))''.

(4) Section 26(b)(2)(S) of such Code is amended by striking ''106(e)(3)(A)(ii)'' and inserting ''106(d)(3)(A)(ii)''.

(5) Section 223(c)(1)(B)(iii)(II) of such Code is amended by striking ''section 106(e)'' and inserting ''section 106(d)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3. ADDITIONAL CONSUMER PROTECTIONS FOR LONG-TERM CARE INSURANCE.

(a) ADDITIONAL PROTECTIONS APPLICABLE TO LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (B) of section 7702B(g)(2) of the Internal Revenue Code of 1986 (relating to requirements of model regulation and Act) are amended to read as follows:

''(A) IN GENERAL.—The requirements of this paragraph are met with respect to any contract if such contract meets—

''(i) MODEL REGULATION.—The following requirements of the model regulation:

''(I) Section 6A (relating to guaranteed renewal or noncancellability), other than paragraph (5) thereof, and the requirements of section 6B of the model Act relating to such section 6A.

''(II) Section 6B (relating to prohibitions on limitations and exclusions) other than paragraph (7) thereof.

''(III) Section 6C (relating to extension of benefits).

''(IV) Section 6D (relating to continuation or conversion of coverage).

''(V) Section 6E (relating to discontinuance and replacement of policies).

''(VI) Section 7 (relating to unintentional lapse).

''(VII) Section 8 (relating to disclosure), other than sections 8F, 8G, 8H, and 8I thereof.

''(VIII) Section 11 (relating to prohibitions against post-claims underwriting).

''(IX) Section 12 (relating to minimum standards).

''(X) Section 13 (relating to requirement to offer inflation protection).

''(XI) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

''(XII) The provisions of section 28 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

''(ii) MODEL ACT.—The following requirements of the model Act:

''(I) Section 6C (relating to preexisting conditions).

''(II) Section 6D (relating to prior hospitalization).

''(III) The provisions of section 8 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

''(B) DEFINITIONS.—For purposes of this paragraph—

''(i) MODEL REGULATION.—The term 'model regulation' means the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of December 2006).

''(ii) MODEL ACT.—The term 'model Act' means the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of December 2006).

''(iii) COORDINATION.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

''(iv) DETERMINATION.—For purposes of this section and section 4980C, the determination of whether any requirement of the model regulation or the model Act has been met shall be made by the Secretary.''.

(b) EXCISE TAX.—Paragraph (1) of section 4980C(c) of the Internal Revenue Code of 1986 (relating to requirements of model provisions) is amended to read as follows:

''(1) REQUIREMENTS OF MODEL PROVISIONS.—

''(A) MODEL REGULATION.—The following requirements of the model regulation must be met:

''(i) Section 9 (relating to required disclosure of rating practices to consumer).

''(ii) Section 14 (relating to application forms and replacement coverage).

''(iii) Section 15 (relating to reporting requirements).

''(iv) Section 22 (relating to filing requirements for marketing).

''(v) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C.

''(vi) Section 24 (relating to suitability).

''(vii) Section 27 (relating to the right to reduce coverage and lower premiums).

''(viii) Section 31 (relating to standard format outline of coverage).

''(ix) Section 32 (relating to requirement to deliver shopper's guide).

The requirements referred to in clause (vi) shall not include those portions of the personal worksheet described in Appendix B relating to consumer protection requirements not imposed by section 4980C or 7702B.

''(B) MODEL ACT.—The following requirements of the model Act must be met:

''(i) Section 6F (relating to right to return).

''(ii) Section 6G (relating to outline of coverage).

''(iii) Section 6H (relating to requirements for certificates under group plans).

''(iv) Section 6J (relating to policy summary).

''(v) Section 6K (relating to monthly reports on accelerated death benefits).

''(vi) Section 7 (relating to incontestability period).

''(vii) Section 9 (relating to producer training requirements).

''(C) DEFINITIONS.—For purposes of this paragraph, the terms 'model regulation' and 'model Act' have the meanings given such terms by section 7702B(g)(2)(B).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to policies issued more than 1 year after the date of the enactment of this Act.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. KAUFMAN, and Mr. MENENDEZ):

S. 705. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, I rise to support the Overseas Private Investment Corporation Reauthorization Act of 2009. Along with Senators LUGAR, KAUFMAN and MENENDEZ, I ask for approval of the Overseas Private Investment Corporation Reauthorization Act of 2009, a bill to reauthorize a vital U.S. Government agency that has assisted U.S. businesses and promoted projects in support of our foreign policy interests since 1971. This legislation reauthorizes the Overseas Private Investment Corporation, OPIC, for 4 years.

OPIC is an independent U.S. agency whose mission is to mobilize U.S. private sector investment in poorer countries to facilitate their economic and social development. It provides U.S. companies with financing—from large structured finance to small business loans, political risk insurance, and investment funds.

OPIC operates at no net cost to taxpayers: OPIC charges market-based fees for its products and operates on a self-sustaining basis. Over its 38-year history, OPIC projects have generated more than $72 billion in U.S. exports and supported more than 273,000 American jobs while supporting over $188 billion worth of investments that have helped developing countries generate almost $15 billion in host-government revenues leading to over 821,000 host-country jobs.

OPIC's financing and political risk insurance help U.S. businesses, particularly small- and medium-sized enterprises, to compete in emerging markets and meet the challenges of investing overseas when private sector support is not available. OPIC promotes U.S. best practices by requiring that projects adhere to international labor standards.

OPIC also engages in critical foreign policy areas. It is implementing major projects in the Middle East, including Jordan, the West Bank, and Lebanon. In Africa, OPIC has established a new investment fund that will mobilize $1.6 billion of private investment in Africa towards health care, housing, telecommunications and small businesses. The agency also gives preferential consideration to projects supported by small businesses. It has even established a separate department to focus on small business financing. An overwhelming majority of projects supported by OPIC involved small business—87 percent in fiscal year 2006. This is up from 24 percent in fiscal year 1997.

The bill incorporates several important aspects, including: strengthening the rights of workers overseas, and strengthening transparency requirements to ensure NGOs and other interested groups have sufficient notice and

information about potential OPIC-supported projects.

We all are aware of the unfortunate history associated with extractive industry projects and developing countries. Our bill ensures that OPIC projects will conform to principles and standards developed by the Extractive Industry Transparency Initiative. The transparency for extraction investments is a new subsection created by the bill to ensure that countries with extractive industry projects will put in place functioning systems to allow accurate accounting, regular independent audits and broader accountability. Ultimately, this will be an important tool for preventing fraud, bribery and corruption in host countries with extractive projects.

This legislation will also ensure greater transparency for how the Corporation operates. It directs OPIC to provide more detailed information in advance about potential projects so NGOs and other groups can determine their impact. The bill ensures that NGOs and other interested groups will have adequate notice and information about potential OPIC-supported projects, prior to Board meeting votes on OPIC assistance.

I would like to reiterate that OPIC is an important foreign policy tool that encourages U.S. private sector companies to invest in poorer countries and improve their economic and social development. I want to make sure OPIC can continue to do its good work, but I also want to ensure that OPIC adheres to the highest labor and environmental standards, incorporates stringent accountability measures towards extractive industry projects, and promotes a green investment agenda.

In conclusion, I urge my colleagues to approve the Overseas Private Investment Corporation Reauthorization Act of 2009 and join in this effort.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 707. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I introduce the Telework Enhancement Act of 2009 to allow greater workplace flexibility for Federal workers and agencies. I am pleased to be joined in this effort by my good friend, Senator GEORGE VOINOVICH.

Flexible work arrangements referred to generally as ''telework'' have emerged as an important part of Federal agencies' management tools and continuity of operations plans during emergencies, allowing employees to work from home or a remote location. As the Internet and technologies have advanced and become integrated into the modern work environment, opportunities for employees to securely and efficiently perform their official duties from a remote location also have expanded.

Last Congress, as Chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I joined Ranking Member VOINOVICH in holding a hearing to assess telework policies and initiatives within the Federal Government. Witnesses testified to the benefits of increased telework opportunities within the Federal workforce, including lower vehicle emissions associated with commuting, better work-life balance, reduced overhead costs for agencies, and increased trust and communication between employees and their managers.

Expanding telework options helps the Federal Government attract and retain talented employees. With a large portion of the Federal workforce eligible for retirement in the coming years, it is essential for agencies to develop management tools to enhance recruitment and retention. This bill would provide Federal agencies with an important tool to remain competitive in the modern workplace and would offer a flexible option for human capital management.

Despite these benefits, witnesses also testified that many agencies hesitate to implement broad telework programs. The witnesses cite agency leadership and management resistance as the greatest barriers to the development of robust telework policies. Even the head of the Patent and Trademark Office acknowledged that without his persistent leadership and commitment to telework, the PTO would not have the beneficial program that it does today.

In the past, Congress has approved provisions in appropriations bills to enhance telework opportunities within the Federal Government and encouraged agencies to implement comprehensive telework programs. However, Congress has not approved an authorization bill to make all Federal employees presumptively eligible to telework unless an employing agency expressly determined otherwise. Last Congress I offered an amendment in the nature of a substitute to S. 1000, a telework bill introduced by Senators Stevens and LANDRIEU. My amendment was adopted by the Committee on Homeland Security and Governmental Affairs and the amended bill was reported on the floor of the Senate.

The Telework Enhancement Act of 2009 builds on those efforts by laying the groundwork for robust telework policies in each executive agency. The Office of Personnel Management, OPM, would work with agencies to provide guidance and consultation on telework policies and goals. A Telework Managing Officer, TMO, would also be created within each agency. The TMO's primary responsibilities would be to monitor and develop agency telework policies, and act as a resource for employees and managers on telework issues.

This bill does more than provide guidelines for the development of robust telework policies; it prohibits discrimination against employees who chose to telework, guaranteeing those employees will not be disadvantaged in performance evaluations, pay, or benefits. This bill also holds agencies accountable by requiring the submission of telework data to OPM. OPM is then responsible for submitting an annual report to Congress, which summarizes the telework data and reports on the progress of each agency in achieving its telework goals.

I am proud to join Senator VOINOVICH in introducing the Telework Enhancement Act of 2009. We must make sure agencies have the tools necessary to make the Federal Government an employer of choice in the twenty-first century; enhancing telework options will further that goal. I urge my colleagues to support this legislation

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 707

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 ''Telework Enhancement Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term ''employee'' has the meaning given that term under section 2105 of title 5, United States Code.

(2) EXECUTIVE AGENCY.—Except as provided in section 7, the term ''executive agency'' has the meaning given that term under section 105 of title 5, United States Code.

(3) TELEWORK.—The term ''telework'' means a work arrangement in which an employee performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee.

SEC. 3. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) TELEWORK ELIGIBILITY.—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

(1) establish a policy under which eligible employees of the agency may be authorized to telework;

(2) determine the eligibility for all employees of the agency to participate in telework; and

(3) notify all employees of the agency of their eligibility to telework.

(b) PARTICIPATION.—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement that—

(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

(B) is mandatory in order for any employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(A) direct handling of secure materials; or

(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

SEC. 4. TRAINING AND MONITORING.

(a) IN GENERAL.—The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 3(b)(2);

(3) no distinction is made between teleworkers and nonteleworkers for purposes of—

(A) periodic appraisals of job performance of employees;

(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

(C) work requirements; or

(D) other acts involving managerial discretion; and

(4) when determining what constitutes diminished employee performance, the agency shall consult the established performance management guidelines of the Office of Personnel Management.

(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this Act.

SEC. 5. POLICY AND SUPPORT.

(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

(3) consult with—

(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies; and

(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care.

(c) CONTINUITY OF OPERATIONS PLANS.—

(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

(d) TELEWORK WEBSITE.—The Office of Personnel Management shall—

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

(C) guidance developed by the Office of Personnel Management; and

(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

SEC. 6. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—

(1) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 99) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(B) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2919) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(b) DUTIES.—The Telework Managing Officer shall—

(1) be devoted to policy development and implementation related to agency telework programs;

(2) serve as—

(A) an advisor for agency leadership, including the Chief Human Capital Officer;

(B) a resource for managers and employees;

(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

(3) perform other duties as the applicable delegating authority may assign.

SEC. 7. REPORTS.

(a) DEFINITION.—In this section, the term ''executive agency'' shall not include the Government Accountability Office.

(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

(A) submit a report addressing the telework programs of each executive agency to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

(2) CONTENTS.—Each report submitted under this subsection shall include—

(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report, (and for each executive agency whose head is referred to under section 5312 of title 5, United States Code, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

(i) the total number of employees in the agency;

(ii) the number and percent of employees in the agency who are eligible to telework; and

(iii) the number and percent of eligible employees in the agency who are teleworking—

(I) 3 or more days per pay period;

(II) 1 or 2 days per pay period;

(III) once per month; and

(IV) on an occasional, episodic, or short-term basis;

(B) the method for gathering telework data in each agency;

(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

(i) emergency readiness;

(ii) energy use;

(iii) recruitment and retention;

(iv) performance;

(v) productivity; and

(vi) employee attitudes and opinions regarding telework; and

(G) the best practices in agency telework programs.

(c) COMPTROLLER GENERAL REPORTS.—

(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 5(b)(2).

(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

(A) review the reports submitted under paragraph (1);

(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

(C) use that relevant information for other purposes related to the strategic management of human capital.

SEC. 8. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

"§ 5711. Authority for telework travel expenses test programs

''(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

''(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

''(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

''(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

''(c)(1) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

''(2) The results in a report described under paragraph (1) may include—

''(A) the number of visits an employee makes to the pre-existing duty station of that employee;

''(B) the travel expenses paid by the agency;

''(C) the travel expenses paid by the employee; or

''(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

''(d) No more than 10 test programs under this section may be conducted simultaneously.

''(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2009.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

''5711. Authority for telework travel expenses test programs.''.

Mr. VOINOVICH. Mr. President, I am pleased to join my good friend and partner on human capital issues, Senator DANIEL K. AKAKA, in introducing the Telework Enhancement Act of 2009.

One of my top priorities as a Senator has been to transform the culture of the Federal workforce, something I conscientiously undertook with the city and State workforces as Mayor of Cleveland and Governor of Ohio. I know that investing in our workforce pays off.

We have an aging workforce that has difficulty attracting young people to public service careers. The image of the public sector can be bureaucratic—an impression that too often discourages young, creative college graduates. We must be able to recruit the best candidates, provide training and professional development opportunities, and reward good performance.

To compete as an employer of choice in the fast-paced 21st century knowledge economy and improve our competitiveness, we need to create an environment that supports those with the desire and commitment to serve. Just as other aspects of their lives have been informed by technology, we need to acknowledge that this next generation will have different expectations of what it means to go to work. The growth of Web 2.0 hand held devices makes it far more likely that working anytime from most anywhere will be the new norm.

As I stated in my 2000 report to the President on the Crisis in Human Capital, Federal agencies should enable as many employees as possible to telecommute or participate in other types of flexible workplace programs. Not only would this make Federal service more attractive to many employees, especially parents of young children, it has the potential to reduce traffic congestion and pollution in large metropolitan areas. According to the Telework Exchange, the average round trip commute is 50 miles, and commuters spend an average of 264 hours per year commuting. Looking at the Federal Government, if all Federal employees who are eligible to telework full time were to do so, the Federal workforce could realize $13.9 billion savings in commuting costs annually and eliminate 21.5 billion pounds of pollutants out of the environment each year. Though more difficult to quantify, but equally important, is the improved work/life balance which has a positive effect on employee morale. An additional reason that was made plain on September 11, 2001, is the need for a workforce that can be dispersed and decentralized so that essential functions can continue during an emergency.

The legislation we introduce today helps ensure that executive agencies better integrate telework into their human capital planning, establishes a level playing field for employees who voluntarily elect to telework, and improves program accountability.

According to the most recent OPM survey on Federal human capital, only 22 percent of employees when asked about work/life and family friendly benefits said that they were satisfied with current telework/telecommuting opportunities. Another 37 percent responded that they had no basis to judge. Even though teleworking has increased since OPM began reporting in 2001, participation is far short of what it should be and what the Federal workforce needs if our government is to remain an employer of choice. While most Federal agencies have made progress, the overall number of teleworkers decreased by approximately 15,000 employees between 2006 and 2007, according to the Office of Personnel Management. In addition, less than 8 percent of eligible Federal employees telework regularly.

I urge my colleagues to join Senator AKAKA and me in ensuring the Federal Government better integrates telework into its operational plans.

By Mr. AKAKA (for himself, Mr. INOUYE, Ms. MURKOWSKI, and Mr. BEGICH):

S 708. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, today I, along with members of the Hawaii Congressional Delegation, introduce a modified version of the Native Hawaiian Government Reorganization Act of 2009. In order to address concerns that have been raised, a new section prohibiting gaming has been included. With the exception of this one section, the resulting Senate bill and House bill preserve the language of S. 381 and H.R. 862, respectively; that were previously introduced on February 4, 2009. The legislation we introduce today is the legislation we will seek to move forward with toward enactment.

I am not a proponent of gaming. Our legislation would not legalize gaming by Native Hawaiians or the Native Hawaiian government in the State of Hawaii, any other state, or the territories. I reiterate to my colleagues, as well as the people of this Nation that all forms of gambling are illegal in Hawaii and the Native Hawaiian government will be subject to all State and Federal laws. The legislation we introduce today with this added gaming prohibition provision simply clarifies our intent.

Let me be clear for the record and for my colleagues that this bill is not about gaming. Rather it is about providing Federal recognition to Native Hawaiians so they may have the opportunity to enjoy the same government-to-government relationship with the U.S. provided to Alaska Natives and American Indians. The indigenous people of Hawaii, Native Hawaiians, have not been extended the Federal policy of self-governance and self-determination. The legislation provides parity and authorizes a process to federally recognize Native Hawaiians. The legislation is consistent with Federal law and maintains efforts by the U.S. Government and State of Hawaii to address

the unique needs of Native Hawaiians and empower them to perpetuate their culture, language, and traditions.

The United States has committed itself to a process of reconciliation with the indigenous people of Hawaii. Recognizing and upholding this U.S. responsibility for Native Hawaiians, the legislation allows us to take the next necessary step in the reconciliation process. The legislation does three things. First, it authorizes an Office within the Department of Interior to serve as a liaison between Native Hawaiians and the U.S. Second, it forms an Interagency Task Force cochaired by the Departments of Interior and Justice and comprised of officials from Federal agencies administering programs and services impacting Native Hawaiians. Third, it authorizes the process for the reorganization of a Native Hawaiian government for the purposes of a federally recognized government-to-government relationship. Once the Native Hawaiian government is recognized, the bill establishes an inclusive democratic negotiations process representing both Native Hawaiians and non-Native Hawaiians. There are many checks and balances in this process and any agreements reached during the negotiations process will require implementing legislation at the State and Federal levels.

This legislation will go a long way to address issues present in my home State. It is clear there are longstanding and unresolved issues resulting from the 1893 U.S. overthrow of the kingdom of Hawaii. Progress to address these issues have been limited as there has been no government-to-government relationship to facilitate discussions or implement agreements. However, with the structured process in the bill the people of Hawaii will be empowered to come together, resolve these issues, and move proudly forward together as a State.

The bill remains the product of the dedicated and mindful work of the five working groups that drafted the original bill that passed the U.S. House of Representatives in 2000. Individuals from the Native Hawaiian community, elected officials from the State of Hawaii, representatives from Federal agencies, Members of Congress, as well as leaders from Indian country and experts in constitutional law contributed to this bill. These working groups ensured that all parties that had expertise and would work to implement the bill had an opportunity to participate in the drafting process.

Over the last 9 years there has been significant public input and congressional oversight. This bill benefits from the input received during the nine congressional hearings, including six joint House Natural Resources Committee and Senate Indian Affairs Committee hearings, five of which were held in Hawaii. The bill introduced today provides a constitutionally sound foundation for us to build upon. I encourage my colleagues to join Senator INOUYE and me in enacting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 708

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinctly native areas in Hawaii.

(12) On November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian government for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, one of which is for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

SEC. 2. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term ''aboriginal, indigenous, native people'' means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States.

(2) ADULT MEMBERS.—The term ''adult members'' means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the final roll, as provided in section 7(a)(3) of this Act.

(3) APOLOGY RESOLUTION.—The term ''Apology Resolution'' means Public Law 103–150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) CEDED LANDS.—The term ''ceded lands'' means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3; 73 Stat. 4).

(5) COMMISSION.—The term ''Commission'' means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (7)(A).

(6) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of a Native Hawaiian government under the authority of section 7(d)(2) of this Act, the term ''Native Hawaiian'' means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian government under section 7(d)(2) of this Act, the term ''Native Hawaiian'' shall have the meaning given to such term in the organic governing documents of the Native Hawaiian government.

(8) NATIVE HAWAIIAN GOVERNMENT.—The term ''Native Hawaiian government'' means the citizens of the government of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d)(2) of this Act.

(9) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term ''Native Hawaiian Interim Governing Council'' means the interim governing council that is organized under section 7(c) of this Act.

(10) ROLL.—The term ''roll'' means the roll that is developed under the authority of section 7(a) of this Act.

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

(12) TASK FORCE.—The term ''Task Force'' means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship.

SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs.

(b) DUTIES OF THE OFFICE.—The United States Office for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian government and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may affect traditional or current Native Hawaiian practices and matters that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian government prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian government; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(c) of this Act, and the recognition of the Native Hawaiian government as provided for in section 7(d) of this Act.

(c) AUTHORITY.—The United States Office for Native Hawaiian Affairs is authorized to enter into a contract with or make grants for the purposes of the activities authorized or addressed in section 7 of this Act for a period of 3 years from the date of enactment of this Act.

SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the United States Office for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political, legal, and trust relationship with the United States, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, in the implementation and protection of the rights of the Native Hawaiian government and its political, legal, and trust relationship with the United States.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the ''Native Hawaiian Interagency Task Force''.

(b) COMPOSITION.—The Task Force shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the United States Office for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) DUTIES.—The responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian government by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNMENT, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.

(a) ROLL.—

(1) PREPARATION OF ROLL.—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to participate in the reorganization of a Native Hawaiian government in preparing a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of the—

(A) adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are—

(i) the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago; or

(ii) Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or their lineal descendants; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) CERTIFICATION AND SUBMISSION.—

(A) COMMISSION.—

(i) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act.

(ii) MEMBERSHIP.—

(I) APPOINTMENT.—The Secretary shall appoint the members of the Commission in accordance with subclause (II). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(II) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.

(III) CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.—In appointing members of the Commission, the Secretary may choose such members from among—

(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of candidates provided to such leaders by the Chairman and Vice Chairman of the Committee on Indian Affairs of the Senate; and

(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairman and Ranking member of the Committee on Resources of the House of Representatives.

(iii) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) CERTIFICATION.—The Commission shall certify that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(7)(A) of this Act.

(3) SECRETARY.—

(A) CERTIFICATION.—The Secretary shall review the Commission's certification of the membership roll and determine whether it is consistent with applicable Federal law, including the special trust relationship between the United States and the indigenous, native people of the United States.

(B) PUBLICATION.—Upon making the determination authorized in subparagraph (A), the Secretary shall publish a final roll.

(C) APPEAL.—

(i) ESTABLISHMENT OF MECHANISM.—The Secretary is authorized to establish a mechanism for an appeal of the Commission's determination as it concerns—

(I) the exclusion of the name of a person who meets the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act, from the roll; or

(II) a challenge to the inclusion of the name of a person on the roll on the grounds that the person does not meet the definition of Native Hawaiian, as so defined.

(ii) PUBLICATION; UPDATE.—The Secretary shall publish the final roll while appeals are pending, and shall update the final roll and the publication of the final roll upon the final disposition of any appeal.

(D) FAILURE TO ACT.—If the Secretary fails to make the certification authorized in subparagraph (A) within 90 days of the date that the Commission submits the membership roll to the Secretary, the certification shall be deemed to have been made, and the Commission shall publish the final roll.

(4) EFFECT OF PUBLICATION.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council and the Native Hawaiian government.

(b) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.

(c) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(1) ORGANIZATION.—The adult members listed on the roll developed under the authority of subsection (a) are authorized to—

(A) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(B) determine the structure of the Native Hawaiian Interim Governing Council; and

(C) elect members to the Native Hawaiian Interim Governing Council.

(2) ELECTION.—Upon the request of the adult members listed on the roll developed under the authority of subsection (a), the United States Office for Native Hawaiian Affairs may assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council.

(3) POWERS.—

(A) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) FUNDING.—The Native Hawaiian Interim Governing Council is authorized to enter into a contract or grant with any Federal agency, including but not limited to, the United States Office for Native Hawaiian Affairs within the Department of the Interior and the Administration for Native Americans within the Department of Health and Human Services, to carry out the activities set forth in subparagraph (C).

(C) ACTIVITIES.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to conduct a referendum of the adult members listed on the roll developed under the authority of subsection (a) for the purpose of determining (but not limited to) the following:

(I) The proposed elements of the organic governing documents of a Native Hawaiian government.

(II) The proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.

(III) The proposed civil rights and protection of such rights of the citizens of a Native Hawaiian government and all persons subject

to the authority of a Native Hawaiian government.

(ii) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the referendum, the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.

(iii) DISTRIBUTION.—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(iv) CONSULTATION.—The Native Hawaiian Interim Governing Council is authorized to freely consult with those members listed on the roll concerning the text and description of the proposed organic governing documents.

(D) ELECTIONS.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and upon ratification of the organic governing documents, to hold elections for the officers of the Native Hawaiian government.

(ii) ASSISTANCE.—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office of Native Hawaiian Affairs may assist the Council in conducting such elections.

(4) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.—

(1) PROCESS FOR RECOGNITION.—

(A) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—The duly elected officers of the Native Hawaiian government shall submit the organic governing documents of the Native Hawaiian government to the Secretary.

(B) CERTIFICATIONS.—Within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) were adopted by a majority vote of the adult members listed on the roll prepared under the authority of subsection (a);

(ii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States;

(iii) provide for the exercise of those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(iv) provide for the protection of the civil rights of the citizens of the Native Hawaiian government and all persons subject to the authority of the Native Hawaiian government, and to assure that the Native Hawaiian government exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian government without the consent of the Native Hawaiian government;

(vi) establish the criteria for citizenship in the Native Hawaiian government; and

(vii) provide authority for the Native Hawaiian government to negotiate with Federal, State, and local governments, and other entities.

(C) FAILURE TO ACT.—If the Secretary fails to act within 90 days of the date that the duly elected officers of the Native Hawaiian government submitted the organic governing documents of the Native Hawaiian government to the Secretary, the certifications authorized in subparagraph (B) shall be deemed to have been made.

(D) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH FEDERAL LAW.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian government along with a justification for each of the Secretary's findings as to why the provisions are not consistent with such law.

(ii) AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNMENT.—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian government by the Secretary under clause (i), the duly elected officers of the Native Hawaiian government shall—

(I) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).

(2) FEDERAL RECOGNITION.—

(A) RECOGNITION.—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian government and the certifications (or deemed certifications) by the Secretary authorized in paragraph (1), Federal recognition is hereby extended to the Native Hawaiian government as the representative governing body of the Native Hawaiian people.

(B) NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in this Act.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian government pursuant to section 7(d)(2) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian government regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian government.

SEC. 10. APPLICABILITY OF INDIAN GAMING REGULATORY ACT.

(a) PROHIBITION.—The Native Hawaiian government and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(b) APPLICABILITY.—The foregoing prohibition in section 10(a) on the use of the Indian Gaming Regulatory Act and inherent authority to game apply regardless of whether gaming by Native Hawaiians or the Native Hawaiian government would be located on land within the State of Hawaii or within any other State or territory of the United States.

SEC. 11. DISCLAIMER.

Nothing in this Act is intended to serve as a settlement of any claims against the United States, or to affect the rights of the Native Hawaiian people under international law.

SEC. 12. REGULATIONS.

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

SEC. 13. SEVERABILITY.

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 709. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator BOXER to reintroduce legislation to enable hundreds of former Santa Susana Field Laboratory Workers or their survivors to receive compensation for illnesses caused by exposure to radiation and other toxic substances.

Specifically, the Santa Susana Fair Compensation Act would provide a special status designation under the Energy Employees Occupational Illness Compensation Act to Santa Susana Field Laboratory employees, so they can receive the benefits they deserve.

In addition, the bill would extend the ''special exposure cohort'' status to Department of Energy employees, Department of Energy contract employees, or atomic weapons employees who worked at the Santa Susana Field Laboratory for at least 250 days prior to January 1, 2009.

This revision would ensure that the Act's benefits are available to any of those workers who developed a radiation-linked cancer due to their employment at the Santa Susana Field Laboratory.

This bill fulfills the intent of Congress when it approved the act, providing compensation and care for nuclear program workers who suffered severe health problems caused by on-the-job exposure to radiation.

The Santa Susana Field Laboratory is a 2,849-acre facility located about 30 miles north of downtown Los Angeles.

During the Cold War, it was used for the development and testing of nuclear reactors and powerful rockets, including those used in America's space and ballistic missile programs.

Sadly, many workers of the Cold War era were exposed to radiation on a regular basis. But claims for compensation are hampered by incomplete and inaccurate records.

Some records show only estimated levels of exposure for workers, and are imprecise. In other cases, if records were kept, they cannot be found today.

Many Santa Susana Field Laboratory workers were not aware of the hazards at their workplace. Remarkably, no protective equipment—like respirators, gloves, or body suits—was provided to workers.

More than 600 claims for compensation have been filed by Santa Susana Field Lab workers, but only a small fraction have been approved. A lack of documentation, or inability to prove exposure thresholds, has hindered hundreds of claims that may well be legitimate. And, for some lab workers and their families, it is impossible to reconstruct exposure scenarios due to records having been destroyed.

Santa Susana Field Lab workers and their families now face the burden of having to reconstruct exposure scenarios that existed more than 40 years ago, in most cases with little or no documentation.

The case of my constituent, Betty Reo, provides an example of why this legislation is necessary.

Ms. Reo's husband, Cosmo Reo, worked at the Santa Susana Field Laboratory as an instrumentation mechanic from April 18, 1957 until May 17, 1960.

Cosmo worked in the rocket testing pits and was exposed to hydrazine, trichlorithylene, and other cancer-causing chemicals which attack the lungs, bladder and kidneys.

Cosmo died of renal failure in 1980. Ms. Reo applied for benefits under the Energy Employees Occupational Illness Compensation Act. She has been trying to reconstruct the exposure scenarios under which her husband worked, but without adequate documentation she has been repeatedly denied benefits.

This bill would help people like Betty Reo, people who lack the documentation necessary to prove their cases, and those who worked in any of the four areas of the Santa Susana site.

I urge my colleagues to join me in correcting these injustices and cutting through the ''red tape'' that prevents Santa Susana Field Laboratory workers, and their families, from receiving fair compensation.

For many, such as Ms. Reo, time is running out. We can no longer afford to delay, and this bill provides a straightforward solution to fix a broken 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 placed in the RECORD, as follows:

S. 709

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 ''Santa Susana Fair Compensation Act''.

SEC. 2. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end the following new subparagraph:

''(D) The employee was so employed for a number of work days aggregating at least 250 work days before January 1, 2009, by the Department of Energy or a Department of Energy contractor or subcontractor at the Santa Susana Field Laboratory in California.''.

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by subsection (a)), for compensation or benefits under such Act shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to such individual.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 85—CONGRATULATING THE ROCKY MOUNTAIN COLLEGE BATTLIN' BEARS FOR WINNING THE 2009 NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS MEN'S BASKETBALL NATIONAL CHAMPIONSHIP

Mr. TESTER (for himself and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 85

Whereas, on March 24, 2009, the Rocky Mountain College Battlin' Bears won the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship title with a stunning 77-61 triumph over the Columbia College Cougars;

Whereas Rocky Mountain College, located in Billings, Montana, is one of the premier liberal arts schools in the State of Montana;

Whereas Rocky Mountain College forward Devin Uskoski was named the Most Valuable Player of the National Association of Intercollegiate Athletics men's basketball tournament;

Whereas Devin Uskoski averaged 17.4 points per game and 11 rebounds per game throughout his senior season;

Whereas the Battlin' Bears finished the 2009 season with a record of 30-8 and won 10 of their final 11 games;

Whereas Rocky Mountain College fans across Montana supported and encouraged the Battlin' Bears throughout the basketball season;

Whereas Rocky Mountain College President Michael R. Mace and Athletic Director Robert Beers have shown great leadership in bringing academic and athletic success to Rocky Mountain College; and

Whereas the people of the State of Montana celebrate the success and share the pride of Rocky Mountain College: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the Rocky Mountain College Battlin' Bears win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the President of Rocky Mountain College, Michael R. Mace;

(B) the Athletic Director of Rocky Mountain College, Robert Beers; and

(C) the Head Coach of the Rocky Mountain College basketball team, Bill Dreikosen.

AMENDMENTS SUBMITTED AND PROPOSED

SA 701. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table.

SA 702. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 703. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 704. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 705. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 706. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 707. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 708. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 709. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 710. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 711. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 712. Mrs. SHAHEEN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms . MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 713. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 714. Mr. WARNER (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 715. Mr. ENSIGN proposed an amendment to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 716. Mr. THUNE proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 717. Ms. LANDRIEU proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 718. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 719. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 720. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 701. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 5, before line 1 and after the item relating to section 6101, insert the following:

SEC. 2. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) Total private giving increased to $306,000,000,000 in 2007, equal to 2.2 percent of the gross domestic product of the United States.

(2) Total private giving has more than doubled in a 10-year period, and individual giving reached $229,000,000,000 in 2007.

(3) The people of the United States donate 3½ times as much, per capita, as the people of any other developed nation.

(4) There are nearly 1,400,000 charitable organizations in the United States, and approximately 355,000 religious congregations.

(5) Nonprofit organizations, including public charities and private foundations, account for approximately 8 percent of the wages and salaries paid in the United States.

(6) The nonprofit sector employs more than 10,000,000 people, and 7 percent of the people of the United States are paid employees of nonprofit organizations.

(7) A proposed cut to charitable tax deductions for wealthy taxpayers may result in a 10 percent drop in charitable giving by wealthy individuals that is equal to $6,000,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) all citizens of the United States should continue in the selfless generosity and noble spirit of charitable giving;

(2) Congress should support measures that incentivize charitable giving by wealthy Americans to nonprofit organizations, public charities, private foundations, and religious congregations; and

(3) Federal tax law should encourage, and not punish, charitable donations by all people of the United States, regardless of income.

SA 702. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI) (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 213, after line 21, insert the following:

SEC. 1613. LIMITING BURDENS ON THE BUREAU OF THE CENSUS.

Notwithstanding section 179A of the National and Community Service Act of 1990 (as added by section 1608), the Director of the Bureau of the Census shall be prohibited from providing technical advice to the Corporation, collecting, reporting or supplying data to the Corporation, or carrying out any other activity described in such section 179A, until such time as the Comptroller General of the United States—

(1) determines that the 2010 Census is no longer a high-risk area with respect to addressing challenges in broad-based transformation; and

(2) removes the 2010 Census from the Government Accountability Office's high-risk list.

SA 703. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VII—MILLIONAIRE EXEMPTION

SEC. 701. EXEMPTION FOR MILLIONAIRES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or any provision of the national service laws (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)), no wealthy individual who participates in a program under this Act or any of such national service laws may receive stipend, living allowance, education award, or other compensation by virtue of such participation.

(b) WEALTHY INDIVIDUAL.—In this section, the term ''wealthy individual'' means an individual who is from a family with a taxable annual income of more than $1,000,000.

SA 704. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI) (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Beginning on page 61, strike line 7 and all that follows through page 62, line 25 and insert the following:

(2) by striking subsection (b) and inserting the following:

''(b) PROHIBITION ON NATIONAL SERVICE PROGRAMS RUN BY FEDERAL AGENCIES.—Notwithstanding any other provision of law, no Federal funds (including funds authorized for financial assistance or for educational awards for participants in approved national service positions) shall be available for national service programs run by Federal agencies under this subtitle.''.

SA 705. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

''(c) INELIGIBLE ORGANIZATIONS.—

''(1) IN GENERAL.—No assistance provided under this subtitle may be provided (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) to—

''(A) an organization described in paragraph (2); or

''(B) to an organization that is co-located on the same premises as an organization described in paragraph (2).

''(2) ORGANIZATIONS.—An organization referred to in paragraph (1) means—

''(A) the Association of Community Organizations for Reform Now (ACORN); or

''(B) an entity that is under the control of such Association, as demonstrated by—

''(i)(I) such Association directly owning or controlling, or holding with power to vote, 25 percent or more the voting shares of such other entity;

''(II) such other entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association; or

''(III) a third entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association and such other entity;

''(ii)(I) such Association controlling, in any manner, a majority of the board of directors of such other entity;

''(II) such other entity controlling, in any manner, a majority of the board of directors of such Association; or

''(III) a third entity controlling, in any manner, a majority of the board of directors of such Association and such other entity;

''(iii) individuals serving in a similar capacity as officers, executives, or staff of both such Association and such other entity;

''(iv) such Association and such other entity sharing office space, supplies, resources, or marketing materials, including communications through the Internet and other forms of public communication; or

''(v) such Association and such other entity exhibiting another indicia of control over, control by, or common control with, such other entity or such Association, respectively, as may be set forth in regulation by the Corporation.

''(d) NONDISPLACEMENT OF EMPLOYED WORKERS

SA 706. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 2, line 20, insert before the period the following: ''which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest''.

SA 707. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING THE TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS.

It is the sense of the Senate that the tax deduction for charitable contributions and gifts should not be changed in any way that would discourage taxpayers from making such contributions and gifts.

SA 708. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Strike line 11 on page 212 and all that follows through line 21 on page 213 and insert the following:

"SEC. 189D. CRIMINAL HISTORY CHECKS.

''(a) IN GENERAL.—Each entity selecting individuals to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

''(b) REQUIREMENTS.—A criminal history check under subsection (a) shall include—

''(1) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

''(2) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history check.

''(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

''(1) refuses to consent to the criminal history check described in subsection (b);

''(2) makes a false statement in connection with such criminal history check;

''(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of a crime of violence, as defined in section 16 of title 18, United States Code.''.

SA 709. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

''(b) INELIGIBLE ORGANIZATIONS AND CO-LOCATED ORGANIZATIONS.—

''(1) IN GENERAL.—No assistance provided under this subtitle may be provided to an organization described in paragraph (2) (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) or to an organization that is co-located on the same premises as an organization described in paragraph (2).

''(2) ORGANIZATIONS.—The organization referred to in paragraph (1) is an organization that provides or promotes abortion services, including referral for such services.

''(c) NONDISPLACEMENT OF EMPLOYED WORKERS

SA 710. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

''(b) INELIGIBLE ORGANIZATIONS AND CO-LOCATED ORGANIZATIONS.—

''(1) IN GENERAL.—No assistance provided under this subtitle may be provided to an organization described in paragraph (2) (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) or to an organization that is co-located on the same premises as an organization described in paragraph (2).

''(2) ORGANIZATIONS.—The organization referred to in paragraph (1) is an organization that has been indicted for voter fraud.

''(c) NONDISPLACEMENT OF EMPLOYED WORKERS

SA 711. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

''(b) INELIGIBLE ORGANIZATIONS AND CO-LOCATED ORGANIZATIONS.—

''(1) IN GENERAL.—No assistance provided under this subtitle may be provided to an organization described in paragraph (2) (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) or to an organization that is co-located on the same premises as an organization described in paragraph (2).

''(2) ORGANIZATIONS.—The organization referred to in paragraph (1) is a for-profit organization, political party, labor organization, or organization engaged in political or legislative advocacy.

''(c) NONDISPLACEMENT OF EMPLOYED WORKERS

SA 712. Mrs. SHAHEEN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

In section 122 (a)(1)(B) of the National and Community Service Act of 1990, as amended by section 1302 of the bill, insert at the appropriate place the following:

''(____) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages;''.

SA 713. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Subtitle H of title I is further amended by adding at the end the following:

"PART ____—VOLUNTEER MANAGEMENT CORPS

"SEC. 198____. VOLUNTEER MANAGEMENT CORPS.

''(a) FINDINGS.—Congress finds the following:

''(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

''(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and Federal, State, and local governmental agencies create efficiencies and cost savings, and develop programs to serve communities in need.

''(3) There are currently a large number of companies and firms that are seeking to identify savings through sabbatical opportunities for senior employees.

''(b) PURPOSE.—The purpose of this section is to create a Volunteer Management Corps for managers, in order to provide managers with meaningful pro bono opportunities—

''(1) to apply their business and technical expertise to nonprofit organizations and at the Federal, State, and local government levels; and

''(2) to address the Nation's challenges.

''(c) PROGRAM ESTABLISHED.—

''(1) IN GENERAL.—The Corporation shall establish a Volunteer Management Corps program by assisting skilled managers with demonstrated management experience or expertise in finding meaningful volunteering opportunities to carry out activities, as described in subsection (d).

''(2) CORPORATION'S ROLE.—In carrying out the Volunteer Management Corps program, the Corporation may take steps to facilitate the process of connecting skilled managers with nonprofit organizations, and Federal, State, and local governmental agencies, in need of the manager's skills, such as—

''(A) recruiting individuals with demonstrated management experience or expertise to volunteer as Volunteer Management Corps members;

''(B) developing relationships with nonprofit organizations and Federal, State, and local governmental agencies to assist Corps members in connecting with such organizations and agencies in need of the members' services;

''(C) approving the volunteering opportunities selected by Corps members under subsection (d) as appropriate Volunteer Management Corps activities; and

''(D) publicizing opportunities for Corps members at nonprofit organizations and Federal, State, and local governmental agencies, or otherwise assisting Corps members in connecting with opportunities to carry out activities described in subsection (d).

''(d) CORPS MEMBERS.—

''(1) IN GENERAL.—A Volunteer Management Corps member shall select, subject to the Corporation's approval, a nonprofit organization, or Federal, State, or local governmental agency, with which to volunteer and carry out a volunteering activity described in paragraph (2) with such organization or agency.

''(2) ACTIVITIES.—The activities carried out by Volunteer Management Corps members may include the following:

''(A) Developing and carrying out a community service project or program with a nonprofit organization, or Federal, State, or local governmental agency.

''(B) Assisting a nonprofit organization, or Federal, State, or local governmental agency, of the Corps member's choice, in creating efficiencies and cost savings by using the Corps member's expertise and skills.

''(C) Recruiting other individuals with demonstrated management experience or expertise into pro bono service opportunities with such organization or agency.''.

SA 714. Mr. WARNER (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 235, between lines 9 and 10, insert the following:

SEC. 1713. VOLUNTEER MANAGEMENT CORPS STUDY.

(a) FINDINGS.—Congress finds the following:

(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and State and local governments create efficiencies and cost savings and develop programs to serve communities in need.

(3) There are currently a large number of businesses and firms who are seeking to identify savings through sabbatical opportunities for senior employees.

(b) STUDY AND PLAN.—Not later than 6 months after the date of enactment of this Act, the Corporation shall—

(1) conduct a study on how best to establish and implement a Volunteer Management Corps program; and

(2) submit a plan regarding the establishment of such program to Congress and to the President.

(c) CONSULTATION.—In carrying out the study described in subsection (b)(1), the Corporation may consult with experts in the private and nonprofit sectors.

(d) EFFECTIVE DATE.—Notwithstanding section 6101, this section shall take effect on the date of enactment of this Act.

SA 715. Mr. ENSIGN proposed an amendment to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

On page 2, line 20, insert before the period the following: ''which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest''. These organizations must be charities within the meaning of the United States tax code.

SA 716. Mr. THUNE proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

At the appropriate place, insert the following:

SEC. —. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, ''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''.

(2) Americans gave more than $300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or $229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct income given to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving rather than to discourage it.

SA 717. Ms. LANDRIEU proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

On page 92, strike line 1 and insert the following:

''(H) A program that seeks to expand the number of mentors for youth in foster care through—

''(i) the provision of direct academic mentoring services for youth in foster care;

''(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

''(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

''(I) Such other national service programs

SA 718. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

In section 147(d) of the National and Community Service Act of 1990, as added by section 1404, strike '', for each of not more than 2 of such terms of service,''.

SA 719. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

In subsection (c)(8)(B)(iii) of section 119 of the National and Community Service Act of 1990, as added by section 1204, strike ''of $500 or $750''.

In section 147(d) of the National and Community Service Act of 1990, as added by section 1404, strike ''equal to'' and all that follows through the period and inserting the following: ''equal to $1,000 (or, at the discretion of the Chief Executive Officer, equal to $1,500 in the case of a participant who is economically disadvantaged).''.

SA 720. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 183, between lines 2 and 3, insert the following:

SEC. 1518. ADDITIONAL CAMPUS AND REPORTING REQUIREMENT.

(a) FLORIDA CAMPUS.—The Director of the National Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.) shall establish a campus described in section 155 of such Act (as amended by section 1505 of this Act) (42 U.S.C. 12615) for such Corps in the State of Florida.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the establishment of the campus required under subsection (a).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Corporation for National and Community Service shall submit a report to Congress on the effectiveness of the expansion of the National Civilian Community Corps in addressing the effects of hurricanes and tropical storms in the southern region of the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 25, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''The Need for Transportation Investment.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 2:30 p.m., to hold a hearing entitled ''Foreign Policy and the Global Economic Crisis.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 9:30 a.m. to conduct a hearing entitled ''Southern Border Violence: Homeland Security Threats, Vulnerabilities, and Responsibilities.''

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation'' on Wednesday, March 25, 2009, at 9:30 a.m., in room SH–216 of the Hart Senate Office Building.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. 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 Wednesday, March 25, 2009, at 10:30 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, March 25, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

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

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on Wednesday, March 25, 2009, at 9:45 a.m., in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON ENERGY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, March 25, 2009, at 2 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON HEALTH CARE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Health Care of the Committee on Finance will meet on Wednesday, March 25, 2009, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON PERSONNEL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 2:30 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, March 25, 2009 from 10:30 a.m.–12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing.

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

ORDERS FOR THURSDAY, MARCH 26, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, March 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate resume consideration of H.R. 1388, the national service legislation.

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

PROGRAM

Mr. DURBIN. Mr. President, tomorrow, at 4 p.m. in room 217 of the Capitol Visitor Center, there will be a classified Senators-only briefing with Special Representative for Afghanistan and Pakistan Richard Holbrooke.

ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order following the remarks of Senator BARRASSO.

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

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

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

ORDER OF PROCEDURE

Mr. BARRASSO. Mr. President, I ask unanimous consent that the period of morning business tomorrow be limited to 1 hour.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–83, announces the appointment of the following individual to serve as a member of the National Council of the Arts: the Honorable SHELDON WHITEHOUSE of Rhode Island.

The Chair announces, on behalf of the majority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480 adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 111th Congress: the Senator from Florida, Mr. NELSON, and the Senator from Connecticut, Mr. LIEBERMAN.

Mr. BARRASSO. Mr. President, I make a note that these appointments to the National Security Working Group were inadvertently left off the March 9, 2009, appointment to this group.

SENIORS MENTAL HEALTH ACCESS AND IMPROVEMENT ACT

Mr. BARRASSO. Mr. President, I am honored to join my colleague from Arkansas, Senator BLANCHE LINCOLN, in introducing Nos. 671, the Seniors Mental Health Access Improvement Act.

For over a decade, Senator LINCOLN has been a strong voice advocating for health care policies in the Senate that apply specifically to rural communities. I am proud to join her as we fight to ensure Medicare patients living in rural and in frontier States have access to and a choice of their mental health professionals.

The Seniors Mental Health Access Improvement Act will permit marriage and family therapists and licensed professional counselors to bill Medicare directly. These providers will then receive 75 percent of the rate that psychiatrists and psychologists receive for the same services.

I want my colleagues to know that S. 671 does not expand covered Medicare services. It would simply give Medicare patients who are living in isolated frontier States, such as Wyoming, more choices for mental health providers.

Today, approximately three-quarters of the nationally designated mental health professional shortage areas are located in rural areas. Over half of all rural counties have no mental health services of any kind. Frontier counties have even more dramatic numbers—95 percent do not have a psychiatrist, 68 percent do not have a psychologist, and 78 percent do not have a social worker. Virtually all of Wyoming is designated a mental health professional shortage area.

In Wyoming, there is a total of 474 mental health providers who are currently eligible to care for Medicare patients and bill Medicare for their services—474. Additionally, we have over 500 licensed professional counselors and 61 marriage and family therapists who are currently licensed to practice. None of them are able, at this time, to charge Medicare for the services they provide. By enacting this Seniors Mental Health Access and Improvement Act, that would more than double—more than double—the number of mental health providers available to treat seniors in my State.

Medicare patients in Wyoming are often forced to travel great distances to see mental health providers who are currently recognized by the Medicare program. To make matters even more of a challenge, rural and frontier communities have a tough time recruiting and retaining these providers—all providers but especially mental health care providers. In many small towns, a licensed professional counselor or a marriage or family therapist is the only mental health care provider in the area.

Medicare laws only compound the current situation.

Right now, only psychiatrists, clinical psychologists, clinical social workers, and clinical nurse specialists can bill Medicare for mental health services. So it is time the Medicare Program recognizes the qualifications of licensed professional counselors and marriage and family therapists. They do play a crucial role in this Nation's mental health care.

These providers go through rigorous training, and it is similar to the curriculum of a master's level social worker. They must not be excluded from the Medicare Program. I believe S. 671 is critically important to the health and the well-being of our Nation's seniors. It is time for this bill to become law.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 6:29 p.m., adjourned until Thursday, March 26, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE THOMAS C. DORR, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PETER A. KOVAR, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SHEILA MCNAMARA GREENWOOD.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARGARET A. HAMBURG, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ANDREW VON ESCHENBACH, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. ROBERT E. DAY, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RYAN G. MCPHERSON

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARK J. IVEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PAUL L. CANNON
GARY S. LINSKY
STEVEN A. SCHAICK
CHERRI S. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RICHARD EDWARD ALFORD
ROBERT J. ANDERSON
SONDRA A. BELL
TAMONA L. BRIGHT
AMY E. BRYAN
MATTHEW D. BURRIS
ERNEST JOHN CALDERON II
PAOLINO M. CALIENDO
KEVIN D. CATRON
LINDSAY E. CONTOVEROS
ROYAL A. DAVIS
WILLIAM D. DEITCH
JAMES R. DORMAN
GLORIA A. DOWNEY
PAUL E. DURKES
DARREN M. EICKEN
LISA D. FILL
SHELLY M. FRANK
LANCE E. FREEMAN
NATHAN N. FROST
THOMAS A. GABRIELE
DARREN S. GILKES
ANDREW D. GILLMAN
MARLA JUDITH GILLMAN
CORETTA E. GRAY
PATRICIA A. GRUEN
MARGARET L. HANNAN
CHARLES J. HEBNER
RYAN A. HENDRICKS
AMBER E. HIRSCH
BRANDON C. JAROCH
MATTHEW T. KING
SHANDRA J. KOTZUN
ERIKA E. LYNCH
JOSEPH E. MANAHAN
SCOTT W. MEDLYN
CHARLTON J. MEGINLEY
ETIENNE J. MISZCZAK
AIRON A. MOTHERSHED
JASON S. OSBORNE
BRENT F. OSGOOD
STERLING C. PENDLETON
STEPHAN PIEL
KEIRA A. POELLET
JACOB A. PUGH
MICHELLE A. QUITUGUA
JENNIFER J. RAAB
DREW G. ROBERTS
DAVID ROUTHIER
LEE F. SANDERSON
MATTHEW G. SCHWARTZ
DAMON P. SCOTT
MULGHETTA A. SIUM
DARRIN M. SKOUSEN
TIAUNDRA D. SORRELL
JODI M. VELASCO
WILLIAM DAVID VERNON
TIFFANY M. WAGNER
ELWOOD L. WATERS III
DANIEL J. WATSON
PAUL E. WELLING
ROBERT C. WILDER
DYLAN B. WILLIAMS
RICHARD D. YOUNTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER B. BENNETT
THOMAS L. CLUFF, JR.
ROBERT C. COTTRELL, JR.
GAIL E. CRAWFORD
TIFFANY A. DAWSON
ANDREA M. DECAMARA
PATRICK J. DOLAN
DAVID B. EBY
MICHELE A. FORTE
PATRICK W. FRANZESE
KYLE W. GREEN
CALEB B. HALSTEAD, JR.
BRANDON L. HART
MATTHEW T. JARREAU
JOHN C. JOHNSON
JAMES H. KENNEDY III
JAMES E. KEY III
ANTONY B. KOLENC
KIM E. LONDON
AMY L. MOMBER
MATTHEW J. MULBARGER
CHARLES D. MUSSELMAN, JR.
KATHERINE E. OLER
DANIEL A. OLSON
RALPH A. PARADISO
MICHELE A. PEARCE
JAMES W. RICHARDS IV
MICHAEL S. RODERICK
THOMAS M. RODRIGUES
ROBERT N. RUSHAKOFF
ELIZABETH L. SCHUCHSGOPAUL
MICHAEL W. TAYLOR
GRAHAM H. TODD
OWEN W. TULLOS
TIMOTHY J. TUTTLE
JEREMY S. WEBER
DAVID J. WESTERN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM A. BARTOUL
JAMES D. BRANTINGHAM
DAVID L. CARR
JOSEPH DEICHERT
JAMES M. GLASS
GREGORY D. JANS
WILLIAM GERALD OSULLIVAN
MARK W. SAHADY
GERALD HARVEY SNYDER, JR.
WARREN A. WATTIES
G. LLOYD WOODBURY, JR.
GEORGE T. YOUSTRA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PETER BRIAN ABERCROMBIE II
TODD W. ABSHIRE
MATTHEW P. ACER
J. A. ACEVEDO
RODGER N. ACKLIN
ADAM J. ACOCK
OLGA L. ACOSTA
DAVID C. ADAMS
GREGORY M. ADAMS
KIRK D. ADAMS
MICHAEL J. ADAMS
ROBERT B. ADAMS
SCOTT L. ADAMS
DAVID R. ADAMSON
SUSAN M. ADAMSON
SHILETTE M. ADDISON REED
TONI L. AGNEW
DIANA E. AGUILAR
VICTOR J. AGUILAR
JONATHAN E. AIRHART
COREY M. AKIYAMA
CARMELO ALAMO, JR.
JOHN F. ALBERT
MELISSA M. ALBLINGER
FREDERICK V. ALDRICH
BRIAN M. ALEXANDER
CHARLES R. ALLEN, JR.
JUSTIN T. ALLEN
MATTHEW R. ALLEN

WILLIAM H. ALLEN, JR.
MITCHELL L. ALLEY
MAELI A. ALLISON
RICHARD H. ALLISON
RUSSELL P. ALLISON
JAMES C. ALLMAN
CLAYTON H. ALLMON
CHRISTOPHER T. ALLRED
RASUL S. ALSALIH
CARL J. ALSTATT
KEITH R. ALTENHOFEN
JAMES D. ALVES
PHILIP D. AMBARD
LAWRENCE JAMES ANDERLEY
ANTHONY W. ANDERSON
CHRISTOPHER A. ANDERSON
DAVID R. ANDERSON
JASON R. ANDERSON
JAY K. ANDERSON
JOHN E. ANDERSON
MARK S. ANDERSON
PAUL D. ANDERSON
STEPHEN P. ANDERSON
VANESSA M. ANDERSON
LAURA A. ANDRADE HARRISON
JOSHUA K. ANDREWS
MICHAEL J. ANDREWS
MICHAEL R. ANDREWS
SOUNDER R. ANDREWS
STEPHEN L. ANDREWS
CRAIG R. ANDRLE
GLENN B. ANGELES
SEAN D. ANGUS
LEWIS M. ANTHONY
ELIZABETH A. APTEKAR
JERRETT A. ARCHER
DANIEL J. ARKEMA
ERIC R. ARMENTROUT
JAMES D. ARNETT
JIMMY W. ARNOLD
JEFFREY J. ARSENAULT
TIMOTHY G. ARSENAULT
ADONIS C. ARVANITAKIS
BRIAN D. ASCHENBRENNER
ALFRED J. ASCOL
JAMES T. ASHLOCK, JR.
MARK L. ASHMAN
JAMES E. ASKINS
CARLOS G. ASSAF
MATTHEW A. ASTROTH
JAMES W. ATCHLEY, JR.
ROBERT G. ATKINS
JASON E. ATTAWAY
GLENN K. AUGE
RANDALL R. AUSTILL
ROBERT A. AUSTIN
ANDREW J. AVERY
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ELIZABETH H. SCOTT
JANICE BARKER SCOTT
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LUIS A. SEGURA
KENNETH C. SEIVER
JAMES M. SELL
MICHAEL J. SELLERS
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ERIC G. SENG
MICHAEL C. SERE
DANIEL F. SEVIGNY
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ROBERT R. SHALLENBERGER
PAUL A. SHAMY
BRENDAN M. SHANNON
STACEY L. SHAUL
CHRISTA M. SHAVERS
BILLY SHAW
DENISE A. SHEA
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GARON L. SHELTON
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ANDY C. SHIELDS
ARTHUR A. SHIELDS, JR.
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MARK D. SILVIUS
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JEFFREY L. SMITH
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JOHN R. SPEER
ROBERT E. SPEER
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MICHAEL J. WINTER
DOUGLAS R. WITMER
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RANDOLPH B. WITT
BRYAN M. WOJCIK
BENJAMIN B. WOLF
JAMES D. WOMBLE
DICK WONG
BRIAN V. WOOD
CHRISTOPHER C. WOOD
JOSHUA T. WOOD
RYAN E. WOOD
NICHOLAS S. WOODROW
CHARLES S. WOODS
TANNER G. WOOLSEY
RICHARD H. WORCESTER
RYAN L. WORKMAN
CHRISTOPHER M. WRIGHT
DAVID R. WRIGHT
DAVID T. WRIGHT
NORMAN P. WRIGHT
PAUL B. WURSTER
BRET M. WYATT
TOMMY N. WYATT
REID J. WYNANS
SHAZAD YADALI
NICHOLAUS A. YAGER
JARED Y. YAMASHIRO
SEAN E. YARBROUGH
MARK L. YARIAN
NICHOLAS R. YATES
ROWDY E. YATES
CARRICK O. YAWS
WENDELL J. YEAGER
CHRISTOPHER A. YEATES
STEVEN D. YELVERTON
CHRISTIAN C. YERXA
JADE N. YIM
JOHN F. YOHN, JR.
BENJAMIN R. YOSFAN
MARK T. YOUKEY
ERICH W. YOUMANS, JR.
ROBERT M. YOUNG
RONNIE B. YOUNG
LEONARDO J. YUQUE
AARON N. ZASTROW
EVER O. ZAVALA
DAVID E. ZEYTOONJIAN
ERIC D. ZION
MICHAEL E. ZISKA
ERIC J. ZUHLSDORF

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

VICTOR J. TORRES-FERNANDEZ

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JOSEPH ANGERER
KRIS ATTARIAN
ALLEN BARNES
NANCY E. BLACKER
JAMES M. BROWN
JOYCE M. BUSCH
KERRY H. COSTELLO
JOHN R. FERGUSON
SCOTT R. GRANT
ROBERT J. HARDING
BEN H. HARVEY
MIKE W. KIMBERLY
JON S. LEAHY
TIMOTHY J. LEITCH
RICHARD A. MILLER
MARK J. MOONEY
KARL A. MORTON
YOULANDA NIETO
MARYANN C. OTTO
DAVID F. SLATER
JAMES W. SOBOLESKI
MICHAEL D. STROZIER
OMAR E. THONDIQUE
PATRICIA E. TILSON
JEFFREY J. TOUSIGNANT
JEFFREY W. WILLIAMS
JOHN D. WILLIAMSON

To be major

RUBEN N. ABREU
RIDELIS D. AGBOR
DWYKE A. BIDJOU
TODD W. BURNLEY
JAMES A. CHARTERS
BRIAN A. CHESSER
JOHN T. COBBS
MARTIN L. CROUSE
DIEGO DAVILA
HOWARD R. DAVIS
JOHN G. DEAN
ANDREW T. DEPONAI
RAYMOND DIAZ
JOHN A. DUDA
SAMUEL J. DUNCKHORST
DARRELL FAIRLEIGH
JERRY J. FOGG
MICHAEL D. GERGEN
CURTIS A. GIBSON
COURTNEY L. GLASS
ROBERT T. GRIFFIN
MATTHEW D. HALEY
JESSE K. HARRIS
STEVEN J. HILDEBRAND
WILLIAM R. HOGAN
ERIC E. JOHNSON
GLENN N. JUMAN
DAVID K. LAW
JIN H. LIM
CHRISTOPHER J. LOMBARDI
AMBRO MARTIN
SHAWN P. MCLAIN
JOHN A. MILLER
JEFFREY S. MILLS
KEITH L. NELSON
TONY A. OWENS
EDWIN J. QUIMBY
MARK A. QUIRE
YOKEITHA A. RAMEY
DANFORTH J. RHODES
KERRY V. ROBERTS
FEDERIC RODRIGUEZ
ERIC F. RUSSELL
IMMANUEL B. SAMSON
CHRISTOPHER L. SMITH
TODD C. SMITH
JOSHUA W. STEWART

SCOTT D. STEWART
CHRISTOPHER B. TEAGUE
TRAVIS O. TRAYLOR
BRIAN T. UNGERER
ALLEN R. VOSS
JOHN C. WALLACE
JOHN F. WEBB
WILLIAM S. WEST
ADRIAN H. WHEELER
JOHN H. WOODCOCK
RICHARD WULFF
MATTHEW J. YANDURA

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TED R. BATES
DIRON J. CRUZ
PETER M. MENICUCCI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN M. DIAZ
MICHAEL D. MURRAY
LAVORE L. RICHMOND, JR.

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LUISA SANTIAGO
YEVGENY S. VINDMAN

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

RANDALL W. COWELL

To be lieutenant colonel

TILDON K. ALLEN
DAVID A. BARSNESS
THOMAS M. BLUNTZER
TIMOTHY J. BURKE
WILLIAM R. CAMPBELL
WILLIAM K. CANTRELL
FERMAN G. CEPEDA
CLIFFORD K. CRAWFORD
SAMMIE L. DAVIS
SHAWN R. DENNY
ELIZABETH L. DEVANY
CEDRIC S. DOLMAN
GRANT EDWARDS
PHILIP D. FORSBERG
CHRISTOPHER B. GINTHER
VAUGHN M. GRIZZLE
TERESA F. HALL
TIMOTHY R. HARDISON
STEPHEN H. HARMON
MICHAEL C. HILL
DAVID W. JOHNSON
LEON JONES
THOMAS P. KNOTT
JOHN N. MAHINES
RICHARD J. MCNORTON
ANDREW J. MCVEIGH
ROY E. MOSHER
MARK D. MUMM
LLOYD M. NATHAN
PAUL A. NOCE
DANIEL P. OCONNELL
PABLO O. PAGAN
STANNON M. PEDERSON
KEITH L. POYNOR
RAUL A. RIVERA
DYLESTER SCOTT
HAROLD J. TARPLEY
MARC C. THOMPSON
WILLIAM E. TINER
DONALD S. TRAVIS
SCOTT T. WALES
GEORGE C. WASHINGTON
ELIZABETH L. YARBROUGH

To be major

ALBERT A. AUGUSTINE
THOMAS D. BAKER
LESLIE L. BALFAQIH
STEVEN A. BESEDA
CRAIG J. BONDRA
GARY W. BROCK
COURTNEY R. BROOKS
BENJAMIN W. BUCHHOLZ
RODNEY D. CAIN
HOWARD D. CARPENTER
SHANE M. CARPENTER
JOSEPH B. CORCORAN
SCOTT A. CRUMP
ANDRE W. DANCY
VENDECK M. DAVIS
ROBYN R. DEATHERAGE
CURTIS L. DECKER
CHRISTOPHER DELOSSANTOS
GEORGE L. DEUEL
GARRY DODARD
CHRISTOPHER B. EMERY
ALLAN J. FEHR
PAUL E. FRITZ
KIMBERLY K. FUHRMAN
JAMES J. GERRITY
RANDALL D. GRIGG
KARSTEN J. HAAKE
JEREMY P. HALL
SHEILA HENDERSON
MICHAEL C. HERRERA
DAVID K. HOWE
KEITH JACKSON
CHRISTOPHER D. JESELINK
DOUGLAS A. KCKEWAN
QUINT A. KLOPFLEISCH
MICHAEL LEWCZAK
BARRETT D. LYNCH
ROBERT S. MATHEWS
RYAN M. MCCABE
LAURA L. MCGUNAGLE
NATHANIEL C. MIDBERRY
DAVID M. MILLER
JOEL R. MITCHEM
GARRY G. MORRIS
JOSHUA J. MUNCH
TONY A. OWENS
MICHAEL J. PAPP
EDWARD L. PEARCE
DONALD J. PETERSON
ROBERT E. PETTY
MARCIA M. PIERCE
KELDA S. PITTMAN
BUECHELLE O. PORTER
THOMAS A. PRIEVE
GREGORY RIVERA
DUCAN S. ROBINSON
DALE A. ROBISON
ROBERT B. RODEFER
GREGORY M. ROGERS
EDWARD K. ROWSEY
DANIEL L. SALISBURY
MARC S. SAPHIR
LAMAL SHEPPARD
DERREN M. SIGLOCK
MICHAEL M. SMALL
JOHN D. STAHL
SCOTT STEWART
CHRISTOPHER B. TEAGUE
DAVID C. THOMAS
ERIC S.M. THOMPSON
BOGDAN T. TOCARCIUC
TIMOTHY J. TREAT
THOMAS C. VECE
KEVIN L. WASHINGTON
PATRICK S. WICKER
DUANE M. WILLIAMS
TUWANDA F. WILLIAMS
DENNY L. WINNINGHAM
JOHN H. WOODCOCK
DANIEL M. ZERBY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALBERT J. ADKINSON
JOHN C. BOYD
HENRY C. CASON
GERALD T. CATRETT
JAMES S. CHASE
DEBORAH W. COLEMAN
WILLIAM E. CRANE
JOHN M. EPPERLY
MICHAEL D. FRANCE
ROBERT N. HIBBETT
WALTER L. MERCER
RICHARD J. NORIEGA
JEFFREY S. TIPTON
MARK A. TOPLIKAR
JASPER B. VARN III
WILLIAM E. WYNNS, JR.

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

CHRISTOPHER G. CUNNINGHAM
HENRY J. ZIELINSKI

To be lieutenant commander

RICHARD C. BALTIERRA
CHRIS M. COGGINS
JEFFREY S. DAVIS
RICHARD C. ERICKSON
SYLVESTER FREDERICK
TYLER H. LIPPERT
KEVIN A. MORGAN
GEORGE M. TURNER
SELVIN A. WHITE
CHRISTOPHER A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant commander

JANET L. JACKSON
VINCIRENA PALMORE
TODD M. SULLIVAN

CONFIRMATION

Executive nomination confirmed by the Senate, March 25, 2009:

DEPARTMENT OF JUSTICE

DAVID S. KRIS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

RECOGNIZING 188TH ANNIVERSARY OF GREEK INDEPENDENCE

SPEECH OF

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mr. SARBANES. Mr. Speaker, I rise today to honor the 188th Anniversary of Greek Independence Day and the valiant Greek struggle to cast aside the shackles of imperial oppression. For those who believe in life, liberty, and the pursuit of happiness, March 25, 1821, resonates through the annals of history as a seminal moment in the epoch of democracy.

From ancient Greece the world came to speak of the founders of democratic thought—Cleisthenes, Themistocles, Pericles, Socrates, Plato, Aristotle and countless others. When our founding fathers contemplated the establishment of the United States of America they looked across time and geography to the shores of ancient Greece. Thomas Jefferson and others who studied the Democratic philosophies of the ancient Greeks knew that in their teachings lay the formula for a just and free society.

In 1776 the sacred flame of liberty illuminated the shores of America, and when in 1821 the mother of democracy awoke and sought to liberate herself from the dark conquest that had befallen her, America cheered her on. During the Greek struggle for independence, many Americans felt a kindred spirit with the Greeks, and gave the name of a Greek Independence War hero to the town of Ypsilanti, Michigan.

It is only natural that the fraternal bonds of liberty between America and Greece have been present from the first day of the establishment of each country. History shows that Greece is one of America's greatest allies, from the passing of the ancients' democratic philosophy to the modern Hellenic Republic's fighting alongside the USA in every major struggle since its inception.

Long before the United States took on the Nazis in WWII, the only countries standing in the way of the Nazi onslaught were Greece and the United Kingdom. Greece paid a dear price for its steadfastness, losing 10 percent of her entire population, and nearly all of the ancient Jewish Community of Thessaloniki. The heroic acts of the Greeks were evident everywhere, from the daring removal of the Nazi flag that floated above the Acropolis, to the unparalleled resistance movement that resulted in the first defeat of an Axis Army when the Greeks pushed Mussolini's troops across the Albanian frontier.

Greece has come a long way in 188 years. In 2004 Greece did an outstanding job hosting the Olympics. She has been an important ally in the war in Iraq and Afghanistan and is the beacon of democracy in the Balkans, serving as one of the largest investors, business and job creators throughout all of Southeastern Europe.

Greece is a proven democracy and proven ally of the United States. Greece is a country that can be counted on to support the high ideals of freedom and liberty, and is and always has been a staunch American ally.

NATIONAL BRAIN INJURY AWARENESS MONTH

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 178—expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

It is appropriate that we debate this bill today, since March is widely recognized as Brain Injury Awareness Month. Now, more than ever, we need to heighten the public's awareness to a growing issue—Traumatic Brain Injury.

Traumatic Brain Injury has been called the signature wound of the War on Terror, as thousands of American servicemen and women have been diagnosed with TBI and untold more have yet to be diagnosed.

An estimated 360,000 soldiers have sustained Traumatic Brain Injuries in Iraq and Afghanistan. Furthermore, Military health screening programs have shown that as many as 20% of returning troops have suffered at least a mild concussion.

The use of Improvised Explosive devices are the primary cause of this silent wound. Often, symptoms don't manifest themselves for some time. Many of the symptoms of Traumatic Brain Injury are similar to Post Traumatic Stress Syndrome, further hindering a proper diagnosis.

The dramatic increase in Traumatic Brain Injuries among military veterans has created huge stresses on the VA system's capability to handle. While there was no way that the VA could have predicted the demand for Traumatic Brain Injuries treatment and rehabilitation before our troops were deployed in response to the attacks on our country, the fact remains that we need to provide better services to our veterans, and we need to be able to provide those services in their own communities rather than requiring them to travel for treatment.

The Veterans Administration is already working with some private and nonprofit providers of Traumatic Brain Injury treatment and rehabilitation, but it can and should identify more opportunities to allow veterans to receive appropriate, high-quality care from providers in their own communities.

And that is why I have joined with my colleagues here in Congress and joined the Congressional Brain Injury Task Force.

Our goal is to further educate and raise awareness of brain injury and support funding for basic and applied research on brain injury rehabilitation. It is important that we give brain injury the attention it is due to help us move beyond the "silent epidemic" and towards real treatments, supports, and eventually cures.

The Congressional Brain Injury Task Force has worked to ensure that individuals have access to reliable information, effective prevention strategies, and, if injured, comprehensive and appropriate treatments.

We owe our nation's veterans a debt we cannot fully repay, but we must make sure that every solider, sailor, airman or Marine exposed to an Improvised Explosive Device is properly screened and treated for Traumatic Brain Injury—we owe them no less.

I support the recognition of March as National Brain Injury Awareness Month and I urge my colleagues to support the passage of this bill.

EARMARK DECLARATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to Republican Leadership standards on earmarks, I am submitting the following Information regarding earmarks I received as part of H.R. 1109, The Omnibus Appropriations Act, 2009.

Project Name: Police Department Photography Lab Upgrades for the City of Miami

Amount Funded: $400,000

Account: COPS Law Enforcement Technology

Contact: Pedro G. Hernandez, City Manager, City of Miami

Address: 3500 Pan American Drive, Miami, Florida 33143

Description: The City of Miami Police Department Photo Lab Upgrades Project will upgrade and digitize the City's police department photo lab. Funds will be used to incorporate digital cameras, memory card readers and a digital photographic laboratory system which will replace the antiquated film technology that is currently in use. Funding for photo lab upgrades will facilitate the investigative and prosecutorial efforts of the law enforcement community in the City of Miami, with national crime fighting implications that extend beyond Southern Florida in circumstances when fugitives flee the City to avoid prosecution.

Project Name: Miami Beach After School Gang and Drug Prevention Program

Amount Funded: $200,000

Account: OJP—Bryne Discretionary Grants

Contact: Kevin Crowder, City of Miami Beach

Address: 1700 Convention Center Drive, Miami Beach, Florida 33139

Description: Continued After-School and summer programs ensure youth "growing-up" within the system. These youth are less likely to entertain outside and detrimental participation in other unsupervised activities, such as

involvement in gangs and/or drugs. Participation in the recently created Teen Intervention Program in North Beach has increased dramatically during the past year, as have the various programmatic offerings by the City. City of Miami Beach local funding is $642,167, or 23% of the program cost. Justification for use of federal taxpayer dollars.

Project Name: Life-Management Skill Intervention Program for At-Risk Youth

Amount Funded: $300,000

Account: OJP—Juvenile Justice

Contact: Susan Benson, ARISE Foundation

Address: 824 U.S. Highway 1, Suite 420, North Palm Beach, Florida 33408

Description: During 2006–07 Florida committed 7,187 juvenile offenders to residential delinquent treatment facilities. The Department of Juvenile Justice wants to increase their life chances according to the Models of Change (Systems Reform in Juvenile Justice). ARISE provides juvenile, justice facilities with specialized staff training and its unique curricula designed specifically for populations reading at approximately a third grade level. With over 260 easy-to-administer ARISE life-management lessons, ARISE materials contain vital information necessary for reducing recidivism. The ARISE program provides both staff training and educational materials for teaching life lessons to incarcerated youth through interactive methods and help develop critical thinking skills needed to break the cycle of violence and crime that would otherwise doom many of these juvenile offenders to tragic lives of gang involvement, crime, drugs, disease and poverty.

Due to inherent problems staff have in dealing with incarcerated high risk youth, ARISE will expand its training program for Juvenile Care and Detention Officers in Florida's Juvenile Justice facilities, by introducing additional training topics such as anger management, non-judgmental listening and conflict resolution. This training will be directed at reducing staff on youth conflict, and severe turnover of staff.

Project Name: City of Coral Gables Wastewater Infrastructure Improvements

Amount Funded: $500,000

Account: EPA–STAG Water and Wastewater Infrastructure

Contact: Alberto Delgado, Department of Public Works, City of Coral Gables

Address: 405 Biltmore Way, Coral Gables, Florida 33144

Description: The project meets the STAG match requirement. Funding would be used to make state-mandated upgrades to the City's wastewater infrastructure.

Project Name: Florida Keys Water Quality Improvements

Amounted Funded: $2,392,000

Account: Corps of Engineers, Construction

Contact: Clyde Burnett, City Manager, City of Marathon

Address: 9805 Overseas Highway, Marathon, Florida 33050

Description: The Florida Keys are required to meet rigid wastewater and stormwater management restrictions as well as near shore water quality and environmental protection standards.

Project Name: Miami Museum of Science Renewable Energy Research Project

Amount Funded: $713,625

Account: Department of Energy, EERE

Contact: Gillian Thomas, President and CEO, Miami Museum of Science

Address: 3280 S. Miami Avenue, Miami, Florida 33122

Description: Funding is requested for a research and development program aimed at enhancing understanding by Miami-Dade residents of programs related to alternative energy and energy efficiency technologies, with a special emphasis on Hispanic and Haitian communities.

Project Name: Miami Harbor Channel Dredging

Amount Funded: $478,000

Account: Corps of Engineers, O&M

Contact: Eric Olafson, Assistant Director, Miami-Dade County

Address: 444 North Capitol Street, NW, Washington, DC 20001

Description: This funding request is for the first phase of implementation, which includes the design, preparation of plans and specifications for bidding. Miami-Dade County is also seeking an additional source of PED funds through utilizing the funds that will be restored to the project, once the Port of Miami reimburses the Army Corps for its share of the costs of the General Reevaluation Report (GRR). The Chief of Engineers has recommended the deepening project to 50–52 feet and Congress has authorized the project (Title I, Water Resources Development Act of 2007).

Project: Intracoastal Waterway, Jacksonville to Miami, Florida

Amount Funded: $4,019,000

Account: Corps of Engineers, O&M

Contact: David Roach, Executive Director, Florida Inland Navigation District

Address: 1314 Marcinski Road, Jupiter, Florida 33477

Description: Funds would be used to dredge the IWW in two locations: (1) Matanzas Inlet (St. Johns County) and in the vicinity of St. Augustine. In addition, funds would be used to (1) restore a Dredged Material Management Area in St. Johns County and (2) construct a Dredged Material Management Area in Indian River County. The organization does not have a local match requirement with the Corps of Engineers.

Project: Miami River Maintenance Dredging Project

Amount Funded: $10,043,000

Account: Corps of Engineers, O&M

Contact: Eric Olafson, Assistant Director, Miami-Dade County

Address: 444 North Capitol Street, NW, Washington, DC 20001

Description: This request is for the final phase of the Miami River Dredging Project to restore authorized depth and width to the navigation channel. This project, funded by the US Army Corps of Engineers with a coalition of local sponsors led by Miami-Dade County, removes contaminated sediments from the Miami River, Florida's 4th largest port with an economic value of $4 billion. The local sponsor has exceeded all match requirements.

Project: Lower Keys Shuttle Bus Facilities

Amount Funded: $950,000

Account: Transportation, Bus and Bus Facilities

Contact: Jim Scholl, City Manager, City of Key West

Address: 525 Angela Street, Key West, Florida 33140

Description: Federal funds will assist the City in its efforts to improve the City's bus facilities. Specifically, funding will provide a modern maintenance facility to assist in improved bus facilities as well as passenger amenities such as waiting areas, bus transfer areas and ticketing areas

Project: Atlantic Greenway Corridor Netowork

Amount Funded: $570,000

Account: Transportation, TCSP

Contact: Kevin Crowder, City of Miami Beach

Address: 1700 Convention Center Drive, Miami Beach, Florida 33139

Description: Through the development of the Atlantic Corridor Greenway Network, the City of Miami Beach is creating a regional alternative transportation network which will interconnect key intermodal centers, area business districts, cultural/tourism centers, residential neighborhoods, parking facilities, parks, schools and the beaches. The Network will be comprised of a citywide system of bicycle/pedestrian accessways, enhanced public transit facilities, expanded bus service and innovative regional parking improvement programs.

Project: Little Venice Road Improvement Project, Phase II

Amount Funded: $95,000

Account: Transportation, TCSP

Contact: Clyde Burnett, City Manager, City of Marathon

Address: 9805 Overseas Highway, Marathon, Florida 33050

Description: The proposed project includes the installation of drainage and retention structures to minimize the destructive impacts from serious weather events. Additionally, the project proposes the installation of an asphaltic overlay for all road surfaces in the immediate area. This area constitutes 95th Streets to 117th Street south of the highway and connecting cross streets.

Project: Pedestrian Bridges in Coral Gables, Florida

Amount Funded: $142,500

Account: HUD, EDI

Contact: Maria Jimenez, Interim City Manager, City of Coral Gables

Address: 405 Biltmore Way, Coral Gables, Florida 33144

Description: The requested federal funding will be used to build pedestrian bridges next to the Hardee, Granada and Maynada bridges where vehicular traffic has created safety concerns for crossing pedestrians and cyclists. These new bridges will allow for more efficient and safer traffic flow throughout the City. Improved pedestrian safety along busy roadways in the City of Coral Gables will be the benefit of this project.

Project: Barry University Community Health and Minority Medicine Project

Amount Funded: $95,000

Account: DOE-Higher Education

Contact: Ann Paton, VP for Institutional Advancement

Address: 11300 NE 2nd Avenue, Miami Shores, Florida 33161

Description: Funding will be utilized to expand current lab facilities at Barry University's center for community health.

Project: Jackson Health System Facilities and Equipment

Amount Funded: $190,000

Account: HHS–HRSA

Contact: Jeanette Nunez, VP

Address: 1611 NW 12th Avenue, Miami, Florida 33136

Description: Funding will be used to upgrade Jackson Health System's information

technology infrastructure. Jackson is a fully integrated health care system with 3 major hospitals, 12 primary care centers, 16 school-based clinics, a mental health facility, 2 mobile health vans and a major health plan. Jackson is also the primary safety net provider in Miami-Dade County.

Project: Mercy Hospital Equipment Upgrades

Amount Funded: $95,000

Account: HHS–HRSA

Contact: Lois Blume, Grants Coordinator, Mercy Foundation

Address: 3663 South Miami Avenue, Miami, Florida 33133

Description: Mercy Hospital in Miami is seeking funding to upgrade equipment in three key healthcare areas: advanced cardiac video imaging technology, cardiac mapping technology, anesthesia machines, and a sterilization machine for surgical equipment.

Project: Miami-Dade College Medical Center Nursing Program Equipment

Amount Funded: $95,000

Account: HHS–HRSA

Contact: Joe Pena, Director of Federal Relations

Address: 300 NW 2nd Avenue, Suite 1402, Miami, Florida 33132

Description: To address a growing demand for healthcare professionals, Miami Dade College (MDC) School of Nursing requires additional programs and advanced training equipment in order to expand their successful nursing program.

HONORING KIRKSVILLE HIGH SCHOOL WRESTLING TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating the Kirksville High School wrestling team for winning the Class 2 A Missouri State Championship in February.

Not only did the Kirksville High Tigers cap off an impressive season with a state championship, but they dominated in winning their conference and district titles.

The city of Kirksville should take pride in their high school wrestling team, who won the school's third state sports championship.

I ask that you join me in recognizing the Kirksville High Tigers for an outstanding season and a job well done!

CELEBRATING THE 100TH BIRTHDAY OF ROGERS STATE UNIVERSITY

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. BOREN. Madam Speaker, I rise today to honor a milestone for a prestigious institution of higher learning in Oklahoma. Rogers State University, with campuses located in Claremore, Bartlesville, and Pryor is turning 100 years old this month.

Founded in 1909, Rogers State University has been a center of excellence and learning for thousands of Oklahomans.

In 1998, the Oklahoma Legislature solidified the role of Rogers State University as a world class regional university by granting them full accreditation. RSU is one of only two universities in the state of Oklahoma to offer both associate of arts and bachelors degrees in various disciplines.

Rogers State University is one of the fastest-growing universities in Oklahoma. Over the last eight years Rogers State University's enrollment has jumped 70 percent. At one time RSU's enrollment registered just over 400, but in recent years it has swelled to boast a diverse student body of 4,000.

RSU is a national leader and pioneer in online learning. They are the first public university in the state of Oklahoma to offer associate and bachelor degrees completely online.

In athletics, the future looks just as promising for Rogers State. A few years ago, the RSU Hillcats gained acceptance into the National Association of Intercollegiate Athletics, NAIA. RSU currently fields a multitude of athletic teams and competes in the Sooner Athletic Conference.

During their university's Centennial this year, the Hillcats won the Sooner Athletic Conference championship in men's basketball, and represented their school this month as the No. 1 seed in the NAIA Championship Tournament. In 2008, just their first year of Sooner Athletic Conference play, the RSU women's soccer team earned a conference championship.

RSU is the only university in Oklahoma to operate a full-power public television station. It also operates a radio station, and boasts a 120-acre nature conservatory located on the main campus in Claremore.

The university has also added significantly to their university infrastructure and facilities. Recently, the school opened a $13 million Student Services Center at its main campus and a $1.3 million expansion that will double the size of the campus at the Pryor location.

In these times of limited educational dollars, it is important for the United States Congress to remember the local and regional universities that educate so many of our citizens and allow them to benefit both the future of their family and our entire society. Rogers State University is an enormous asset to eastern Oklahoma and I come to the floor today to honor all they do.

Happy Birthday Rogers State University!

TRIBUTE TO MRS. NANCY DAWKINS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to Mrs. Nancy Dawkins, who will be recognized by the Heritage Trail Advisory Committee in collaboration with the Martin Luther King Economic Development Corporation, Liberty City Trust and the City of Miami for her invaluable service to the residents of Liberty City and the City of Miami. Mrs. Dawkins' generosity and community activism in the fields of education, counseling and leadership development serve as hallmarks to her unwavering dedication to the South Florida community and the 17th Congressional District.

Mrs. Dawkins, a teacher in the Miami-Dade County Public School System for 35 years, has been at the forefront of various community endeavors. She co-authored the program concept that became the COPE school program for pregnant teenagers, served as a career and occupational specialist at Booker T. Washington Middle School and was a former early childhood education instructor of Miami-Dade College North Campus. Among her many awards and accolades throughout the years, Mrs. Dawkins has received the Dade Heritage Trust Plaque for Outstanding Contribution in Promoting Commemorative Services, the Miami Police Department's Recognition Plaque for Community Service and the Metropolitan Dade County Appreciation Plaque from former Mayor Stephen P. Clark.

As a tireless activist devoted to the advancement of equality and human rights, Mrs. Dawkins received The Miami Herald's Spirit of Excellence Award. She currently serves on the board of the Children's Home Society and has been a driving force in the largest African-American chapter of the American Association of Retired Persons, AARP, in the northwestern Miami community where she actively participates by attending state and national conventions.

Throughout the years Mrs. Dawkins has served as a charter member, organizer and past president of the National Association of Negro Business and Professional Women's Club, South Florida chapter, which has spearheaded the establishment of several nationally recognized programs for children who provide countless hours of volunteer community service. Moreover, Mrs. Dawkins sought out summer jobs for her students in order to broaden their experiences in cultural affairs and in her continued activism, encouraged her students at Miami-Dade Community College to establish early childhood centers.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing Mrs. Nancy Dawkins' tremendous humanitarian efforts and overwhelming dedication to our South Florida community. I wish her every happiness and continued success.

HAITIAN DEPORTATIONS—A HUMANITARIAN OPPORTUNITY GONE UNNOTICED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. RANGEL. Madam Speaker, I stand before you today to acknowledge the unjust and inhumane treatment of 30,000 Haitians living in the United States who have been threatened with deportation. These Haitian nationals have contributed to our society for several years as hard-working, law-abiding tax-payers and are now being asked to return to a country that is in no position to support them.

Haiti is the poorest nation in the Western Hemisphere and it has furthermore been ravaged by natural disasters during the last year. The impact of hurricanes and floods has been devastating to the Haitian economy and has resulted in an unprecedented level of suffering requiring emergency assistance for the people of Haiti. The idea of sending thousands of refugees into such a desperate situation is so inhumane as to be unthinkable.

The UN estimates the lives of approximately 800,000 have been affected by the storms of the previous year. These people have no viable country to return to—what is the rationale behind sending an additional 30,000 people back to a country that already has close to a million displaced individuals? This is a Bush policy that needs to be reconsidered—it is uncertain who would support such a policy that threatens an already fragile environment.

The humanitarian thing to do would be to offer these Haitians Temporary Protection Status (TPS) which is consistent with concessions given to other countries given the same circumstances. In the past, we have made this compromise with countries such as El Salvador, Nicaragua, and Honduras, even as recent as 2008. This is blatantly inconsistent with the treatment given to Haitian immigrants despite the fact that economic and social conditions are worse, in addition to the reality that the country has not overcome the recent floods and hurricanes. Considering the compelling humanitarian reasons against returning Haitians to a homeland that cannot now support them, I must wonder what the real motives behind such a policy are.

It is unfortunate to see the treatment of these Haitians by the United States government given the fact that Haiti has had such a rich, long history with the United States. During the American Revolution about 750 Haitian freemen fought alongside colonial troops against the British in the Siege of Savannah in 1779. This level of sacrifice by a country should not be forgotten, especially during times of need.

The defeat of the French Napoleon Army by the Haitians, albeit indirectly, helped America expand its territories towards the West with the Louisiana Purchase. At the time, Haiti was the producer of 40 percent of the world's sugar, was the most profitable colony the French owned and in fact the wealthiest and most flourishing of the slave colonies in the Caribbean. This was a tremendous loss to the French, and as a result was forced to sell off some of their land. The outcome for the US was significant—the land included in the purchase comprised of around 23% of the territory of the United States today.

The historical relationship and the humanitarian concerns are important facts to consider before deporting this group of Haitian refugees. Also consider that the Haitian economy has become increasingly reliant on the money sent by the Haitian Diaspora living abroad. Haiti's remittances make up one-third of their GDP and no other national group anywhere in the world sends money home in higher proportions. These 30,000 Haitians should be allowed to remain in this country and continue to send remittances to their homeland, while still paying their tax dollars and helping our economy grow.

Madam Speaker, I hope that our government will make the right decision and allow this country, a friend of ours, to rebound from these tragic natural disasters. As an example to the world, we must not let this humanitarian opportunity go unnoticed.

OWYHEE INITIATIVE

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. SIMPSON. Madam Speaker, I rise today to congratulate Senator CRAPO for his efforts in creating Idaho's newest wilderness areas in the Owyhee region of Southwestern Idaho. The designation of wilderness in Idaho is long overdue, as it has been nearly thirty years since the late Senator Frank Church created the River of No Return Wilderness.

I applaud the Senator for having the patience and perseverance to develop the compromises he has made with numerous ranchers, county officials, sportsman groups and conservation groups. The years of effort he put into creating this legislation are a testament to just how special these lands are. It is assured that Idahoans will be enjoying these unspoiled vistas and areas for generations to come.

There are numerous individuals in Idaho to congratulate for their hard work. I won't name them all, but Fred Grant, Chad Gibson, Brenda Richards and Craig Gherke put a lot of effort into this process. In addition, John Hoehne and Layne Bangerter of Senator CRAPO's staff did tremendous staff work on the ground in Idaho. If they and so many others didn't commit themselves to the Owyhee initiative, there would have been nothing to work with here in D.C.

Finally, I saw first hand here in Washington how this legislation could not have been completed without the efforts of Peter Fischer on Senator CRAPO's staff, David Brooks on Senator BINGAMAN's staff, and Marcia Argust with the Campaign for America's Wilderness. Their commitment and belief in the product developed in Idaho made it possible for this legislation to move forward.

Idaho can be proud of the work that Senator CRAPO, his staff and its stakeholders have done in creating the Owyhee legislation.

THE TELEWORK IMPROVEMENTS ACT OF 2009

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. SARBANES. Madam Speaker, I rise today to introduce the Telework Improvements Act of 2009. Telework allows workers to perform their duties and responsibilities from home or at another work site removed from their regular place of employment. The Telework Improvements Act encourages a uniform and consistent telework policy across the federal government, while imposing strict oversight and accountability that will ensure the success of this pragmatic yet innovative workforce management policy.

First and foremost, this bill is about good government. According to an estimate by the nonpartisan Partnership for Public Service, in the next five years approximately 550,000 federal employees—almost 30 percent of the federal workforce—will leave government, largely through retirement. Broadband and other technological advances have made remote work arrangements widely possible and the government should use telework as a powerful recruitment and retention tool to compete with more highly paid private sector jobs. The flexibility that telework provides will make a career in government more attractive to the next generation of civil servants.

Telework will also help mitigate congestion in high-traffic areas such as the National Capital Region—reducing carbon emissions from vehicles and improving the quality of life for all commuters. I commute from my home in Towson, Maryland to our nation's capital, tracing the length of my district. Each day, I sit in suffocating traffic with thousands of federal employees and other commuters. The gridlock results in lost productivity, less time spent with families, and pollution that poisons our air and alters our climate. If we offer an innovative alternative so that some in the federal workforce can avoid these commutes through telework, not only will we improve their quality of life, we will relieve the overall strain on our regional transportation infrastructure and improve the daily commute for all area workers.

Select agencies within the federal government like the United States Patent and Trademark Office, the Defense Information Systems Agency, and the General Services Administration have shown strong leadership—from agency heads down to individual managers—by putting in place an efficient and effective telework policy. They have demonstrated extraordinary results and are a template for other agencies to follow. But even though telework has been available to federal employees for over a decade, there are no uniform policies in place. Agencies are hampered by a lack of guidance and training for federal employees who wish to telework. Uneven application among managers and supervisors has too often rendered telework policies ineffective. Finally, the absence of uniform data collection and meaningful oversight make the best practices employed by agencies with effective telework programs all but impossible to implement elsewhere in government.

To address these flaws, the Telework Improvements Act of 2009 will: instruct the Office of Personnel Management to develop a uniform, government-wide telework policy for federal employees; ensure that federal employees who wish to telework and are eligible to telework are able to do so for at least 20 percent of the hours they work in a two-week work period; designate a Telework Managing Officer within every agency and department to oversee telework; provide greater access to and opportunities for telework training and education to both employees and supervisors, while providing employees electing to telework with greater protection against discriminatory punitive treatment by supervisors and managers; require the Office of Personnel Management to compile government-wide data on telework; and require the Government Accountability Office (GAO) to evaluate agency compliance, produce an annual report to Congress and make that report publicly available on the internet.

In closing, I would like to salute Congressman FRANK WOLF for his vision and tireless advocacy for telework in the federal government. Over the last decade, he has put telework on the map as a management option within the federal workforce and I thank him for his leadership.

I would also like to thank Congressman GERRY CONNOLLY for joining Congressman

WOLF and myself in writing this legislation. Though Congressman CONNOLLY is new to this body, he is not new to telework. As Chairman of the Fairfax County, Virginia Board of Supervisors, Congressman CONNOLLY instituted a far-reaching telework policy—performing a great service to the employees of Fairfax County and offering a model solution for the federal government.

Finally, I would like to thank Congressman DANNY K. DAVIS for his support. Congressman DAVIS and I introduced a similar piece of legislation in the 110th Congress. As chairman of the Federal Workforce Subcommittee of the House Committee on Oversight and Government Reform, the Congressman shepherded this crucial legislation through the House of Representatives, but unfortunately the measure stalled in the Senate. We are hopeful that we will get a bill to the President's desk during the 111th Congress.

Madam Speaker, the federal government should lead the way as a model employer and embrace innovative personnel policies that increase productivity while striking the right balance between family and work. By enacting the Telework Improvements Act, we have the opportunity to bolster the federal workforce, reduce traffic and carbon emissions, and improve the quality of life for our dedicated civil servants all in one fell swoop. I hope my colleagues will join me in supporting this pragmatic, commonsense legislation.

TRIBUTE TO FORMER NASA ADMINISTRATOR DR. MICHAEL D. GRIFFIN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the aerospace and aeronautics communities, and to our country, have been exceptional. The National Aeronautics and Space Administration (NASA) has been fortunate to have a dynamic and dedicated leader who has given his time and talent to advance U.S. interests in space, science and aeronautics. On January 20, 2009, Administrator Michael Griffin concluded nearly four years of service as the NASA Administrator.

Dr. Griffin was nominated by President George W. Bush and confirmed by the United States Senate as the 11th Administrator of the National Aeronautics and Space Administration. He began his term on April 14, 2005. As Administrator, Mike led the NASA team and managed its resources to advance the U.S. Vision for Space Exploration which included returning the space shuttle to flight, completing assembly of the International Space Station and development of the Ares rocket and Orion crew vehicle to return us to the moon and eventually to Mars.

Prior to his tenure with NASA, Griffin served as Space Department Head at Johns Hopkins University's Applied Physics Laboratory in Laurel, Maryland. He was previously President and Chief Operating Officer of In-Q-Tel, Inc., and also served in several positions within Orbital Sciences Corporation, Dulles, Virginia, including Chief Executive Officer of Orbital's Magellan Systems division and General Manager of the Space Systems Group. Griffin also previously served as chief engineer and as associate administrator for exploration at NASA, and as deputy for technology at the Strategic Defense Initiative Organization.

Mike Griffin is a true rocket scientist and has the post-secondary degrees to prove it. He received a bachelor's degree in physics from Johns Hopkins University; a master's degree in aerospace science from Catholic University of America; a Ph.D. in aerospace engineering from the University of Maryland; a master's degree in electrical engineering from the University of Southern California; a master's degree in applied physics from Johns Hopkins University; a master's degree in business administration from Loyola College; and a master's degree in Civil Engineering from George Washington University.

Mike Griffin is a certified flight instructor with instrument and multiengine ratings. In addition, he is a member of the National Academy of Engineering and International Academy of Astronautics, an Honorary Fellow of the American Astronautical Society, a Senior Member of the Institute of Electrical and Electronic Engineers, and a previous adjunct professor at the University of Maryland, Johns Hopkins University, and George Washington University, where he taught courses in spacecraft design, applied mathematics, guidance and navigation, compressible flow, computational fluid dynamics, spacecraft attitude control, astrodynamics and introductory aerospace engineering. He is the lead author of more than two dozen technical papers, as well as the textbook, "Space Vehicle Design." Mike is also the recipient of the Department of Defense's Distinguished Public Service Medal, the highest award given to a non-government employee.

Mike has demonstrated his ongoing passion for NASA and provided tremendous leadership for the agency in the Second Space Age. I am proud to call Mike a fellow American and friend. I know that many people around the country are grateful for his service and join me in saluting his many achievements. Whatever the future holds for him, Godspeed Mike Griffin.

CONGRATULATIONS LEXINGTON HIGH SCHOOL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. WILSON of South Carolina. Madam Speaker, during this year's Southeastern Theatre Conference (SETC) convention, which took place March 4th to 8th in Birmingham, Alabama, South Carolina's own Lexington High School earned runner-up honors for their production of "Scooter Thomas Makes It To The Top Of The World" in the High School Theatre Festival. Three Lexington High School students won recognition for their roles in the production: William Vaughan won the Best Actor Award; Luke Whitmire won the Best Supporting Actor Award; and, Danielle Peterson won the Best Assistant Director Award.

In November 2008, Lexington High School took top honors at the South Carolina Theatre Association's festival which earned them a spot in the Southeastern Theatre Conference. The play, "Scooter Thomas Makes It To The Top Of The World," written by Peter Parnell, tells the story of Dennis who travels to the funeral of his childhood friend Scooter Thomas and reflects on their relationship and the decisions they made growing up.

I wish to commend all the students involved in this production—including Lachlan Medley, stage manager; Johnny Hawley, sound and light technician; Justin Hall, master set builder; Shelly Skelly, light technician; stage hands Elliott Carter and Bradley Cockrell—as well as their director and drama teacher, Leslie Dellinger. Congratulations to Lexington High School, under the professional leadership of Principal B. Creig Tyler, for their continued dedication and support of the arts and to the success of our students and community.

HOUSING CRISIS IN THE CENTRAL VALLEY

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. CARDOZA. Madam Speaker, I rise today to remind my colleagues that the housing crisis continues to devastate communities across the country.

By all measures my district has been among the hardest hit by the foreclosure epidemic and the recession.

Constituents in Merced, California, near my hometown of Atwater, are suffering from 19.9% unemployment, the highest rate of foreclosures in the nation, and a loss of 70% of their home equity over the last three years.

They are experiencing an economic tsunami that will leave the Central Valley struggling for many years to come.

I am working on an effort to devise an Economic Disaster Area designation.

So places like my district, whose communities have been disproportionately affected by the country's recession, can receive the additional federal funding they need to keep from falling off the map.

The future of my constituents and my district is in jeopardy.

That is why I am asking my colleagues to support me in my efforts to create this Economic Disaster Area designation and to help my constituents and the entire Central Valley recover from this economic downturn.

MORRIS TOMORROW CELEBRATES 25TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today in commemoration of the Twenty Fifth Anniversary of Morris Tomorrow of Morris County, New Jersey, a vibrant organization that I am proud to represent.

Morris Tomorrow's primary mission includes focusing attention on issues of regional significance, promoting public discussion, facilitating consensus towards viable solutions, and serving as a catalyst for implementation. Founded

as Morris 2000 in 1984, the organization has managed to successfully bridge environment and business interests, working to further both causes to the mutual benefit of both.

Morris Tomorrow has established several high-profile programs that have helped define issues facing Morris County and the surrounding area. Among the programs is Midday Morris, a quarterly lecture series targeted toward business, government, civic and education leaders; Building Cross-Cultural Communities, works to address issues faced by our immigrant communities; Morris Summit, brings together local leaders from our business, government, education and nonprofit communities to explore quality of life issues. Additionally, three organizations that have proved essential to the watershed management issues that are vital to the area are offshoots of Morris Tomorrow—the Ten Towns Great Swamp Watershed Management Committee, the Rockaway River Watershed Cabinet, and the Raritan Highlands Compact.

We are privileged to have such a dynamic and dedicated non-profit organization in Morris County.

Madam Speaker, I urge you and my colleagues to join me in congratulating Morris tomorrow on the celebration of its 25 years serving Morris County.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks received as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Name of the Requesting Member: LEE TERRY.

The bill number: H.R. 1105, Omnibus Appropriations Act, 2009.

Project Name: Special Olympics Educational Programs.

Amount Requested: $6,000,000.

The legal name and address of requesting entity: 2010 Special Olympics USA National Games 8801 F Street, Omaha, Nebraska 68127.

Description of earmark: The request I made was for the 2010 Special Olympics USA National Games to assist in funding the Special Olympics' Second USA National Games. This money would be spent on logistics, security, transportation, housing and meals for athletes during the 2010 games in Nebraska. It is my understanding that this project, which included my name as a requestor, is for Special Olympics educational programs that can be integrated into classroom instruction and for activities to increase the participation of individuals with intellectual disabilities, as authorized under the Special Olympics Sport and Empowerment Act.

TRIBUTE TO GEORGIA NATIONAL GUARD'S 48TH INFANTRY BRIGADE BRAVO COMPANY SECOND BATTALION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to the Georgia National Guard's 48th Infantry Brigade Bravo Company Second Battalion, which will soon deploy for a yearlong mission to train and mentor members of the Afghan National Army.

The Bravo Company Second Battalion, based out of Newnan in Georgia's 3rd Congressional District, has trained intensely at Fort Gordon in Augusta, Fort Polk in Louisiana and Fort Stewart in southeast Georgia leading up to its deployment.

These 130 U.S. soldiers will do a great job serving their nation and assisting the Afghans in building their own proud military. They bring with them to Afghanistan a wealth of expertise and battle-tested experience.

Half of the soldiers deployed to Iraq in 2005–2006, a time of intense fighting with insurgents, and the unit suffered heavy losses. As today's unit carries on the fight, they remember and honor their fallen comrades.

On April 13, the unit will ship off to Camp Shelby, MS, before heading to their overseas destination. I look forward to taking part in community events to see them off and give them the honor and gratitude they and their families so richly deserve.

Georgians in the 3rd District are proud to have these patriots as neighbors. The soldiers of the 48th Infantry Brigade put themselves on the front lines to defend our nation and protect our freedom. The families they leave behind sacrifice just as much. We pray that God blesses their mission and watches over them until their safe return to Georgia and their loving families.

INTRODUCTION OF LEGISLATION TO GIVE DC CITIZENS A PLACE IN STATUARY HALL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Ms. NORTON. Madam Speaker, I am pleased to introduce a bill today to permit two statues honoring citizens of the District of Columbia in Statuary Hall in the Capitol, just as statues honoring citizens of States are placed in the historic hall. This legislation would allow the city to offer two statues to the Congress on behalf of D.C. residents. This bill is important to ensure equal treatment for the residents of the District of Columbia with the residents of the 50 States, who already have statues representing them in Statuary Hall.

The D.C. statues would likely be of Frederick Douglass and Pierre L'Enfant, known for their contributions to the city and to the Nation, who were selected by the D.C. Commission on the Arts and Humanities through a public process. The D.C. statues could help cure the diversity embarrassment of statues in the Capitol. When the Capitol Visitors Center (CVC) opened in December, many were surprised and embarrassed that even in the part of the CVC Congress named Emancipation Hall, to honor the slaves and free blacks who helped build the Capitol, there were no statues of African Americans. It also is an embarrassment, and an indefensible one at that, that the 600,000 American citizens who live in the nation's capital have no statues of their own, while all 50 States have statues.

On August 10, 2006, the D.C. Commission on Arts and Humanities began the process of creating the two statues to be placed in Statuary Hall, when the Commission chose Frederick Douglass and Pierre L'Enfant as the two prominent residents whose statues would represent the District of Columbia. The Commission also hired two Washington area sculptors, Steven Weitzman and Gordon Kay, to work on the sculptures of Frederick Douglass and Pierre L'Enfant. Both statues were placed in the lobby of One Judiciary Square, a District government building.

Douglass (1818–1895) was born a slave in Maryland and became a District resident in the 1870s. He held diplomatic and District appointments and is considered to be the Father of the Civil Rights Movement. Douglass also displayed his talents as an orator and journalist throughout his life here. His home in southeast Washington is a national monument that attracts hundreds of thousands of visitors annually.

L'Enfant (1754–1825), an architect, engineer and soldier, left France to serve in the American Revolution. George Washington chose L'Enfant to design the new federal city of Washington, D.C. He became a U.S. citizen and spent the remainder of his life in D.C., implementing the plan that made the Nation's capital the beautiful city it is today.

The District of Columbia was born with the Nation itself over 200 years ago. Throughout these two centuries, the city has created its very own rich and uniquely American history. In the Congress, we undermine the Nation's efforts to spread full democracy around the world. While D.C. residents have not yet obtained the same political equality and voting rights as the citizens of the States, they have all the responsibilities of the citizens of the States, including paying all Federal taxes and serving in all the Nation's wars. Today, when our residents are serving in Iraq, the least we should do is to give this city its rightful and equal place in the Capitol.

The statues would offer District residents the opportunity to enjoy the same pride that all other citizens experience when they come to their Capitol—the opportunity to view memorials that commemorate the efforts of residents who have made significant contributions to their jurisdiction and to American history.

The statue bill I introduce today is part of our "Free and Equal D.C." series, which includes the D.C. House Voting Rights Act, bills for budget autonomy and legislative autonomy, an elected district attorney position, and other bills designed to ensure that District residents, who pay Federal taxes and fight in wars like other Americans, are granted the same privileges as other Americans.

TRIBUTE TO ROBIN TORELLO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. STARK. Madam Speaker, I rise today to pay tribute to Robin Torello, a resident of San Leandro, California. Ms. Torello has been selected as the 2009 Woman of the Year for the 10th Senatorial District, represented by California State Senator Ellen Corbett.

Since 1987, in conjunction with Women's History Month, California Senators and Assembly Members invite one woman from their respective districts to the Capitol in Sacramento to be recognized as Woman of the Year in a formal ceremony on the floors of the Senate and Assembly. I am proud to share with my colleagues in the House of Representatives that Robin Torello was so chosen.

Robin Torello continues to serve as a role model for women in her community and generations to come. She has distinguished herself professionally in the area of employee benefits. She has vast knowledge and experience in this area and currently serves as a Senior Associate Consultant in the San Francisco office of Mercer. Ms. Torello identifies client-employee benefit program needs and works with clients for appropriate solutions. Ms.Torello utilizes her exemplary skills, expertise and experience in such specific areas as plan design development and implementation, renewal negotiations, financial analysis, legislative compliance, project management, and strategic planning.

In addition to her professional responsibilities, Ms. Torello is active in the community and serves as an executive board member and chair of several organizations. She has given much of her time and effort in fostering participation in the political process, engaging the public on important issues, developing candidate recruitment and training programs, and increasing voter education.

Ms. Torello earned a Bachelor of Science degree in history and political science from Central Connecticut State College in 1974 and received a Master of Public Administration degree from California State University, Hayward in 1986. She also holds a life agent license issued by the California Department of Insurance.

I am pleased to recognize the achievements of Robin Torello as she receives the California Woman of the Year award. I join California State Senator Ellen Corbett in commending Ms. Torello on her outstanding record of professional and civic leadership.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I intended to vote "nay" on rollcall vote 140 to H.R. 1388 taken on March 18, 2009. The CONGRESSIONAL RECORD currently lists me as an "aye" vote on this measure. As a conservative, I cannot support the federal government paying individuals to volunteer their time, especially in a period of record federal deficits and budget constraints facing American families.

CLAIRTON BEARS WPIAL CHAMPIONS

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. DOYLE. Madam Speaker, I rise today to ask my colleagues to join me in congratulating the Clairton Bears on a stellar high school football season.

For the first time in their school's history, the Bears reached the State championship game. This accomplishment topped an undefeated regular season and a WPIAL title.

These great accomplishments were the result of fantastic coaching and consistently outstanding performances by the team's staff and players.

The staff consisted of head coach Tom Nola and assistant coaches Mike LeDonne, Demonje Rosser, Remondo Williams, Tim Borkowski, John DeMarco, Tony St. Angelo, Tony Ferrare, and Wayne Wade.

The players consisted of 9 seniors—Malcolm Ford, Troy Webb, Andrew Currington, CJ Hammonds, Kailon Lyons, Eyan Johnson, Lance Meade, David Spence, and Taylor Wright as well as underclassmen Kevin Weatherspoon, Deontae Howard, Josh Page, Brandon Small, Eddie Ball, Remondo Williams, Desimon Green, Trenton Coles, Julian McLean, Bishop Neal, Geron Johnson, Devante Dockery, Kevin Poindexter, Devante Gardlock, Marcus Nash, Antwon Thompson, Brian Boyd, Carvan Thompson, Donzel Daniels, Chanze James, Keith Craven, Devonte Doss, Marquis Norris, Shawn Thomas, Ezekial Williams, and Wesley Sutton. The hard work, dedication, and teamwork these young men displayed throughout the season produced a once in a lifetime opportunity for the graduating seniors to play in the big game before leaving their high school.

Pittsburgh once again has lived up to its name as the "City of Champions" producing a great team like the Clairton Bears. I wish the Bears and their program success in the seasons to follow and congratulate them once again on a fantastic season.

TRIBUTE TO THE BELL COUNTY HIGH SCHOOL FOOTBALL TEAM 2008–2009

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to the 2008–2009 Bell County High School Football Team, who captured the Kentucky High School Athletic Association Class 4–A State Championship Title. The tremendous athletes should be proud of their talent and ability, and know that I am honored to recognize their athletic achievement.

Bell County has a long history of great football teams. The Bobcats have defeated formidable opponents in years pasts and gone on to win multiple championships, along with district and regional titles. This year's State Championship should come as no surprise given the drive and dedication in each of the team's players.

The Bell County Bobcats defeated a tough team from Bullitt East, winning 15–13 in the State final. More than six thousand fans filled the Cardinal Stadium to witness these focused young men put their athletic ability and knowledge of the game to the highest test. The Bobcats dominated the second half of the football game, scoring 15 unanswered points and stopping a two-point conversion attempt by the young men of Bullitt East with a mere ten seconds left.

This Championship Title reflects the wisdom of their coach, Dudley Hilton. Coach Hilton led the Bobcats to their first undefeated season with 15 straight wins and the team's second State Title. The team's unwavering determination was demonstrated in the last three games of this season's playoffs when each time they came back from behind to claim victory. These experiences and life lessons learned on the field will be carried on after the game and continue to shape these athletes into young men of promise and outstanding character.

It is my hope that this Championship will inspire not only young men on this team, but younger generations, to have the same determination when they face obstacles later in life. Commitment, courage and character was demonstrated by each and every one of these teammates and these qualities will bring continued success both on and off the field.

Madam Speaker, I ask my colleagues to join me in honoring coach Dudley Hilton and the Bell County High School 2008–2009 Football Team as the KHSAA Class 4A State Champions. Bell County's continued success has helped to shape the lives of so many students and members of the community, and I congratulate them and wish them all the best in the years to come.

INTRODUCING THE FAMILY LEAVE INSURANCE ACT OF 2009

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. STARK. Madam Speaker, I rise today with Representatives GEORGE MILLER, LYNN WOOLSEY, and CAROLYN MALONEY to introduce the Family Leave Insurance Act of 2009. This legislation will support our nation's working families by providing 12 weeks of paid leave for all workers to care for a sick family member, bond with a new child, deal with the military deployment of a family member, or recover from their own serious illness.

Sixteen years ago, Congress passed the landmark Family and Medical Leave Act (FMLA) to provide job-protected leave for new parents and individuals caring for ill family members. Since then, more than 100 million families have benefited from this law. While the FMLA has proved vitally important for many families, it remains incomplete because it requires only unpaid leave and applies only to companies with 50 or more employees—less than half the workforce.

Millions of men and women are not protected by the FMLA or simply cannot afford to

take unpaid leave—especially in these tough economic times. A recent study found that about 75 percent of FMLA-eligible workers did not take leave because they could not afford it—and according to the Department of Labor, only 8 percent of private employers provide paid leave. This is taking a toll on families—a report in 1999 by the President's Council of Economic Advisers found that since 1969, children have lost 22 hours per week with their parents.

The United States is nearly alone in the world in not providing some type of paid family leave. Only three other countries—Liberia, Papua New Guinea, and Swaziland—fail to provide security for new parents or those caring for a loved one. The Family Leave Insurance Act would bring the United States up to date with the rest of the world and allow millions of workers to take care of their families while still being able to make ends meet.

Paid leave provides real benefits for children and families. A Harvard School of Public Health study found that the education and health of children improves substantially when parents have work flexibility and paid leave. When parents are able to act as caregivers for a sick child, hospital stays are reduced by 31 percent. Parental involvement is also associated with higher achievement in language and math, improved behavior, and lower dropout rates.

Paid leave is also a boon to businesses and workers. For workers, paid leave means employment and financial security and improved job satisfaction. For businesses, paid leave means less turnover and increased productivity. Research indicates that 98 percent of employees return to work for the same employer after taking family and medical leave.

My home state of California has led the country in providing access to paid leave (albeit only six weeks) and flexible use of sick days. This law has helped California's families and businesses. According to a Harvard study, California had a lower rate of foreclosures than other states due to income loss arising from a personal illness or the need to care for a sick household member. Despite initial protest by California's business community against the paid leave law, most employers now agree that this investment in their workers is also a wise investment for their business. The Family Leave Insurance Act builds on California's successful experience to enact a federal paid leave law.

More specifically, the bill:

Provides all workers with 12 weeks of paid leave over a 12-month period to care for a new child, provide for an ill family member (including a domestic partner or the child of a domestic partner), treat their own illness, or deal with an exigency caused by the deployment of a member of the military;

Creates a new trust fund to run the program. It is financed equally by employers and employees, who will each contribute 0.2% of employee wages;

Progressively tiers the benefits so that low wage workers (earning less than $30,000) will receive full or near full salary replacement, middle income workers ($30,000–$60,000) receive 55% wage replacement, and higher earners (over $60,000) receive 40–45%, with the benefit capped at approximately $800 per week;

Administers the program through the Department of Labor, which will contract with states to administer the program (similar to how the Unemployment Insurance program is run).

The FMLA has helped individuals meet their employment and family obligations without jeopardizing their job. Now—more than ever—workers' financial obligations must be provided the same security. I urge my colleagues to cosponsor the Family Leave Insurance Act. All workers deserve the chance to care for their families and still be able to pay the bills.

RECOGNIZING 188TH ANNIVERSARY OF GREEK INDEPENDENCE

SPEECH OF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mr. PALLONE. Mr. Speaker, I am proud to join with several of my colleagues this evening in celebrating the 188th anniversary of Greek Independence from the Ottoman Empire. Tonight is also a celebration of a society that represents, in a historical sense, the origins of what we call Western culture, and, in a contemporary sense, one of the staunchest defenders of Western society and values.

In celebrating this anniversary, I am reminded of comments made nearly two centuries ago, by Massachusetts Congressman Daniel Webster. Congressman Webster spoke of the noble fight that would end 400 years of rule by the Ottoman Empire.

Webster stated, 'These [Greek] people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the atrocious and unparalleled Tartarian barbarism that ever oppressed the human race.'

The world has greatly benefited from Greek civilization and owes to them the values of democracy that we hold dear. In the years since Greek Independence, Americans and Greeks have grown ever closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom, human rights and close personal friendship.

Mr. Speaker, while we celebrate Greek Independence this evening, it's also important we recognize that Greeks continue to battle oppression from present day Turkey in Cyprus and that Greeks living in Turkey today continue to face discrimination.

Just as Greece gained its independence 188 years ago this month, it is now important that our nation work with the United Nations and with the government of Cyprus to once again unify the island and protect the rights of Greeks everywhere.

Over the past few years, I have become deeply concerned that our government's actions and policies towards Cyprus will make it more difficult to reunify a nation that has been broken apart for more than three decades. I was disappointed that the previous administration's U.S. Department of State opened its fly zone with the occupied part of Cyprus. I was also concerned that the State Department resumed trade with the occupied north through ports that were declared closed after the invasion in 1974. This action ignored Cyprus' domestic law, as well as international law that prohibits entering Cyprus through an illegal port in the north.

Mr. Speaker, we now have a new Administration and a new Secretary of State. I am encouraged that we can take tangible steps to solve the problems in Cyprus through reunifying the Country. I will continue to encourage Secretary Clinton to take a historic look at the Cyprus problem over the past 34 years. It's important to look at this problem through the perspective of three decades of illegal actions on the Turkish side.

As we celebrate Greek Independence and the cultural gifts that the Greek community has given to the world, I remain deeply dismayed by Turkey's continued discrimination against Greeks today in Turkey. I am glad that Secretary Clinton, on her recent visit to Turkey, discussed the issues of Ankara's refusal to recognize the Ecumenical status of the Greek Orthodox Patriarch. The United States cannot let Turkey continue these abuses of religious freedoms.

The Department of State's 2008 Human Rights Report on Turkey lists a litany of abuses including systematic dismantling of property rights, limited education opportunities, and vandalism of religious properties of Greeks living in Turkey. This report shows that minorities are treated like second-class citizens.

Mr. Speaker, I am hopeful that the United States can reverse its prior path. We must work with the international community to ensure that one day soon, like Greece, the island of Cyprus will be unified and free. We must work to make sure that Greeks do not face discrimination in Turkey.

Tonight, I applaud the determination Greek's showed 188 years ago to overcome the Ottoman Empire, and restore democracy in the place of its birth.

PAYING TRIBUTE TO FLORENCE M. RICE ON HER 90TH BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to congratulate my good friend Florence Rice as she joins her family, long time friends, and the Harlem community together in celebration of her 90th Birthday. This momentous and joyous occasion is being celebrated with an extraordinary affair today at Noon in the Church of the Intercession in my beloved village of Harlem.

Florence M. Rice was born on March 22, 1919 in Buffalo, New York. She is the founder of the Harlem Consumer Education Council. During her childhood, Rice spent several years in the Colored Orphan Asylum and in several foster homes in New York. Upon completion of the eighth grade, Rice left school for work as a domestic seamstress where she became a member of the International Ladies Garment Workers Union. Rice spoke out against the discriminatory practices against African American and Latino workers. She participated in Harlem Congressman Adam Clayton Powell, Jr.'s 1962 congressional hearing, which probed dressmaker union's policies and after testifying, she was blacklisted.

In the 1960s, Rice founded the Harlem Consumer Education Council, waging a war

against corporations who discriminated against African Americans and other minorities. The Council organized many successful New York City boycotts and picket lines against grocery stores, furniture stores, and individuals found to be overcharging minorities. Rice's biggest victory was against the New York State Public Service Commission, forcing New York Telephone to stop charging low income residents pre-installation fees. The Harlem Consumer Education Council investigated over 100,000 complaints.

Appointed Special Consultant to the Consumer Advisory Council of the Federal Reserve Board in the 1970s, Rice also taught consumer education at Malcolm-King College and has lectured to thousands at her workshops and seminars. In the 1990s, Rice was responsible for the Bell Atlantic Technology Center in Harlem. The center is dedicated to educating business people, students, senior citizens and other customers about the latest advances in telecommunication technologies. She has lectured in several countries, including South Africa where she was named a delegate in the first World Consumer Congress.

Florence continues to work as the first lady of consumer education in my beloved Village of Harlem. She is famed for her extraordinary commitment, energy, wisdom, discipline, principle, and clear purpose which have won the admiration of all who are privileged to come to know and work with her. I consider myself fortunate to have the opportunity to observe and experience her example as a personal inspiration.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring and congratulating Florence Rice on her historic 90th Birthday. Her constant dedication and commitment to our community is worthy of the highest esteem.

HONORING ST. FRANCIS BORGIA BOYS BASKETBALL TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating the St. Francis Borgia Boys Basketball team for winning the Class 4 A Missouri State Championship on March 14th.

The Knights were hungry for a win and that hunger showed.

Armed with a tenacious defense that forced 17 turnovers and fueled by their high-powered offense, the Knights walked away with a convincing 59-41 victory over the Kearney Bulldogs.

The young men and their coaches should be commended for all their hard work throughout the regular season and the playoffs.

And it just goes to show that a strong defense is the foundation for a winning offense.

I ask that you join me in recognizing the St. Francis Borgia Knights for a job well done!

IN TRIBUTE TO THE HONORABLE GEORGE NAPOLITANO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to George Napolitano, who passed away last week after a courageous battle with cancer. George was a great friend, a dedicated community leader and a devoted family man. He was one of the best men I have ever known. People loved George. He was kind, good-hearted, compassionate and hard-working. He will be sorely missed. To know George, was to love him. He was one of the world's really good people.

George made a lifelong commitment to community service. No matter how many other obligations he had, he could always be counted on to pitch in and take an active role. He was a member of the Tri-State Italian American Congress, a charter member of the Sons of Italy in Manhattan which he proudly served as President and a charter member of the Knights of Columbus where he was instrumental in coordinating the Youth Program. He was very active in the Powhatan Democratic Club, most recently serving as District Leader for the club. While his daughter attended high school, he was Chairman of the Parents' Association of St. Vincent Ferrer High School. For his work as a Lector and Eucharist Minister and his commitment to the Holy Name Society he was honored by the Brooklyn Diocesan Union.

He was particularly active in the Holy Name Society of the Immaculate Conception Parish. During his tenure as President, the organization experienced unprecedented growth. He also co-chaired numerous Holy Name Society dinner dances which raised funds for grants for graduating students. His hard work and selfless dedication made a real difference in the lives of many young people and community members. For his many contributions, in 2002 he was named Man of the Year and presented with an award at their annual dinner dance.

George was eventually offered an opportunity to make his community activism a career. For ten years, George worked as a legislative aide to former Assemblyman Denis J. Butler. Most recently, he joined my staff and, at the time of his death, he was managing my Queens office. He was a truly dedicated community leader who really understood what was going on in the neighborhood he served. My constituents knew that George would always offer them good advice and assistance. After he became ill, George remained deeply involved in community affairs. He attended every community meeting he could and remained active right up to the end.

George was born and raised in the Little Italy section of New York City. He attended St. Patrick's Old Cathedral School and All Hallows High School before matriculating at St. John's University where he completed his BA. Following his study at St. John's, Mr. Napolitano began working in the financial sector. In 1960, he left business to serve his country in the military. Stationed in Ft. Rucker, Alabama he was placed in charge of the Officers Payroll Department. Typically, he used his time to become involved in the community life on the base. He coached the base's Little League team to a State Championship. George was granted an honorable discharge as Sergeant and completed an additional four years reserve training. After his service, Mr. Napolitano returned to his career in the private sector working again in the financial district before beginning a career in real estate and insurance. Along with his many other commitments, Mr. Napolitano also operates his own real estate and insurance business in Queens, New York. George leaves behind his beloved wife, Carol, his four children, Deana, Denise, Catherine, and Robert, and several grandchildren.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the life and career of a truly good man, George Napolitano.

HONORING GARNER ''MACK'' GOODE FOR HIS LONG SERVICE TO OUR COMMUNITY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TANNER. Madam Speaker, I rise today to honor my friend Garner ''Mack'' Goode, a long-time leader in West Tennessee, who is retiring this month after more than four decades on the Crockett County Election Commission and who continues to serve our area in many other capacities.

Governor Buford Ellington and the State Board of Election Supervisors first appointed Mack as a Democratic member the Commission of Elections for Crockett County in 1967. He has remained on the board for 41 years.

Mack is also Chairman of the Gibson Electric Membership Cooperative Board of Trustees, which is important to rural communities all across West Tennessee. Mack's family has been involved in West Tennessee farming for decades, and Mack continues to manage 900 acres of crops. He also spent 42 years at the Bank of Alamo, including in the position of President and CEO. Mack served for 15 years on the Crockett County Board of Education and nine years on the Alamo City School Board. He has also served as Alamo City Alderman, a member of the Alamo/Crockett County Rotary Club and a member of the Alamo Jaycees.

Mack has done a considerable amount of volunteer work in our area over the years, including 32 years with the Crockett County Rescue Squad and 26 years with the Alamo Fire Department. He has served on the Crockett County Emergency Management Board, as a Partner in Education for Alamo City School, as a supporter of various charitable organizations and as co-founder of the Mack and Mary June Goode ''Special Needs Fund for Alamo City School'' Foundation.

In between his community service and farming, Mack enjoys spending time with his wife Mary June Goode and their family. Their children are Bobby and Melinda Goode, and Reecha Black. Their grandchildren are Brandi and Rick Wilson, Garner and Rachel Goode, Jenna Black, Crockett Goode and Jessie Black. They have three great grandchildren, Lee Wilson, Mary Wilson and Luke Wilson. Mack is also an avid hunter, fisherman and golfer.

We know that as Mack will continue to be active in our community. His leadership and counsel will remain important to us as we work together to help increase industrial development in Crockett County and across rural West Tennessee.

Madam Speaker, I hope you and our colleagues will join me as we thank Mack Goode for his long community service, congratulate him on his 41 years on the Crockett County Elections Commission and wish him and his family all the best.

IN HONOR OF THE LIFE OF FOUNTAIN HILLS COUNCILMEMBER KEITH McMAHAN

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. MITCHELL. Madam Speaker, I rise today to honor the life of Councilmember Keith McMahan of Fountain Hills and to recognize the many significant contributions he made to our community.

On March 17 Keith passed away of natural causes at the age of 70.

During the time he lived in Fountain Hills, Keith was a strong force behind the growth and prosperity of the town. Keith served as the advertising and tourism chairman while also serving on their Board of Directors for the Fountain Hills Chamber of Commerce for many years. In addition to serving as a member of the Town Council, Keith was a local small business owner and formed his own advertising agency in 1991 to cater to area clients. Keith was even named ''Business Person of the Year'' by the Chamber of Commerce in 1997.

Keith is well-known for his leadership abilities not only within the Town Council, but in the Fountain Hills community as well. Most notably, he was an active member of the Fountain Hills Civic Association, Fountain Hills Historical Society Board of Directors, and the Fountain Hills School Board. In addition, Keith participated extensively in the Fountain Festival held by the Chamber of Commerce, helping out on 30 different occasions.

Madam Speaker, please join me in commemorating the life of Keith McMahan's life and remembering the strong and positive impact he left on his community and the many people who knew and loved him.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. BARTLETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Bill Number: H.R. 1105

Account: Salaries and Expenses

Legal Name of Requesting Entity: Harry R. Hughes Center for Agro Ecology

Address of Requesting Entity: PO Box 169 124 Wry Narrows Dr, Queenstown, MD 21658

Description of Request: This program was $499,000 funding to be used for research that specifically addresses the recommendations contained in the Maryland Statewide Plan for Agricultural Policy and Resource Plan Ensuring a Sustainable Forest Future.

Bill Number: H.R. 1105

Account: Conservation Operations

Legal Name of Requesting Entity: Natural Resources Conservation Services

Address of Requesting Entity: 14th and Independence Ave SW, Washington, DC 20250

Description of Request: Chesapeake Bay Activities. This program was funded $3,998,000. Since 2003 the AG. Appropriations bill has included an earmark for the Chesapeake Bay in Maryland. Although this earmark has previously not been in addition to state funds, the Task Force encourages the committee to make this request additive.

Bill Number: H.R. 1105

Account: National Institute of Standards and Technology

Legal Name of Requesting Entity: UMBC Nano Center

Address of Requesting Entity: College Park, MD

Description of Request: Nanotechnology Research and Development. Funded $2,000,000 Develop ultrafast dynamics technologies with fundamentally expand the scope of nanotechnology. The funding would be used for research and technology.

Bill Number: H.R. 1105

Account: NOAA National Marine Fisheries Service Operations, Research and Facilities

Legal Name of Requesting Entity: Blue Crab Advanced Research Consortium at UMBI

Address of Requesting Entity: 701 East Pratt St, Baltimore, MD 21202

Description of Request: Blue Crab Research Funding $50,000. Funds research and aquaculture for restoring the blue crabs. The Blue Crab Advanced Research Consortium was created to address the sharp decline in Blue Crab harvests in the Chesapeake Bay.

Bill Number: H.R. 1105

Account: NOAA National Marine Fisheries Service Operations, Research and Facilities

Legal Name of Requesting Entity: NOAA Chesapeake Bay Office

Address of Requesting Entity: 410 Severn Ave, Annapolis, MD 21403

Description of Request: Oyster Habitat Funding $4,600,000. This project would fund native oyster restoration in both Maryland and Virginia portions of the Chesapeake Bay.

Bill Number: H.R. 1105

Account: NOAA National Weather Service Operations, Research and Facilities

Legal Name of Requesting Entity: University of Maryland

Address of Requesting Entity: College Park Maryland 20742

Description of Request: Climate Impacts Funding $1,000,000 to advance and integrate all essential elements in climate change science, economics and policy, and bring the resulting models and tools to bear on issues of climate impacts and adaptation in the Mid Atlantic Region.

Bill Number: H.R. 1105

Account: NOAA National Marine Fisheries Service Operations, Research and Facilities

Legal Name of Requesting Entity:

Address of Requesting Entity:

Description of Request: Virginia Trawling Survey funding $150,000. Virginia Trawling Survey, this survey completed at Institute of Marine Science, provides the longest time series of fisheries monitoring data in the Chesapeake Bay.

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Frederick County Sheriffs Department

Address of Requesting Entity: 110 Airport Drive East, Frederick, MD 21701

Description of Request: Funding $500,000 Frederick County Sheriffs Office Automated Fingerprint Identification. Funding would be used for purchasing 10 handheld biometric identification units with mugshot capability and providing for an automated fingerprint, facial recognition and biometric identifiers.

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Harford County Executive

Address of Requesting Entity: 220 S. Main St, Bel Air, MD

Description of Request: Public Safety Network Technology Upgrades Funded $365,000. Purchase and implement equipment designed to expand and enhance the capabilities of the Harford County Public Safety Network. The total cost is $1,454,242 and Harford County has committed $1,091,017 to support this project. By enhancing interoperability communications capabilities, Harford County can improve its ability to protect its resident's as well as public safety personnel.

Bill Number: H.R. 1105

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Hagerstown, Office of City Administrator

Address of Requesting Entity: 1 East Franklin St., Hagerstown, MD 21740

Description of Request: Funding $300,000. City of Hagerstown drinking water system. The funding would replace the two transmission mains that provide service directly to Zone 1 and currently to the West End Reservoir.

Bill Number: H.R. 1105

Account: MRT-Construction

Legal Name of Requesting Entity: MD Dept of Natural Resources

Address of Requesting Entity: 580 Taylor Ave Annapolis MD 21401

Description of Request: Funded $2,000,000 Continue efforts by the Army Corps of Engineers to design and build oyster reefs in the Chesapeake Bay. Activities include construction of oyster bars and reeds, rehabilitation of existing marginal habitat and construction of oyster hatcheries.

Bill Number: H.R. 1105

Account: EERE-Other

Legal Name of Requesting Entity: Frostburg State University

Address of Requesting Entity: Department of Physics and Engineering, Frostburg, MD

Description of Request: Funding $856,350 Construction of the Sustainable Energy Research Facility (SERF) Phase 2 will provide additional funding to finish the construction and allow purchase of research equipment and appointment of staff to study the effectiveness of sustainable energy in the Appalachia. SERF is a residential type green building.

Bill Number: H.R. 1105

Account: Salaries and Expenses

Legal Name of Requesting Entity: City of Hagerstown

Address of Requesting Entity: Hagerstown, MD

Description of Request: Funded $100,000. The program will offer assistance needed to develop minorities and women into successful business owners. The city developed the program to create opportunities and increase their number, magnitude and success rate. Hagerstown plans an aggressive outreach and support program designed to increase the number of minority and women owned businesses in the City.

Bill Number: H.R. 1105

Account: Transportation, Planning, Research and Development

Legal Name of Requesting Entity: Assistant Secretary of Transportation

Address of Requesting Entity: PO Box 548 7201 Corporate Center Dr., Hanover, MD 21076

Description of Request: Funding $712,500. To continue work on the upgrading of 5.3 miles of I–70 Improvement, this project will address safety concerns and relieve congestion on a heavily traveled roadway.

Bill Number: H.R. 1105

Account: Transportation Planning, Research and Development

Legal Name of Requesting Entity: Assistant Secretary of Transportation

Address of Requesting Entity: PO Box 548 7201 Corporate Center Dr. Hanover, MD 21076

Description of Request: Funding $95,000 Upgrade I–81 Improvements between the West Virginia and Pennsylvania state lines to improve safety and reduce congestion. This project will address safety concerns and relieve congestion on a heavily traveled roadway.

Bill Number: H.R. 1105

Account: Transportation Planning, Research and Development

Legal Name of Requesting Entity: Director of Economics Development City of Frederick

Address of Requesting Entity: 101 North Court Street, Frederick MD 21701

Description of Request: Funding $285,000 US 15 and Catoctin Mountain Highway Construction of a full grade separated urban diamond interchange at the intersection of US 15 and Catoctin Mountain Highway with Christophers Crossing/Monocacy Boulevard. This is on e of the primary access points to Fort Detrick.

Bill Number: H.R. 1105

Account: Transportation Planning, Research and Development

Legal Name of Requesting Entity: City of Hagerstown, City Engineer

Address of Requesting Entity: 1 E. Franklin St. Hagerstown, MD 21740

Description of Request: Funding $380,000 Eastern Boulevard Widening and grade separation from MD RT64 to Antietam Blvd. This will result in better traffic flow and will eliminate congestion at the current Eastern Blvd/North Ave/Potomac Street intersection

Bill Number: H.R. 1105

Account: Transportation Planning, Research and Development

Legal Name of Requesting Entity: Board of County Commissioners of Washington Co., MD

Address of Requesting Entity: 100 W. Washington St. Hagerstown, MD 21740

Description of Request: Funding $95,000 Hagerstown Area Northeast By-Pass Project is to conduct a planned level analysis for he construction of the Hagerstown MD vicinity. This highway would connect to I–70 on the east and I–81 toward the north.

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Frederick Community College and Carroll Community College

Address of Requesting Entity: 7932 Opossumtown Pike, Frederick, MD 21702

Description of Request: Funding $143,000 used for construction of laboratories and classrooms, staff salaries and leasing costs. Howard, Frederick and Carroll Community Colleges are partnering with health providers to offer education in specific health care fields in Mt. Airy, Maryland. The facility would be know as the Mid-Maryland Community College Allied Healthcare Education Center.

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Washington County Hospital

Address of Requesting Entity: 251 East Antietam Street, Hagerstown, MD 21740

Description of Request: Funding $285,000 Purchase new Angioplasty room, upgrading technology would help address the growing need for Angioplasty procedures in the Maryland, Pennsylvania, and West Virginia Region.

CONGRATULATING MARIE MAIER OF HOPE TOWNSHIP, NEW JERSEY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. LANCE. Madam Speaker, I rise today to congratulate Marie A. Maier of Hope Township, New Jersey as she reaches an amazing milestone in life and celebrates her 100th birthday on Thursday, March 26, 2009 with her family, friends and local community and governmental leaders.

I have personally known Marie Maier for many years and she has always been a wonderful inspiration to everyone around her. This is exceptionally so for members of her family, her friends and her neighbors.

Marie A. Kroener was born on March 26, 1909 in New York City to Henry and Evan Kroener. On November 29, 1933, she was married to Hermann R. Maier and she enjoyed an outstanding business career as a legal assistant for what is now modern day Texaco. She also served as an accountant for her husband's business, Educational Placements, and worked in her father's restaurant and microbrewery on Staten Island.

Marie and her husband founded Educational Products Company, which manufactured the first plastic cookie cutters in the United States and they further distinguished themselves as the owners-operators of the renowned Land of Make Believe, which is the oldest and largest water and amusement park in New Jersey.

Additionally, Marie has given generously of her time, talents and resources to a wide range of civic and community organizations, including as one of the founding members of the Sussex and North Warren Girls Scouts Council and President of North Warren Girl Scouts Council, as Past President of the Hope Historical Society and as an active and tireless member of the Blair Women's Club.

Marie takes pride in her children and she takes especial delight in her two grandchildren and four great-grandchildren. As she observes the important milestone of her 100th birthday, her family, friends and community leaders are especially appreciative of her valuable and irreplaceable presence in their lives.

Marie Maier continues to make amazing contributions to her family and to her community.

It is my pleasure to congratulate her on her 100th birthday and to share her wonder life story with my colleagues in the United States Congress and with the American people.

CELEBRATING THE LIFE OF EARL LLOYD

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to celebrate and acknowledge the achievements of a trailblazer in the National Basketball Association. Earl Lloyd retired to Cumberland County, Tennessee, in my Congressional District after a distinguished career as a basketball player and coach and with a historic superlative: the first African American to play in the NBA.

After a promising start at West Virginia, Mr. Lloyd was drafted to play with the Washington Capitols in the NBA. Soon thereafter, he signed with the Syracuse Nationals. In 1955, after three years with the Nationals, Mr. Lloyd set another milestone by helping to lead his team to an NBA Championship, making him one of the first two African Americans to win a Championship. Players and sportscasters nicknamed Mr. Lloyd ''The Big Cat'' for his height and speed, and he finished his playing career with an average of 8.4 points and 6.4 rebounds per game.

With an enviable career in the NBA behind him, Mr. Lloyd continued on in the NBA as an assistant coach with the Detroit Pistons. Years later, after marrying and raising two children, Mr. Lloyd marked another first for African Americans when he was promoted as a nonplaying coach with the Detroit Pistons.

Chicago sportscaster Johnny Kerr once remarked in Sports Illustrated that if people know who Jackie Robinson is, why don't they know about Earl Lloyd? Mr. Lloyd might say that his achievement went unnoticed because basketball, as a sport, had yet to really capture the attention of a wide American audience. People who know Mr. Lloyd well, however, will speak to his humility in the face of all he has accomplished.

I ask that my colleagues rise with me today to recognize the life's work of a trailblazer who did so much for his sport and for African Americans across the country.

EARMARK DECLARATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. ALEXANDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Interior, Environmental Protection Agency

Legal Name of Requesting Entity: City of Baton Rouge

Address of Requesting Entity: 222 St. Louis Street, Baton Rouge, LA 70821

Description of Request: City of East Baton Rouge for Sewer System Improvements. East Baton Rouge Parish, under a consent decree with the EPA for sewer system overflows, is replacing and repairing much of its outdated and deteriorating decades-old sewer system. As part of this effort, the Parish is rehabilitating, upgrading, and/or replacing many of the major sanitary sewer trunk lines and pump stations transporting flow to the South Wastewater Treatment Plant (SWWTP). The SWWTP services an area of approximately 44,000 acres with a population of approximately 210,000 people, and has a plant design capacity of 120MGD. The Service area comprises much of the southern portion of the Parish, including portions of Downtown Baton Rouge, the Baton Rouge Community College, and Louisiana State University. This area is experiencing significant population growth due to the effects of Hurricanes Katrina and Rita, as well as ongoing regional development. The City/Parish has already expended approximately $500,000,000 in improvements to all three of its sanitary sewer collection and treatment facilities, and is scheduled to expend another $1,200,000,000 to address the system's sanitary sewer overflow (SSO) issues under the consent decree. Improvements in the SWWTP service area are necessary to meet sewer disposal needs and to protect the public health.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Interior, Environmental Protection Agency

Legal Name of Requesting Entity: City of West Monroe

Address of Requesting Entity: 2305 North 7th Street, West Monroe, LA 71291

Description of Request: City of Monroe, Monroe Wastewater Treatment System. Treatment of Wastewater to Drinking Water Quality for Sparta Aquifer Preservation & Industry Reuse saves the overdraw of the Sparta Aquifer by recycling existing Wastewater and plans for additional flow. This project cuts the deficit of Sparta by about half. It will benefit 14 parishes in NE Louisiana that use the Sparta and will limit most of the Municipal Discharge into the Ouachita River.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Agricultural Research Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Delta Nutrition Initiative, Little Rock, AR. Louisiana ranks 4th in adult obesity and the obesity rate for children have tripled over the past 3 decades. Due to this, childhood obesity prevention in Louisiana has become the LSU AgCenter's Family and Consumer Sciences Extension and Outreach Division's focus. We are requesting $705,000 dollars to implement the USDA Fruit and Vegetable Snack Program (FVSP) in selected schools. This program will expand nutrition education outreach and applied research already being implemented by an established grassroots network of Extension educators in every parish. Underway is a tri-state initiative, Delta HOPE, to address childhood obesity in the poverty-stricken Delta region of Louisiana, Mississippi, and Arkansas. The AgCenter also has a public-private partnership with Blue Cross Blue Shield of Louisiana to conduct and evaluate an interactive educational program called Smart Bodies to teach children how to build strong bodies and develop active minds. Federal dollars will be used to leverage state and private dollars to implement and evaluate the USDA FVSP. Grants will be given to selected public schools participating in Smart Bodies to purchase fruits and vegetables for students to consume throughout the school day. This program will not only improve children's health behaviors, but increase consumption of agricultural commodities

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Agricultural Research Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Formosan Subterranean Termites Research, New Orleans, LA. The Formosan subterranean termite has infested 32 of the 64 parishes in Louisiana, with the most severe infestations in the New Orleans and Lake Charles areas. This insect has caused millions of dollars worth of damage with an astonishing $300 million impact in New Orleans alone. Clearly, it is the most costly pest in the state and the management of this termite is essential to Louisiana's economic well-being. For the last seven years, the LSU AgCenter has participated in the USDA/ARS project, Operation Fullstop. The AgCenter is the lead agency in management programs for this termite in the French Quarter and 16 public schools in Orleans and Jefferson parishes. From the $31,800,000 appropriation to ARS, the AgCenter has received approximately $8.5 million since the initial appropriation in FY 1998. Sixty-four percent (64%) or ($6,874,724) of these funds has been pass-through money to the pest control operators and thirty-six percent (36%) or ($2,770,606) has been used to conduct research and extension educational programs. During the past year, the AgCenter received $1,340,006. Of that amount, $282,163, or approximately twenty-one and one-half percent (21.5%), was for research and extension activities. The remaining $1,057,843, or seventy-eight and one half percent (78.5%), was for the PCO operators. We are requesting an increase to $500,000 to expand our research and extension programs. Research would focus on improved termite detection systems, evaluation of wood treatment products for protecting building materials, and enhancement of bait technology among others. Extension would continue to provide the critical tasks of educating the citizenry on all aspects of integrated pest management (IPM) of structural pests.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Animal and Plant Health Inspection Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Blackbird Management, Louisiana. Blackbird depredation of rice is a serious economic problem facing rice producers in Louisiana. Depredation of rice occurs at planting and just prior to harvest; however, the most serious problem is depredation of rice seed and seedlings at planting. Yield losses due to blackbird depredation have been estimated to vary from 77 million pounds in 1995 to slightly over 93 million pounds in 2002. Economic losses associated with blackbird damage have been estimated to average $9.3 million annually from 1995 to 2002. Damage does not occur uniformly across the state; consequently, severe economic losses may be experienced by some producers due to the concentration of blackbirds in a given area. The use of DRC-1339 has resulted in reducing the extent of damage and the magnitude of economic loss. DRC-1339 is a selective avicide specific to blackbirds, grackles, and starlings. As a result, reduction in blackbird damage to rice is achieved with little or no effect upon other bird species.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Aquaculture, LA. Louisiana contains one of the most diverse aquaculture industries in the U.S. The state continues to lead the nation in production of crawfish, oyster, alligator, and pet turtle sales. Catfish production has declined in recent years but is still important. The total farm-gate value of aquaculture production in 2008 exceeded $188.6 million. Research is needed to: 1) enhance crawfish harvesting technology and efficiency and to improve crawfish broodstock reproduction, 2) to further develop tools to facilitate genetic improvement of cultured finfish, 3) to determine alternatives to catfish and other fish cultivation methods and production systems including polyculture, which reduce off-flavor and improve fish health, 4) to further refine finfish nutrition and feeding practices so that feed cost are reduced and water quality is improved, 5) to further protect cultured aquatic species from disease, and 6) to develop new value-added aquaculture food products and waste by-products.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Biomaterials from Sugar Cane, LA. The major objective of this project is to develop and validate an integrated technology that will convert low-value bagasse, cane leaves and tops, and molasses into a high value product mix including ethanol, specialty chemicals, biomaterials and animal feed for a sugar based biorefinery. The LSU AgCenter will accomplish this by improving, integrating, and optimizing collective technologies in biomass pretreatment, hydrolysis, sugar refining and biological and thermochemical conversion. The conversion of 500,000 tons per year of bagasse and molasses (total raw materials cost of $23 million) into value-added products using the proposed technologies would generate $240 million in annual revenue and make a substantial contribution to Louisiana's economy through expanding the sugar industry. The project is a major opportunity to showcase the impact of science and technology in augmenting Louisiana's economic base.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Tillage, Silviculture, Waste Management, LA. This special grant addresses critical environmental concerns in Louisiana. Alternatives to traditional tillage in southwest Louisiana rice production are needed to improve floodwater quality, reduce soil erosion, and reduce production costs. Stand establishment and early-season plant density have been shown to be critical components of a reduced tillage system. Development of herbicide-resistant rice varieties has allowed drill seeding of rice, which increases flexibility with nutrient and vegetation management. However, the effect of rotational crops on rice grain yield and soil physical condition is not well understood and requires more research. Cotton and corn production are major components of the agricultural economy in northeast Louisiana. Reduced tillage practices and herbicide tolerant crops are being adopted to sustain soil productivity and reduce surface water contamination and are improving production efficiency. However, conservation tillage systems provide a favorable microenvironment for insect populations, which have the potential to limit economic value. Basic biological information is needed on insect population dynamics in reduced tillage systems. The animal waste management component of this project will develop data and systems that allow proper use of waste products and lagoon effluent in two areas of the state. The dairy industry in southeast Louisiana and the poultry industry in north Louisiana will benefit from research on pasture runoff, background indicator organisms, optimum land disposal rates for poultry litter, and new uses for poultry litter particularly as it relates to forest productivity. Enhanced research on Best Management Practices (BMPs) will help reduce both point and nonpoint source discharges associated with crop, animal, and timber production activities.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Wetland Plants, LA. Since the 1930s, 1,000,000 acres of Louisiana wetlands have been lost by human activities and natural forces such as the hurricanes of 2005. This directly affects U.S. security, navigation, energy consumption, and food supply. The potential for loss of life, industry, ecosystems, and infrastructure is enormous. The Coastal Plants Program (CPP) represents a major commitment to focus proven scientific technologies and outreach capabilities on issues critical to restore the coastal wetlands of Louisiana. This program combines the expertise of AgCenter plant breeders, ecologists, and other plant and soil scientists to facilitate the development and utilization of improved native plant resources to preserve remaining marshes and stabilize those that are being recreated. This project will develop strategies for genetic improvement leading to the economic and rapid establishment of critically important wetland plant species over large areas of threatened and reclaimed coastal wetlands. Native populations will be characterized and a genetic improvement program conducted to develop superior varieties/populations with enhanced value in the restoration and protection of wetlands. Plant cloning and molecular biology will facilitate genetic characterization and genetic improvement and provide superior plant materials to Louisiana's developing commercial wetland plant and seed industry. Onsite marsh research will address issues concerning beneficial use of dredge material, sediment nourishment of deteriorating wetlands, and factors influencing vegetative response.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Natural Resources Conservation Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Best Management Practices and Master Farmer Special Research Grant with LSD, LA. Of more than 2,000 agricultural producers trained through Louisiana's Master Farmer program, 65 have completed the third tier of the program which ends with certification from the Louisiana Department of Agriculture and Forestry. This represents a high benchmark in performance, which requires completion of eight hours of classroom instruction, participation in a Model Farm field tour, and development and implementation of an NRCS Resource Management System plan to address potential or occurring pollution. With the assistance of USDA programs and other technical assistance, these producers have installed research-based BMPs to address environmental issues. These certified producers manage more than 15,000 acres of Louisiana farmland, all within a 50-mile radius of 303d listed impaired state waters. In addition, multi-state collaboration has resulted in the development of a template by the Louisiana Master Farmer Program that can be used by other states to develop similar programs, focusing on curriculum development, implementation and lessons learned. Land area impacted by targeted programs is 928,507 acres.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Financial Services, SBA

Legal Name of Requesting Entity: City of Baton Rouge

Address of Requesting Entity: 222 St. Louis Street, Baton Rouge, LA 70821

Description of Request: City of Baton Rouge, Louisiana, for small business investment initiative technical assistance. Baton Rouge's population growth following the economic devastation of Hurricanes Katrina and Rita provides an opportunity to expand small businesses and micro-enterprises. Baton Rouge is partnering with Seedco Financial and Southern University on a new initiative to provide minority- and women-owned business enterprises (M/WBEs) assistance to bridge the financing gap that affects many existing and emerging M/WBEs. Seedco will provide loans to these businesses through the Small Business Loan Fund for real estate expansion, working capital, and/or start up costs. The program will connect M/WBEs to large-scale developments currently being undertaken by the City/Parish and other local stakeholders in Old South, Mid-City, and Downtown Baton Rouge, neighborhoods with a poverty rate of over 35% and a median household income of $17,867. This request is to fund comprehensive technical assistance, including debt and financial management, marketing, and cost-cutting strategies, to enable M/WBEs to use the financial assistance offered by the City/Parish's partners. Technical assistance will be provided through workshops and intensive, one-on-one sessions by local, grassroots, and nonprofit development corporations trained by Seedco Financial to provide services to borrowers and prospective borrowers. Graduate students at Southern University's School of Business also will deliver business planning and financial management assistance through structured sessions supervised by university professors.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Financial Services, SBA

Legal Name of Requesting Entity:

Address of Requesting Entity:

Description of Request: Northeast Louisiana Business and Community Development Center. The University of Louisiana at Monroe College of Business and Louisiana Small Business Development Center (LSBDC) propose to advance entrepreneurship and support economic development by further development and expansion of the Northeast Louisiana Business and Community Development Center which provides a regional business incubator/accelerator and community development services. The center will contain a multi-purpose incubator and provide regional, rural outreach for community development such as training for community leaders to enhance their ability to create effective economic development plans that include entrepreneurship. The center provides research reports for projects to

communities. To expand the reach of the Center, we anticipate creating virtual services and possible distributed service locations in the rural areas of the service region of the University. Expanded services are possible through a potential partnership with the recently created Center for Rural Initiatives. The expected outcome will be a new focus on entrepreneurship that brings the expertise and resources of the university to rural communities and a facility to nurture entrepreneurs and grow businesses. Community leaders and elected officials will receive training on budgeting, strategic planning, marketing, and accessing community development information. New businesses will be started, with a better chance of survival, and jobs will be created

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Airport Improvement Program

Legal Name of Requesting Entity: City of Monroe

Address of Requesting Entity: Monroe, LA

Description of Request: Monroe Regional Airport, New Terminal, LA. This historic airport, birthplace of Delta Airlines, serves the needs of Ouachita Parish and eleven neighboring parishes with a combined population of 325,000 people. The airport currently processes approximately 225,000 passengers a year. Forecasts project a 47 percent increase in activity over the next 20 years. Analysis projects the need for a new terminal at twice the size of the current facility. It would accommodate growth in passengers, provide the latest security features, improve energy efficiency, and be easily expandable for further growth beyond 20 years. This request for FY09 would fund the first phase of Terminal building construction.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Buses and Bus Facilities

Legal Name of Requesting Entity: Louisiana Public transit Association

Address of Requesting Entity: 2817 Canal Street New Orleans, LA 70119

Description of Request: Louisiana Statewide Buses and Bus Facility, LA. The request is for funds to replace obsolete buses & vans, Facilities and transit terminals.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Surface Transportation Priorities

Legal Name of Requesting Entity: Louisiana Department of Transportation and Development

Address of Requesting Entity: P.O. Box 94245, Baton Rouge LA 70804

Description of Request: 4-Laning of Hwy 84 from Vidalia to Toledo Bend, LA. The funding would be used to widen US 84 to four lanes from its junction with LA 3037 to the junction of LA 124

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Surface Transportation Priorities

Legal Name of Requesting Entity: Delta Highway 65 Commission

Address of Requesting Entity: 103 Rue Toulouse, West Monroe, LA 71291

Description of Request: Delta Highway 65 Study/Expansion, LA. It has been determined that an expansion of LA State Hwy. 65 from Alexandria, LA to I–40 in Arkansas will promote Economic Development within the Delta. Also, it will provide for an Emergency Evacuation Route on the West side of the Mississippi River. The project has few obstacles to overcome and can result in a ''4-fold'' return; alleviating poverty, providing a needed north/south connector in LA and provide development opportunities within the poorest region of the U.S.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: City of Baton Rouge

Address of Requesting Entity: 222 St. Louis Baton Rouge, LA 70821

Description of Request: I–10 Pecue Lane Interchange, Baton Rouge, LA. The southern portions of East Baton Rouge Parish and adjoining Ascension Parish have experienced significant population growth and expansion in recent years. As a result, traffic volumes have dramatically increased along the I–10 corridor from the I–10/I–12 split east into Ascension Parish. Development in this area is expected to continue to grow, including the construction of a major medical complex nearby, which will further increase traffic volumes. Additional access to and from the Interstate is needed along the I–10 corridor to accommodate these changing travel patterns and increased traffic. Pecue Lane has been identified as a strategic route that can enhance connectivity within this region and provide access to I–10. This project will reduce congestion and improve safety in this part of the City/Parish. An access request for this interchange has been presented to both the LADOTD and FHWA and is currently under review. A rural diamond interchange configuration has been selected for this location to facilitate the connectivity to the existing Pecue Lane overpass. FY 2009 funding will be used complete environmental studies and design.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, EDI

Legal Name of Requesting Entity: City of Alexandria

Address of Requesting Entity: P.O. Box 71, Alexandria, LA 71309

Description of Request: Alexandria Riverfront Multi-Site Development, LA for the redevelopment of the Alexandria Riverfront. The City of Alexandria requests consideration of RIVER, (Riverfront Improvement Venture and Essential Recreation), a cultural, community-up approach to the re-development of the riverfront area of Alexandria-Pineville. Following the model city of Chattanooga, Alexandria-Pineville would benefit from a planned redevelopment of the riverfronts facing each other located alongside both cities. The identities of the cities are tied directly to the riverfronts and history surrounding the areas. The economic engines development along the Red River at Alexandria, which has the largest inland port in the continental United States, creates state-wide economic development opportunities. The proposed works would serve downtown, mid-city, and Garden District businesses, future retail tenants, downtown hotels, the Riverfront Convention Center, various public buildings such as City Hall, and various other public buildings and improvements. The choices expand other choices for transportation, employment and housing (through mixed-use and other opportunities) and value long-range, regional considerations of sustainability.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Education

Legal Name of Requesting Entity: Louisiana Tech University

Address of Requesting Entity: Ruston, LA

Description of Request: Louisiana Tech University, Ruston, LA for a program in K–12 cyberspace education in cooperation with members of the Consortium for Education, Research and Technology of North Louisiana. The Cyberspace Cyberspace Science and Engineering project will empower K–12 education in North Louisiana and increase the nation's supply of cyber-security professionals. The project is a joint venture between the College of Engineering and Science, College of Liberal Arts, SciTEC in College of Education. It will: Foster development of partnerships with K–12 institutions. Develop and implement innovative curricula related to Cyberspace. Enhance the cyber-infrastructure related to delivering educational content. Improve STEM teacher preparation. Implement professional development opportunities for in-service teachers. Promote student and faculty development. Promote partnerships with business and industry through collaboration with the Cyber Innovation Center.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: Mary Bird Perkins Cancer Center

Address of Requesting Entity: 4950 Essen Lane, Baton Rouge, LA 70809

Description of Request: Mary Bird Perkins Cancer Center, Baton Rouge, LA to expand early detection cancer screenings. This MBPCC program is designed for life-saving cancer screenings with the goal of expanding its outreach services to the medically underserved public in the greater Baton Rouge and Hammond and Covington areas. These areas include Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Point Coupe, St. Helena, St. Tammany, Tangipahoa West Baton Rouge, West Feliciana and Washington parishes located in the Louisiana Cancer Control Partnership (LCCP) Regions 2 and 9. MBP began its comprehensive outreach program in 2002 through its CARE Network. In 2007, the program screened the 20,000th person for free. Although cancer incidence rates in Louisiana are comparable to national averages, Louisiana has one of the highest death rates from cancer in the country. For example, African American women have breast cancer incidence rates similar to the national rate but have mortality rates 19 percent higher. The Louisiana Tumor Registry which collects statewide data on all newly-diagnosed malignancies and cancer deaths, reports that one reason for the high death rate is inadequate cancer screening for early detection resulting in late stage diagnosis. Additional funding

would allow MBP to provide more services to those in need.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: St. Francis Cabrini Hospital

Address of Requesting Entity: 3330 Masonic Drive Alexandria, LA 71301

Description of Request: CHRISTUS St. Francis Cabrini Hospital, Alexandria, LA for a pre-natal clinic, including facilities and equipment. CHRISTUS St. Francis Cabrini Pre-Natal Clinic: CHRISTUS is seeking funding to help support a new pre-natal clinic which will provide care to low income women with the goal of reducing infant mortality and promoting pregnancy wellness here in Louisiana which consistently ranks among the worst states in the nation for high infant mortality (10.4 deaths per 1000 live births in 2004). The center will be available to all women but focused primarily on those with low income, those who are uninsured, and those in the Medicaid population. Three associates will staff the center—nurse practitioner, a licensed practical nurse, and a clerk. The nurse practitioner will collaborate with a medical director to provide prenatal care as well as early and ongoing risk assessment to prevent and recognize conditions associated with maternal and infant morbidity and mortality.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: St. Francis Cabrini Hospital

Address of Requesting Entity: 3330 Masonic Drive Alexandria, LA 71301

Description of Request: CHRISTUS St. Francis Cabrini Hospital, Alexandria, LA for a school dental hygiene program. The Seal a Smile program brings dentists and dental hygienists for four elementary schools where children in the 1st, 2nd, and 6th grades receive treatment which helps prevent cavities. Money would help the program return to the four schools visited this year (to treat a whole new group of children) and bring the program to two more schools at which school-based health clinics opened just this year. In addition, CHRISTUS will employ a dentist with a mobile dental unit from a Federally Qualified Center to do x-rays, fillings, and restorative dentistry at one of the four elementary schools with a school-based health clinic. These funds would enable the mobile dental unit to also serve the other three elementary schools. Our community services division will soon own portable dental equipment, but needs funding for a dentist to do the same restorative dentistry at the other three schools.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: Louisiana Primary Care Association, Inc

Address of Requesting Entity: 4550 N BLVD Suite 120 Baton Rouge, LA 70806

Description of Request: Louisiana Primary Care Association, Inc., Baton Rouge, LA for purchase of equipment. Even with the one time state appropriations of approximately $40 million, Louisiana's Federally Qualified Health Centers (FQHC) will still be challenged with the need for operational funds to offset expenses incurred for the growing population of the uninsured. The total cost per user/patient for Louisiana's Health Center patients is $372 (inclusive of primary care and dental services). According to the 2006 Bureau of Primary Health Care (BPHC) Uniform Data System (UDS) report, Louisiana's health centers served approximately 45% uninsured persons of the total 128,507 users (an increase of 2% from the previous year). LPCA is requesting $5,000,000 to assist their 22 grantee members with the acquisition of needed healthcare equipment for various centers which may include the implementation of electronic medical records for centers not currently using them. LPCA will use these funds to leverage and solicit additional resources to offset expenses. Commitment letters incorporating detailed budgets and narratives will be required by LPCA to insure accountability from all participating members and will be maintained at LPCA for auditing purposes.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: University of Louisiana at Monroe

Address of Requesting Entity: Monroe, LA

Description of Request: University of Louisiana at Monroe, Monroe, LA for facilities and equipment. ULM seeks funding for a new 10,000 square foot Animal Research Facility/Vivarium for the College of Pharmacy. The facility will support research of cardiovascular disease, cancer, diabetes, Alzheimer's disease, and other neurological diseases. The research facility is a specially designed building type, which accommodates specially controlled environments for the care and maintenance of experimental animals. The facilities are vital to the support of proper, safe, and humane research. The Association for Accreditation and Assessment of Laboratory Animal Care International (AAALAC) provides criteria and a certification process helping assure both accurate experimental results and safe and humane treatment of research animals.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: University of Louisiana at Monroe

Address of Requesting Entity: Monroe, LA

Description of Request: University of Louisiana at Monroe, Monroe, LA for purchase of a mobile dental unit, including equipment. This mobile unit, serving the delta area of Louisiana, would enhance the teaching capabilities of the dental hygiene program and would provide critically needed services to underserved patients who lack the financial resources and/or transportation to obtain proper dental care. The unit would be staffed by a dentist, dental assistant, dental hygienist and dental hygiene students who would work with local public health offices to coordinate services.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: Xavier University

Address of Requesting Entity: New Orleans, LA

Description of Request: Xavier University, New Orleans, LA, for facilities and equipment. The goal of this project is to construct an addition to Xavier's College of Pharmacy and expansion of Xavier's Clinical Trials Unit. Expansion of the College of Pharmacy will increase Xavier's ability to provide pharmaceutical companies with well-educated graduates as employees. Xavier is a leader in graduating bioscience and pharmaceutical professionals. For more than a decade, Xavier ranked first nationally in the number of African American students earning bachelors degrees in biology, physics, and the physical sciences overall.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Labor

Legal Name of Requesting Entity: Southeastern Louisiana University

Address of Requesting Entity: Hammond, LA

Description of Request: Southeastern Louisiana University, Hammond, LA for a job training initiative. Southeastern Louisiana University requests funding to expand its pilot initiative to provide a one-stop economic/workforce development and community planning/smart growth assistance to meet the needs of post-Katrina southeast Louisiana. A recent addition to the effort is smart-growth community planning. Rapid population growth in the region pre and post-Katrina has accelerated the need for better planning in order to maintain and enhance the quality of life in the area. The Southeast Louisiana Business Center, in conjunction with the Southeastern Social Science Research Center, has initiated outreach to area communities in order to provide smart growth assistance. Southeastern proposes to expand this initiative in order to increase services and reach more communities across southeast Louisiana.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Commerce

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: Baton Rouge, LA

Description of Request: Louisiana State University A&M to provide more information for a geodetic reference system to aid land planning in Louisiana. The Louisiana Geodetic Spatial Reference Center (LGSRC) is currently a joint partnership between Louisiana State University (LSU) and the National Geodetic Survey (NGS). NGS is an office of NOAA's National Ocean Service and is tasked with maintaining the nation's system of monuments for surveying and positioning. LGSRC is a legal extension of the NGS within the State of Louisiana and surrounding Gulf States and will use GULFNET as the backbone for its regional system of positioning monuments. Accurate and precise positioning data and information is the basis for all things geospatial. A strong capability in geodesy, topographic engineering, and surveying is thus essential to the success of the Center. LSU is at the technological cutting edge in these fields and will

host, staff, manage, and operate the Center on the LSU Baton Rouge campus. In 1997, Louisiana State University began construction of GULFNET, a geodetic reference system spanning coastal Louisiana using GPS technologies. Originally designed to support high precision measurement of subsidence, the system was also designed to support a whole host of other activities. This system consists of three continuously operating stations and 24 episodic campaign targets and is supported by contracts with the National Science Foundation and the Louisiana Board of Regents. GULFNET will provide public and private sector users with data and an information stream that will meet several currently unmet needs and requirements for lateral positioning and height information.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Commerce

Legal Name of Requesting Entity: Southern Shrimp Alliance

Address of Requesting Entity: P.O. Box 1577 Tarpon Springs, FL 34688

Description of Request: National Marine Fisheries Service Shrimp Industry Fishing Effort Research Continuation. In January 2008, the National Marine Fisheries Service (NMFS) issued a final rule implementing a comprehensive management regime for achieving new statutory mandates under the Magnuson-Stevens Act to end overfishing and rebuild the red snapper stock in the Gulf of Mexico. A primary component of this plan is a substantial reduction in the bycatch of juvenile red snapper in the shrimp fishery that must be achieved through a large reduction in shrimp fishing effort in juvenile red snapper habitat areas. Failure to achieve the necessary reduction in shrimp fishing effort triggers a closure of the shrimp fishery in these areas. Consequently, the ability to accurately measure where and when shrimp fishing effort occurs each year is not only critical to achieving statutory red snapper conservation objectives, it is absolutely crucial to the future survival of the Gulf shrimp fishery. Widely supported by industry, environmental community and federal & State fishery management agencies.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Ascension Parish Sheriff's Office

Address of Requesting Entity: 828 S. Irma Blvd. Gonzales, LA 70737

Description of Request: Ascension Parish Sheriff, Law Enforcement Training Equipment. Ascension Parish Sheriff's Office owns and operates one of the premier law enforcement law training facilities in the Gulf region. Federal, state and local law enforcement agencies use this facility for various training purposes. The sheriff's office is in need of funding to continue to offer these services.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: City of Baton Rouge

Address of Requesting Entity: 222 St. Louis Street Baton Rouge, LA 70821

Description of Request: East Baton Rouge Parish to upgrade law enforcement technologies. Federal funding will support city-wide expansion of a program to equip law enforcement officers with the latest in mobile data technology. Laptop computers in 400 marked patrol cars will be linked over a 700/800mhz RF network. Local funding will be used to purchase software and equipment to allow connectivity and initial Wireless Access Points to transmit the data. Federal funding will expand this wireless mesh network, adding Wireless Access Point locations throughout the City/Parish. Wi-fi capabilities will increase the speed and availability of the network and help law enforcement officers in the field prevent and solve crimes by sharing information in real time. FY09 funding will also support city-wide roll-out of a camera monitoring system. The City/Parish has begun to implement a canopy system that uses wireless camera installations to monitor critical infrastructure and other hot points throughout the City/Parish. Cameras will be equipped with state-of-the-art ShotSpotter technology, which provides real-time notification of gunshot events, as well as precise event data, such as a shooter's location. Further expansion of this project will allow the City/Parish to place cameras in newly developing high-crime areas.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Jackson Parish

Address of Requesting Entity: 500 E. Court Street, Room 100 Jonesboro, LA 71251

Description of Request: Jackson Parish Sheriff Department Training Complex. Funding would be used to construct a pistol/rifle range and a training building.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Lincoln Parish

Address of Requesting Entity: 201 N. Vienna, Ruston, LA 71270

Description of Request: North Louisiana GIS Consortium. Law enforcement agencies are increasingly turning to Pictometry's new visual intelligence tools that permit users to instantly see up to 12 different views of any feature in their jurisdiction. Pictometry, a small, US-owned technology firm creates libraries of a revolutionary new form of digital, full color aerial imagery and geo-spatial information. Pictometry captures every square foot of an area from as many as twelve directions. While Pictometry libraries consist of orthogonal (straight down) images like ordinary aerial imaging, over 80% of the images are oblique (taken from angles) so that features can be easily seen in their entirety. These images reveal the front, back, and sides of objects of interest rather than just their tops. Within seconds, a law enforcement officer can literally view and analyze any house, building, intersection, fire hydrant, tree or any feature in the county from their laptop, workstation, or mobile device.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Louisiana Sheriff's Association

Address of Requesting Entity: 1175 Nicholson Drive Baton Rouge, LA 70802

Description of Request: Louisiana Sheriffs' Association, Louisiana Methamphetamine Task Force. This grant funding will be used for the continuation of a Multi-Parish Methamphetamine Task Force (Louisiana Methamphetamine Task Force) formed in 2004. The parishes involved are Claiborne, Grant, Natchitoches, Rapides, Vernon, Webster, and Winn. The grant money will be used to continue paying the new personnel hired for the task force, the payment of overtime to law enforcement officers directly involved in the Methamphetamine Task Force, increase the number of new hires, to purchase new equipment which will be specifically directed toward the deterrence, location and destruction of methamphetamine labs. Additionally five percent (5%) of this request will be used to continue paying the grant administrator.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Louisiana District Attorney's Association

Address of Requesting Entity: 1645 Nicholson Drive Baton Rouge, LA 70802

Description of Request: Louisiana District Attorney's Association to support an early intervention program for at-risk elementary students. The Prosecutor's Early Intervention Program (PEIP) is a proven prevention-based program, developed by the 16th Judicial District, that creates a conduit between the home, school, social service agencies and the legal system in order to quickly identify and intervene with elementary children who are exhibiting behavioral and/or school performance problems. Children have become more successful in school academically, behavioral problems in the classroom have declined and there has been a decrease in juvenile court filings.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, National Aeronautics and Space Administration

Legal Name of Requesting Entity: Thurgood Marshall College Fund

Address of Requesting Entity: 80 Maiden Lane Suite 2204 New York, NY 10038

Description of Request: Thurgood Marshall College Fund to recruit minority students who will pursue careers in the sciences. This program will Assist NASA in its efforts to recruit minority students who will pursue careers in energy sciences. TMCF seeks to continue this nation's mission to produce more minority students in the areas of math and science. Moreover, TMCF is continuing to produce more leaders advocating economic development with a sustained focus of educating the nation's workforce and providing state-of-the-art instruction, facilities and curriculum.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity:

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Bayou Sorrel Lock, LA. Bayou Sorrel Lock (Intracoastal Waterway Locks) in the East Atchafalaya Basin Protection Levee, a main-line feature of the MR&T, is critical for flood protection and inland navigation. The funds would be used to advance

preconstruction, engineering and design completion by two years. Authorization: Section 601 of WRDA 1986 (PL 99–662)

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Comite River (Diversion Project), LA. This project was created to ameliorate flood losses in the Baton Rouge Urbanized Area. Since this project began, federal funding has not been adequate and the project construction schedule had to be extended from 2011 to 2016 in accordance with USACE estimates. This is caused by the inadequate annual funding that allows only the absolute minimum work to keep the project alive. $18,000,000 is necessary to adequately fund construction related work for the project and continue development of plans and specifications.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity:

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Inner Harbor Navigation Canal Lock Replacement, LA. The EIS for the IHNC Lock replacement is being redone under court order and will be completed in December 2008. The additional funds will be used to resume lock design and award west levee contract to complete construction by 2018. This is a critical lock in the GIWW system and is the #1 priority of the Inland Waterways Users Board (IWUB).

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: Red River Waterway Commission

Address of Requesting Entity: P.O. Box 709, Shreveport, LA 71162

Description of Request: J. Bennett Johnston Waterway, LA. The project is located in central and northwest Louisiana and provides for a 9- by 200-foot navigation channel extending about 236 miles from the Mississippi River through Old River and Red River to the vicinity of Shreveport, LA. Five locks and adjacent dams provide a lift of about 141 feet. Facilities to provide recreation and fish and wildlife development are also an integral part of the project. Although the project is open to navigation, refinements to the channel alignment are necessary to improve the safety and reliability of the navigation channel as well as to reduce maintenance dredging costs. These refinements consist of reinforcing or capping out existing revetments as well as adding additional contraction structures (dikes) to improve navigation conditions. WRDA 2007 increased the authorized cost for mitigation to $33,912,000 allowing the purchase of cleared or agricultural lands for reforestation.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Bayou Desiard, Monroe, LA. Bayou DeSiard is located within Ouachita Parish in northeastern Louisiana near the city of Monroe. Prior to the construction of the Ouachita River levee system, the bayou was a flowing stream that drained into the Ouachita River just north of Monroe. It is currently a 28-mile-long impoundment.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Frazier/Whitehouse Oxbow Lake Weir, LA. Frazier/Whitehorse Oxbow Lake is located in east-central Louisiana, adjacent to Lindy C. Boggs Lock and Dam. The project provides for an overtopping closing to maintain minimum water levels during period of low water. Completion of the proposed project would result in positive environmental benefits by partially restoring historical lake water levels and the associated fish and wildlife habitat.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Lake St. Joseph, Tensas Parish, LA. Lake St. Joseph, an abandoned oxbow of the Mississippi River, is located in northeast Louisiana in Tensas Parish, 4 miles north of St. Joseph, LA. The lake is a shallow lake, 3 to 4 feet deep, due to sedimentation and subject to fish kills during prolonged periods of hot weather.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Alexandria to the Gulf, LA. Funding in the amount of $790,000 is necessary to complete remaining work for the Feasibility Study and advance the PED. Authorization: HR 23 July 1997.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Morganza to the Gulf, LA. Funding in the amount of $8,000,000 would be used to continue Pre-Construction and Design work and $10,000,000 would be used for construction activities authorized under WRDA 2007. Authorization: WRDA 2007 (P.L. 110–114), Sec 1001 (24).

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Spring Bayou, LA. The study area includes the Spring Bayou, LA, area, and any adjacent parishes that impact the area. The Spring Bayou Area is comprised of several U.S. Fish and Wildlife Service refuges and state wildlife management areas, along with adjacent lands that have traditionally been recognized as one of the most significant fish and wildlife and wetland ecosystems in the South.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN. Funding in the amount of $54,100,000 is necessary to properly fund construction for the raising of deficient portions of the Mississippi River Levees. Funds can also be used for the construction of a museum and interpretive site.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Baton Rouge Harbor, Devil Swamp, LA. This project is to maintain depth of the slack water channel for commercial barge traffic. Authorization: Flood control Act 1948; Sect 201, P.L. 858

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Tensas Basin, Boeuf and Tensas Rivers, AR & LA. The flood control project is located in central and northeast Louisiana and southeast Arkansas and includes the Lake Chicot pumping plant. Funds are requested to continue operation and maintenance of project features and to repair bell housing; maintain Big Bayou weirs; replace Motor Control Center at Lake Chicot pumping plant; paint and repair operators; prepare plans and specifications for Lake Chicot access road; and construct Lake Chicot access road.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Tensas Basis, Red River Backwater, LA. The project is located in central and northeast Louisiana. For Operations and Maintenance

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Atchafalaya River and Bayous Chene, Boeuf & Black, LA. For operations and Maintenance.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: Red River Waterway Commission

Address of Requesting Entity: P.O. Box 709, Shreveport, LA 71162

Description of Request: J. Bennett Johnston Waterway, LA. The project is located in central and northwest Louisiana and provides for 9- by 200-foot navigation extending about 236 miles from the Mississippi River through Old River and Red River to the vicinity of Shreveport, Louisiana. Five locks and adjacent dams provide a lift of approximately 141 feet. The project also provides for realigning the banks of the Red River from the Mississippi River to Shreveport by means of dredging, cutoffs, and training works and stabilizing its banks by means of revetments, dikes, and other methods.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Lake Providence Harbor, LA. Lake Providence Harbor is an inland harbor, located along the Mississippi River in East Carroll Parish, Louisiana. Without maintenance dredging funds, this harbor will lose project dimensions requiring the port to be shut down during the busiest time of the year when crops are harvested and shipped. This harbor services many small communities and farmers in Louisiana. The project was constructed in 1980 and has been maintained annually. The loss of navigation will have significant adverse economic impacts on the region.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Madison Parish Port, LA. Madison Parish Port is a fast water, shallow draft port, located on the Mississippi River in Madison Parish, Louisiana. Without maintenance dredging funds, this port will lose project dimensions requiring the port to be shut down during the busiest time of the year when crops are harvested and shipped. This port services many small communities and farmers in Louisiana. The project was constructed in 1980 and has been maintained annually. The loss of navigation will have significant adverse economic impacts on the region.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Mississippi River, Baton Rouge to the Gulf of Mexico, LA. Operation and maintenance funds for the Mississippi River Ship Channel Baton Rouge to the Gulf of Mexico are not adequate to keep international commerce moving without delays and light loadings. Additional funds are needed to repair pile dikes, foreshore dikes and jetties and some residual damage to structures from Hurricane Katrina.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Department of Energy

Legal Name of Requesting Entity: Louisiana Tech Universtiy

Address of Requesting Entity: Ruston, La

Description of Request: Bionanotechnology: Research and Commercialization (LA). Three biorefinery projects will help invigorate the economy in North Louisiana and decrease the entire nation's dependency on fossil fuels. Louisiana Tech has world class expertise including algae to biodiesel, cellulosic ethanol, and nanoengineered fischer-tropsch catalysts.

A TRIBUTE TO CONSTANCE V. HAY-ALLEYNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Constance V. Hay-Alleyne.

Constance has lived life as a goal oriented and knowledgeable Registered Nurse with ambitious and humanitarian social motivations. Constance is well known in the Panamanian and Caribbean communities. Her delightful intellectual curiosity has served her professional growth well. She holds a BSN and MSN degrees from Medgar Evers College in Brooklyn, New York and Georgetown University, in Washington D.C., respectively. She has distinguished herself as a competent Nurse Manager and Administrator for over three decades, in the Brooklyn, Manhattan, and Washington D.C areas. In 1981, she joined the United States Army Nurses Corps, served as a Captain, active duty and in reserve.

At home, Constance has raised her four children to love and respect everyone especially their elders. She insufflated in them positive outlooks in life and motivation to do ''as much as they can'' with care and dignity. It could not be otherwise since this has been an inheritance from her parents: John who died at the age of 114 and Imogene, at age 82. Faithful to that motto, she has been involved in many other activities such as a mediator at the Fafe Horizon Brooklyn Mediation Center, as a Board Member of the Community Board 5 and as the Chair for Education and Training for Tashia's Life, a lupus foundation.

She was miraculously rescued from the September 11, 2001 disaster at WTI. This encounter made her redefine her mission on earth, realizing that God had saved her life for some special purpose. She serves the Lord at St. Alban's Episcopal Church in Canarsie, Brooklyn, where she functions as a Lay Ecinencial Minister, as well as a Vestry.

Throughout her career, Mrs. Hay-Alleyne has received numerous awards and recognitions including: being featured in ''Who's Who?'' in Nursing in Cambridge.

IN RECOGNITION OF AREA HEALTH EDUCATION CENTERS (AHECs)

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Ms. CASTOR of Florida. Madam Speaker, I rise today to acknowledge the contributions of the nation's Area Health Education Centers (AHECs) and applaud the vitally important healthcare workforce programs they conduct to improve access to healthcare for medically under-served individuals.

AHECs, established by Congress in 1971 as one of the Title VII Health Professions Training programs, are the workforce development, training and education machine for the nation's healthcare safety net programs. Across the nation, 54 AHEC programs and more than 200 affiliated AHEC centers collaborate with over 120 medical schools and 600 nursing and allied health programs to improve the quality, geographic distribution and diversity of the primary care workforce.

Last year, AHECs facilitated the placement of more than 44,000 health professional students in almost 17,000 community-based practice settings nationwide including community health centers, rural health clinics, critical access hospitals, tribal clinics and public health departments. To address the growing shortage of health care professionals in America, nearly 102,000 students received more than 20 hours of health career exposure, information, and academic enhancement to prepare them for health professions training programs.

The University of South Florida's AHEC Program connects students to careers, professionals to communities, and communities to better health. The USF AHEC Program inspires youth to choose a career in the health professions with its health career camps, mentoring programs, college preparatory courses and more. USF focuses on recruiting more minority and disadvantaged youth into health careers because as the nation's population becomes more diverse, it is important that the health care workforce reflects that diversity. AHECs in the Tampa Bay area are dedicated to community service and committed to enhancing the lives of Florida's most vulnerable

populations who often go without health care due to geographic isolation and economic or social status. Local AHECs work tirelessly to ensure that no Floridian is without timely access to quality health care, and last year alone more than 1,700 medical students from the USF AHECs provided more than 215,000 hours of care to an estimated 350,000 patients.

Not only have AHECs have supported the education of future professionals, but they have supported more than 400,000 health professionals caring for the medically underserved with programs designed to enhance their skills, knowledge, and quality of care. AHECs have awarded 1.1 million contact hours of continuing education programs to current health professionals. AHECs extend the academic resources of health professions training programs into rural and medically under-served communities throughout the United States by creating partnerships between the health science centers that train health professions students, residents, faculty, and practitioners and the local providers that care for our nation's increasing number of medically under-served citizens.

Madam Speaker, through community-based interdisciplinary training programs, AHECs identify, inspire, recruit, educate, and retain a health care workforce committed to underserved populations. To that end, I would like to take this opportunity to officially recognize National AHEC Week, March 23 through March 27, 2009.

A TRIBUTE TO GLORIA COOKE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Gloria Cooke, President of the AARP National Organization and community activist.

Gloria Cooke was born and raised in Brooklyn, New York. Gloria attended Franklin K. Lane High School, and completed her education at Kingsborough College where she majored in computer technology.

Ms. Cooke attends Mt. Sion Baptist Church faithfully, under the direction of Pastor Dan Craig.

Gloria was a care giver for her mother and brother before they expired.

Gloria's love of her life is her only son Charles.

Ms. Cooke entered into the work force and became a leader in the banking industry for a period of 36 years. She worked for Bankers Trust for 25 years, and Chase Manhattan. She also is a member of Penn Wortman Senior Center. Gloria is a community activist and enjoys volunteering to help her community, neighbors and friends to help them in anyway she can.

Ms. Cooke is the President of the AARP National Organization; she was given the position in the AARP Chapter which was founded by Director of Penn Wortman and Pink Senior Center Liz Sanders. The AARP Chapter services the East New York community.

Her favorite hobby is travelling to the Caribbean Islands at least three times a year which inspired her to become a travel agent.

A TRIBUTE TO BARBARA NICOLE HOWARD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Barbara Nicole Howard, a Health Department Representative and distinguished public servant.

Barbara Howard is a Health Department Representative for the NYC Department of Health and Mental Hygiene's Public Health Detailing Program. The Public Health Detailing Program works with primary health care providers to improve patient care around key public health challenges in the areas of NYC with healthcare disparities. Ms. Howard provides medical providers with clinical tools and patient education materials via one-on-one relationships to improve health outcomes in the community.

Barbara Nicole Howard was born in the Bronx, New York to Henry and Barbara Howard. The family moved to Staten Island shortly thereafter due to the need for a larger apartment and the 1970's housing shortage. Through the years, she volunteered at soup kitchens, homeless shelters, HIV/AIDS programs, special needs children's organizations, and hospitals; developing a heart for servicing the community.

Ms. Howard obtained a Bachelor's of Art Degree in Sociology and a minor in Urban Affairs from Hunter College. After completing her studies, she worked in Brooklyn for the Legal Aid Society as a Forensic Social Work Assistant finding alternatives to incarceration for clients. She was then afforded the opportunity to work with the NYC Health and Hospital Corporation's Discharge Planning Program at Riker's Island for the mentally ill population as a Discharge Planner. She also had several promotions and worked as Supervisor of Discharge Planning / Community Liason. Ms. Howard enrolled in Baruch College's Executive Master of Public Administration program. Afterwards, Ms. Howard recommitted to public service as Provider Liason for the NYC Department of Health and Mental Hygiene's Early Intervention Program. After three years with the Early Intervention Program, Ms. Howard devoted herself to public health and began to work with the Public Health Detailing Program.

Although, she continues to live in Staten Island, Ms. Howard has made Brooklyn her second home. She works, worships, and has many friends within Brooklyn. Ms. Howard is currently an active member of the Brooklyn Tabernacle in downtown Brooklyn.

A TRIBUTE TO VANESSA HUGHES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Vanessa Hughes.

Vanessa Hughes was born August 17, 1959 to Rose and Leonard Reid Sr. She is the middle of five children and has two surviving brothers, Jeffrey and Bruce, one sister Shelissa, and a deceased brother Leonard Jr. Ms. Hughes attended neighboring schools, P.S. 260 and JHS 211. She has worked to support her community throughout her life. Known for her energy and enthusiasm, Ms. Hughes is the founder of the Community Based Operations for All Neighborhoods, a community civic group whose motto is "Building Better Communities One Block at a Time."

The need for community, social, recreational and education programs was the structure for the implementation of C.B.O.F.A.N. A strong advocate of children oriented activities and programs, Ms. Hughes implemented an "Annual Mardi Gras Health and Awareness" event which brought local programs such as the public library, Office of Environmental Management and Parks Department to the community to explain the services they offer.

As the current Grievance Committee Chairperson of the Brueuklen Tenant Association, Ms. Hughes acts as a liaison between the community residents and the management of the Breukelen Housing Development by keeping abreast of the needs of the community and forwarding them to the proper people to have them resolved.

As a community activist, Ms. Hughes can be found working with the Breukelen Community Head Start Program, Breukelen Community Center, elected officials, neighborhood businesses and her C.B.O.F.A.N. to ensure that the needs of her community are met for the betterment of the community.

Please join me Madam Speaker in recognizing Vanessa Hughes' passion for public service.

A TRIBUTE TO LEORA KEITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Leora Keith.

Mrs. Leora Keith is a widow and mother of four biological daughters. She is the adoptive mother of two and a past foster mother. She is a retired early childhood educator who served thirty seven years with the New York City Board of Education. Mrs. Keith encouraged countless children and their families, as she guided them towards successful careers.

Mrs. Keith has been a member of the Upper Room Full Gospel Baptist Church for more than thirty years, where she has served on the Usher Board, as church clerk, worked with the youth and sings in the Senior Choir. Through her work with her congregation, she has inspired many with her commitment to family, community and church.

Mrs. Keith is affiliated with the Order of Eastern Star under the Star of Bethlehem Grand Chapter where she held the titles of Matron and a Deputy Grand Matron. She is a lifelong member of the National Council of Negro Women Inc., where she served as Vice President of the Brooklyn section. A member of the Brooklyn Reading Association, The New York Alliance of Black School Educators, Board member of the Nascent Victorian Place Cultural Center, which is a non-profit multi-cultural center, dedicated to building links between communities. She is currently President of Tompkins Houses Resident Association Inc., where she partners with the Fresh Air

Fund and Literacy Teen Reading partner program. Mrs. Keith is also a member of the Cabs Home Attendants Service Inc., and Continuous Quality Improvement committee.

Leora Keith received a Bachelor Degree in Professional Studies from Pace University's Manhattan campus with a concentration in reading. She has master credits from Touro Graduate School of Education and Psychology in Early Childhood and Special Education.

Madam Speaker, please join me in recognizing the extraordinary level of passion and commitment towards the betterment of our youth that Leora Keith has given us.

A TRIBUTE TO CARMEN LOURDES MARTINEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Carmen Lourdes Martinez, Director of the Community Action Center in the Office of the New York City Comptroller.

Carmen was born in Santo Domingo, Dominican Republic; she immigrated to Brooklyn, New York at the age of eight and is a product of the New York City public school system. She is a graduate of the City University of New York, having obtained a Bachelor of Science Degree in Business Administration from Medgar Evers College and continued her graduate studies in Public Administration at Brooklyn College.

Carmen is currently Director of the Community Action Center in the Office of New York City Comptroller William C. Thompson, Jr. Since joining the office on May 18, 1992, Carmen has rendered service to over 87,000 constituents, run the Comptroller's Foreclosure Intervention Hotline, and served as Management Co-Chair of the Comptroller's Quality of Work Life, Employees Recognition Committee.

Carmen's many personal awards and recognitions include: Aegis Society, Inc. The Federation of African-American Civil Service Organizations, Inc. Merit Award; National Association for Equal Opportunity in Higher Education Distinguished Alumni Award; Caribbean American Chamber of Commerce & Industry, Inc. 21st Century Visionary Award; Brooklyn Borough President Outstanding Achievement Award; Bedford Stuyvesant Community Legal Services Corporation Outreach Self-Help Program Valedictorian and Outstanding Scholarship Award.

Outside of work, Carmen volunteers her time to grassroots activities designed to advance the community. She is a Charter Member and a member of the Board of Directors of the Brooklyn Metropolis Lions Club; a Charter Member and former member of the Board of Directors of the Central Brooklyn Federal Credit Union; Former Member of the Board of Directors of the Central Brooklyn Partnership; participant in the New York City Department of Education's Kids and the Power of Work Program and volunteers as a judge for the New York City Working in Support of Education, Quality of Life Program. Recently Carmen completed her third term as President of the Alumni Association of Medgar Evers College.

Carmen reared three children as a single mother, Grace M. Benjamin, Harry "Jamie" Martinez-Benjamin and Xiomara L. Maloney and is the proud grandmother of three.

A TRIBUTE ROSEMARIE ARMSTEAD-LOWERY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Rosemarie Armstead-Lowery, educator and community activist.

Rosemarie Armstead-Lowery has always been a child of her community. Community has shielded her, nurtured her, and allowed her the freedom to be herself in a world where the expectations of others often times limit one's horizon. The major influences of her life have been family and Church and they, in that order, are responsible for much of who she has become. For the last sixty of her seventy years, she has found her niche in serving that community that has nurtured her. She has been teaching the youngsters of her community for almost fifty years. Rosemarie has been a Day Care director at the Horace E. Greene Day Care Center in the Bushwick section of Brooklyn at a time of transition for child care. She implemented a change in school-age programming which made her center one of the model programs for city wide school-age programs.

After her directorship in daycare, Ms. Lowery returned to the classroom in the public school where she spent the next 12 years nurturing the students in her care at P. 335 in the Bedford Stuyvesant section of Brooklyn. She considered her job to be a facilitator, one who made learning both possible and enjoyable. It was her responsibility to show youngsters that learning was fun and that they could soar beyond their wildest dreams if they were willing to put forth the effort. Rosemarie was judged a nonconformist by some of her peers because of her unorthodox methods for reaching her students, but in the end the success of her students was her vindication.

In 1988, Ms. Lowery decided to embark on a venture of her own and opened The Learning Center of Bedford Stuyvesant in a brownstone in Bedford Stuyvesant. The independent school was in response to the desire of parents for an alternative to the public school. The individualization of the learning process for each student was its strength. The program was based on an eleven month curriculum where travel was an important component. The students were encouraged to study and become part of the culture they visited. They have traveled to Canada, Alaska, Mexico, Puerto Rico, Washington D.C., Virginia and around the local tri-state area. Unfortunately, the Learning Center closed at the end of its twentieth year because Ms. Lowery has turned yet another page.

In the summer of 2007, the Roman Catholic Diocese of Brooklyn/Queens created a new tri-Church configuration by combining the parishes of Holy Rosary, our Lady of Victory, and St. Peter Claver into a new tri-church Parish called St. Martin de Porres. Ms Lowery was hired as the Temporalities Manager. Her function is to act as a business manager of the newly formed Parish. She is currently responsible for the fiscal and temporal care of the Parish and its facilities. Times change, and circumstances along with them, but the opportunity to meet life head-on continues to present itself each day and for this she is eternally grateful.

A TRIBUTE TO RUTH SIBLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ruth Sibler, a dedicated public servant for 26 years.

Ruth Sibler is a volunteer at Public School 273 in New York City. She was born in Brooklyn, New York and has lived in Brooklyn for seventy-three years.

Ms. Sibler has worked diligently for the Teamster's Union for the 26 years prior to her retirement, and death of her husband, Mr. Sibler. Following her retirement, Ms. Sibler volunteered with P.S. 273 to assist in the library.

Ms. Sibler considers volunteering in school the "love of her life", along with her children and grand-children, and brings a constant youthful insightfulness to her volunteer work.

Madam Speaker, Please join me in recognizing Ruth Sibler for her time and dedication to public service.

A TRIBUTE TO ZENOBIA C. WHITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Zenobia White.

Zenobia always knew that after high school she wanted to do something meaningful. After successfully completing four years at Beach Channel High School in Far Rockaway, New York with honors, she enlisted with the United States Army as an Army Supply Specialist and served four years in Germany.

After leaving the Army, Zenobia worked for the New York City Corrections Department working in prison complexes across the city including Riker's Island, Brooklyn's Men's House of Detention and Kings County Hospital's prison ward.

Zenobia White married James White and the couple had two children, Daryl and Jameha White.

Ms. White continued to work for New York City with the Health and Hospital Corporation and the Metro Plus Health Plan. In this position she enrolled over two hundred families for the East New York D&TC. As a recognized community activist, she joined the community board of the East New York D&TC, where she remains active.

Ms. White now works as a Medicare sales representative for the Emblem health plan, where working for senior citizens has become one of her greatest joys.

Zenobia White holds the position of Vice President for Sister Sister In-law, a women's group which assists and mentors young women in their communities.

Please join me, Madam Speaker, in recognizing Ms. White's proven record in service to her community.

A TRIBUTE TO AWILDA ROSARIO

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Awilda Rosario, a woman committed to the dignified care of the aging in her community.

Awilda Rosario was born in Fajardo, Puerto Rico on December 3, 1951. She grew up with her mother, step-father and three sisters. Early on she was irresistibly attracted to reading and learning about the world and how people live. During her high school years, inspired by her Spanish Literature teachers, she discovered her love for human studies. After graduating from high school in the town of Loiza, she attended the University of Puerto Rico where she completed a Bachelors degree in Spanish Literature with a minor in Sociology.

After teaching Spanish Literature at the high school level, Ms. Rosario decided to immigrate to New York, invited by one of her cousins who already lived there. Once in New York, she started to connect with her ex-classmates and friends who helped her land her first job. Because there are no accidents, that first job was as a Caseworker at Diana Jones Senior Center in Williamsburg, Brooklyn. Her position afforded her the opportunity to work with community groups to advocate on behalf of the elderly.

At that moment, just emerging from the 70's, the New York City Department for the Aging was not as yet the developed and diverse agency that it is today. The needs of the minority elderly, especially those unable to understand the complexity of the benefits and entitlement programs went mostly unmet. Many minority elderly individuals simply did not apply for benefit programs because they did not know they existed. Even if they knew, they didn't know how to apply for them. For this reason, she joined forces with Mr. Ed Mendez-Santiago, who would later be appointed the Commissioner for the New York City Department for the Aging. The organization he founded, the Spanish Speaking Elderly Council-Raices, became a forerunner for advocacy and expansion of services that made benefits and entitlement programs accessible to the minority elderly. She held the position of Chairperson of the Board for a good number of years.

After a few years of working as a caseworker, Ms. Rosario was appointed as the Director of the North Brooklyn meals-on-wheels program, also funded by the Department for the Aging and sponsored by Wartburg Lutheran Home for the Aging. During that time Ms. Rosario became very active with the community and served as a member of the Board of Directors of several organizations including the New York State Office for the Aging, Vision for the Blind, East New York Interagency Council and the Brownsville-Ocean Hill Interagency Council.

After completing her Masters in Social Work and Administration at Hunter College, Wartburg Lutheran offered her the position of Director of Adult Day Health Care program which she held until several years ago. After 21 years with Wartburg, Ms. Rosario came to work with Brooklyn United Methodist Church Home to serve as Director of their Adult Day Care Program. As always, she continues to enjoy her work with the elderly and with those whose needs can be met by the services offered by this program. She is grateful to Brooklyn United Methodist for the opportunity to continue working with the community and doing what she likes.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 26, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 31

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine Federal school meal programs, focusing on nutrition for kids in schools.
SR–328A

10 a.m.
Commerce, Science, and Transportation
To continue hearings to examine health insurance industry practices.
SR–253

Finance
To hold an oversight hearing to examine a six month update on the Troubled Asset Relief Program (TARP).
SD–215

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the Office of the Chief Financial Officer, focusing on the progress it has made since the financial crisis of the 1990s, the financial management challenges in the years ahead, and the steps that are being taken to address those challenges.
SD–342

Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine Environmental Protection Agency's role in promoting water use efficiency.
SD–406

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine lessons from the New Deal.
SD–538

2:45 p.m.
Foreign Relations
Near Eastern and South and Central Asian Affairs Subcommittee
To hold hearings to examine the return and resettlement of displaced Iraqis.
SD–419

APRIL 1

9:30 a.m.
Armed Services
To hold hearings to examine United States policy toward Afghanistan and Pakistan.
SD–106

Small Business and Entrepreneurship
To hold hearings to examine the nomination of Karen Gordon Mills, of Maine, to be Administrator of the Small Business Administration.
SR–428A

10 a.m.
Environment and Public Works
Clean Air and Nuclear Safety Subcommittee
To hold an oversight hearing to examine the Environmental Protection Agency's renewable fuel standard.
SD–406

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine assistance for civilian casualties of war.
SD–138

Veterans' Affairs
To hold hearings to examine the nomination of W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.
SR–418

2 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine pending nominations.
SR–328A

2:30 p.m.
Judiciary
To hold hearings to examine the nominations of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.
SD–226

Armed Services
Personnel Subcommittee
To hold hearings to examine the implementation of Wounded Warrior policies and programs.
SD–106

APRIL 2

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine recovery and reinvestment spending.
SD–342

APRIL 22

2:30 p.m.
Veterans' Affairs
To hold hearings to examine pending health related legislation.
SR–418

MAY 6

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending benefits related legislation.
SR–418

MAY 21

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending legislation.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3739–S3815

Measures Introduced: Twenty-three bills and one resolution were introduced, as follows: S. 689–711, and S. Res. 85. **Pages S3784–85**

Measures Considered:

Generations Invigorating Volunteerism and Education Act—Agreement: Senate continued consideration of H.R. 1388, to reauthorize and reform the national service laws, taking action on the following amendments proposed thereto:

Pages S3745–53, S3754–73, S3776

Adopted:

Baucus/Grassley Amendment No. 692 (to Amendment No. 687), to establish a Nonprofit Capacity Building Program. **Page S3772**

Johanns Modified Amendment No. 693 (to Amendment No. 687), to ensure that organizations promoting competitive and non-competitive sporting events involving individuals with disabilities may receive direct and indirect assistance to carry out national service programs. **Pages S3745, S3772**

Landrieu Amendment No. 717 (to Amendment No. 687), to add a foster care program to the national service corps programs. **Pages S3764–65**

Murkowski (for Dorgan) Modified Amendment No. 691 (to Amendment No. 687), to modify certain provisions relating to Native Americans.

Pages S3745–51

Shaheen/Gregg Modified Amendment No. 712 (to Amendment No. 687), to provide that an Education Corps may carry out activities that provide music and arts education and engagement. **Pages S3761–62**

Durbin (for Burr) Modified Amendment No. 695 (to Amendment No. 687), to provide for outreach to high schools with low graduation rates. **Page S3776**

Durbin (for Burr) Modified Amendment No. 696 (to Amendment No. 687), to clarify references to high school graduation rates. **Page S3776**

Rejected:

Ensign Modified Amendment No. 715 (to Amendment No. 692), to clarify that nonprofit organizations assisted under the Nonprofit Capacity Building Program include certain crisis pregnancy centers, and organizations that serve battered women or victims of rape or incest. (By 56 yeas to 41 nays (Vote No. 111), Senate tabled the amendment).

Pages S3760–61, S3771–72

Pending:

Mikulski Amendment No. 687, in the nature of a substitute. **Page S3745**

Thune Amendment No. 716 (to Amendment No. 687), to express the sense of the Senate regarding the Federal income tax deduction for charitable giving.

Pages S3762–64

During consideration of this measure today, Senate also took the following action:

By 48 yeas to 49 nays (Vote No. 110), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974, with respect to Crapo/Corker Amendment No. 688 (to Amendment No. 687), to increase the borrowing authority of the Federal Deposit Insurance Corporation. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell.

Pages S3751–52, S3757–60

A motion was entered to close further debate on Mikulski Amendment No. 687, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, March 27, 2009. **Page S3772**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, March 27, 2009. **Page S3772**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, March 26, 2009. **Page S3806**

Appointments:

Senate National Security Working Group for the 111th Congress: The Chair announced, on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as

amended by Public Law 105–275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 21, 2004), the appointment of the following Senators as members of the Senate National Security Working Group for the 111th Congress: Senators Nelson (FL) and Lieberman. **Page S3806**

National Council of the Arts: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–83, announced the appointment of the following individual to serve as a member of the National Council of the Arts: Senator Whitehouse. **Page S3806**

Nomination Confirmed: Senate confirmed the following nomination:

By unanimous vote of 97 yeas (Vote No. EX. 109), David S. Kris, of Maryland, to be an Assistant Attorney General. **Pages S3753–54, S3815**

Nominations Received: Senate received the following nominations:

Dallas P. Tonsager, of South Dakota, to be Under Secretary of Agriculture for Rural Development.

Peter A. Kovar, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

1 Coast Guard nomination in the rank of admiral.

Routine lists in the Air Force, Army, and Navy. **Pages S3807–15**

Executive Communications: **Pages S3782–83**

Petitions and Memorials: **Pages S3783–84**

Additional Cosponsors: **Pages S3785–86**

Statements on Introduced Bills/Resolutions: **Pages S3786–S3802**

Additional Statements: **Page S3781**

Amendments Submitted: **Pages S3802–05**

Authorities for Committees to Meet: **Pages S3805–06**

Record Votes: Three record votes were taken today. (Total–111) **Pages S3754, S3760, S3771–72**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:29 p.m., until 9:30 a.m. on Thursday, March 26, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3806.)

Committee Meetings

(Committees not listed did not meet)

NATIONAL GUARD AND RESERVE BUDGET

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for National Guard and Reserve, after receiving testimony from Lieutenant General Clyde A. Vaughn, USA, Director, Army National Guard, and Lieutenant General Jack Stultz, USA, Chief, Army Reserve, both of the United States Army, Lieutenant General Harry M. Wyatt, III, USAF, Director, Air National Guard, and Lieutenant General Charles E. Stenner, Jr., USAF, Chief, Air Force Reserve, both of the United States Air Force, Vice Admiral Dirk J. Debbink, USN, Chief, Navy Reserve, United States Navy, and Lieutenant General Jack W. Bergman, USMC, Commander, Marine Forces Reserve, United States Marine Corps, all of the Department of Defense.

RESERVE COMPONENT PROGRAMS

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine reserve component programs of the Department of Defense, after receiving testimony from Thomas F. Hall, Assistant Secretary for Reserve Affairs, Lieutenant General Clyde A. Vaughn, USA, Director, Army National Guard, and Lieutenant General Jack C. Stultz, Chief, Army Reserve and Commanding General, United States Army Reserve Command, both of the United States Army, Lieutenant General Harry M. Wyatt, III, USAF, Director, Air National Guard, and Lieutenant General Charles E. Stenner, Jr., Chief, Air Force Reserve, both of the United States Air Force, Vice Admiral Dirk J. Debbink, USN, Chief, Navy Reserve, United States Navy, Lieutenant General Jack W. Bergman, USMC, Commander, Marine Forces Reserve, United States Marine Corps, and Rear Admiral Daniel R. May, USCG, Director, Coast Guard Reserve and Training, United States Coast Guard, all of the Department of Defense.

2010: BUDGET

Committee on the Budget: Committee met to mark up a proposed concurrent resolution setting forth the fiscal year 2010 budget for the Federal Government, but did not complete consideration thereon, and will meet again tomorrow.

FAA REAUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine Federal Aviation Administration reauthorization, focusing on

NextGen and the benefits of modernization, after receiving testimony from Hank Krakowski, Chief Operating Officer, Air Traffic Organization, Federal Aviation Administration, Department of Transportation; Gerald L. Dillingham, Director, Physical Infrastructure Issues, Government Accountability Office; Joe Kolshak, United Airlines, Chicago, Illinois, on behalf of the Air Transport Association of America; Dale Wright, National Air Traffic Controllers Association, Washington, D.C.; and TK Kallenbach, Honeywell Aerospace, Phoenix, Arizona.

ENERGY MARKET TRANSPARENCY AND REGULATION IMPROVEMENT

Committee on Energy and Natural Resources: Subcommittee on Energy concluded a hearing to examine how to improve energy market transparency and regulation, after receiving testimony from Howard Gruenspecht, Acting Administrator, Energy Information Administration, Department of Energy; Anna Cochrane, Acting Director, Office of Enforcement, Federal Energy Regulatory Commission; Robert McCullough, McCullough Research, Portland, Oregon; and Gerry Ramm, Inland Oil Company, Ephrata, Washington, on behalf of the Petroleum Marketers Association of America.

TRANSPORTATION INVESTMENT

Committee on Environment and Public Works: Committee concluded a hearing to examine transportation investment, after receiving testimony from Ray LaHood, Secretary of Transportation; Pennsylvania Governor Edward G. Rendell, Harrisburg; and Mayor Kathleen Novak, Northglenn, Colorado, on behalf of the National League of Cities.

LONG-TERM CARE IN HEALTH REFORM

Committee on Finance: Subcommittee on Health Care concluded a hearing to examine the role of long-term care in health reform, after receiving testimony from Judith Feder, Center for American Progress Action Fund, Ray Scheppach, National Governors Association, Dennis G. Smith, The Heritage Foundation, and Joshua M. Wiener, RTI International, all of Washington, D.C.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador to the Republic of Iraq, after the nominee, who was introduced by Senator Reed, testified and answered questions in his own behalf.

GLOBAL ECONOMIC CRISIS

Committee on Foreign Relations: Committee concluded a hearing to examine foreign policy and the global economic crisis, after receiving testimony from Lawrence B. Lindsey, former Director of the National Economic Council; Martin Wolf, *Financial Times*, London, United Kingdom; and George Soros, Soros Fund Management and Open Society Institute, New York, New York.

SOUTHERN BORDER VIOLENCE

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine Southern border violence, focusing on homeland security threats, vulnerabilities, and responsibilities, after receiving testimony from Janet Napolitano, Secretary of Homeland Security; James B. Steinberg, Deputy Secretary of State; and David Ogden, Deputy Attorney General, Department of Justice.

FEDERAL BUREAU OF INVESTIGATION OVERSIGHT

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Federal Bureau of Investigation, after receiving testimony from Robert S. Mueller, III, Director, Federal Bureau of Investigation, Department of Justice.

SMALL BUSINESS ADMINISTRATION BUDGET

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for Small Business Administration, after receiving testimony from Darryl K. Hairston, Acting Administrator, Small Business Administration.

BENEFITS DELIVERY METHODS

Committee on Veterans' Affairs: Committee concluded a hearing to examine State-of-the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery, after receiving testimony from Stephen W. Warren, Acting Assistant Secretary for Information and Technology, and Keith M. Wilson, Director, Education Service, and Kim A. Graves, Director, Office of Business Process Integration, both of the Veterans Benefits Administration, all of the Department of Veterans Affairs; and Scott A. Gaydos, EDS, Washington, D.C.

ALZHEIMER'S STUDY GROUP

Special Committee on Aging: Committee concluded a hearing to examine an update from the Alzheimer's Study Group, after receiving testimony from former Senator Bob Kerrey, former Speaker of the House of Representatives Newt Gingrich, and Sandra Day O'Conner, former Associate Justice, Supreme Court

of the United States, all of the Alzheimer's Study Group; Maria Shriver, First Lady of California, Sacramento; and Larry Butcher, Alzheimer's Community Care, Inc., West Palm Beach, Florida.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 27 public bills, H.R. 1699–1725; and 5 resolutions, H.J. Res. 41; H. Con. Res. 81–82; and H. Res. 286–287 were introduced. **Pages H4025–26**

Additional Cosponsors: **Pages H4026–27**

Report Filed: A report was filed today as follows:

H.R. 608, to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects (H. Rept. 111–53, Pt. 1). **Page H4025**

Speaker: Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker Pro Tempore for today. **Page H3837**

Chaplain: The prayer was offered by the guest Chaplain, Reverend Earl F. Palmer, National Presbyterian Church, Washington, D.C. **Page H3837**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Special Inspector General for the Troubled Asset Relief Program Act of 2009: S. 383, to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and responsibilities, by a ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 152 and **Pages H3847–51, H3853–54**

Stanley J. Roszkowski United States Courthouse Designation Act: S. 520, to designate the United States Courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse". **Pages H3995–96**

Omnibus Public Land Management Act of 2009: The House agreed to the Senate amendments to H.R. 146, to designate certain land as components of the National Wilderness Preservation System and to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, by a yea-and-nay vote of 285 yeas to 140 nays, Roll No. 153. **Pages H3840–47, H3852–53, H3854–H3985**

H. Res. 280, the rule providing for consideration of the Senate amendments, was agreed to by a recorded vote of 247 ayes to 177 noes, Roll No. 151, after agreeing to order the previous question by a yea-and-nay vote of 242 yeas to 180 nays, Roll No. 150. **Pages H3852–53**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, March 24th:

Recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy: H. Res. 273, to recognize the 188th anniversary of the independence of Greece and to celebrate Greek and American democracy, by a ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 154. **Pages H3985–86**

Privileged Resolution: The House agreed to table H. Res. 286, raising a question of the privileges of the House, by a yea-and-nay vote of 223 yeas to 182 nays with 16 voting "present", Roll No. 155. **Pages H3990–91**

Federal Land Assistance, Management and Enhancement Act: The House began consideration of H.R. 1404, to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands and to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy. Further proceedings were postponed. **Pages H3986–90, H3991–95**

H. Res. 281, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 248 yeas to 175 nays, Roll No. 156, after agreeing to order the previous question without objection. **Pages H3991–92**

Privileged Resolution—Intent to Offer: Representative Flake announced his intent to offer a privileged resolution. **Pages H3990–91**

Senate Message: Message received from the Senate today appears on page H3990.

Senate Referrals: S. Con. Res. 12 was held at the desk. **Page H3990**

Quorum Calls—Votes: Five yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H3852, H3852–53,

H3853–54, H3985, H3985–86, H3990–91 and H3991–92. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:17 p.m.

Committee Meetings

CONSERVATION PROGRAM CONTRACTS

Committee on Agriculture: Subcommittee on Conservation, Credit, Energy and Research held a hearing to review the USDA administration of conservation program contracts. Testimony was heard from the following officials of the USDA: Robert Stephenson, Acting Deputy Administrator, Field Operations, Farm Services Agency; Dave White, Acting Chief, Natural Resources Conservation Service; and Kathleen S. Tighe, Deputy Inspector General, Office of the Inspector General; Lisa Shames, Director, Natural Resources and Environment, GAO; and John Jurich, Committee on Agriculture, House of Representatives.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Combat Aircraft Acquisition. Testimony was heard from the following officials of the Department of Defense: LTG Mark Shackleford, USAF, Deputy to the Assistant Secretary of the Air Force; and VADM David Archizel, USN, Principal Deputy for Research, Development and Acquisition, Navy.

HOMELAND SECURITY APPROPRIATIONS—LEGISLATIVE BRANCH

Committee on Appropriations: Subcommittee on Homeland Security and the Subcommittee on Legislative Branch held a joint hearing on Protecting our Nation's Leaders: Challenges of 2008 Presidential Campaign and the 56th Presidential Inauguration. Testimony was heard from Mark Sullivan, Director, U.S. Secret Service, Department of Homeland Security; and Phillip Morse, Chief, U.S. Capitol Police.

INTERIOR, ENVIRONMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies held a hearing on Native American and Alaska Natives Issues. Testimony was heard from public witnesses.

LABOR, HHS, EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on Raising Wages and Living Standards for Families and Workers. Testimony was heard from Keith Hall, Commissioner, Bureau of Labor Statistics; Department of Labor; and public witnesses.

MILITARY CONSTRUCTION, VETERANS AFFAIRS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on European Command. Testimony was heard from GEN Bantz J. Craddock, USA, U.S. Commander, European Command.

The Subcommittee also held a hearing on Medical Transition, Defense to Veterans Affairs. Testimony was heard from Michael J. Kussman, M.D., Under Secretary, Health, Department of Veterans Affairs; and S. Ward Casscells, M.D., Assistant Secretary, Health Affairs, Department of Defense.

STATE, FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations and Related Programs continued appropriation hearings. Testimony was heard from public witnesses.

RECONSTRUCTING FUNDING IRAQ AND AFGHANISTAN

Committee on Armed Services: Held a hearing on Effective Counterinsurgency: How the Use and Misuse of Reconstruction Funding Affects the War Effort in Iraq and Afghanistan. Testimony was heard from Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction; MAJ GEN Arnold Fields, USMC (ret.) Special Inspector General for Afghanistan Reconstruction; and Jacquelyn L. Williams-Bridgers, Managing Director, International Affairs and Trade, GAO.

CONTINGENCY CONTRACTING

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Contingency Contracting: Has the Call for Urgent Reform Been Answered? Testimony was heard from the following officials of the Department of Defense: Shay D. Assad, Director, Defense Procurement, Acquisition Policy and Strategic Sourcing, Office of the Under Secretary, Acquisition and Technology; and Major Gen. Darryl A. Scott, USAF, Deputy Commander, Task Force to Support Business Operations in Iraq, Office of the Deputy Under Secretary, Business Transformation; the following officials of the Department of the Army: Edward M. Harrington, Deputy Assistant Secretary, Procurement, Department of the Army; and Jeffrey P. Parsons, Executive Director, U.S. Army Contracting Command.

SUSTAINING THE NAVY'S SURFACE FLEET

Committee on Armed Services: Subcommittee on Readiness held a hearing on readiness and sustainment of the Navy's surface fleet. Testimony was heard from the following officials of the Department of the Navy: RADM (Upper Half) (Select) Philip H. Cullom, USN, Director, Fleet Readiness Division (OPNAV N43); RADM (Upper Half) (Select) Joseph F. Campbell, USN, Director of Staff, Fleet Maintenance Officer (USFF N43); RADM (Lower Half) James P. McManamon, USN, Deputy Commander, Surface Warfare, (SEA 21); and RADM (Lower Half) Thomas H. Eccles, USN, Deputy Commander Naval Systems Engineering (SEA 05), both with Naval Sea System Command.

CONCURRENT RESOLUTION ON THE BUDGET FISCAL YEAR 2010

Committee on the Budget: Ordered reported, as amended, the Concurrent Resolution on the Budget for Fiscal Year 2010.

WAGE THEFT OF AMERICA'S VULNERABLE WORKERS

Committee on Education and Labor: Held a hearing on GAO's Undercover Investigation: Wage Theft of America's Vulnerable Workers. Testimony was heard from the following officials of the GAO: Greg Kutz, Managing Director; and Jonathan Meyer, Assistant Director.

ADAPTATION POLICIES IN CLIMATE LEGISLATION

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing on Adaptation Policies in Climate legislation. Testimony was heard from Tom Karl, Director, National Climate Data Center, NOAA; John Stephenson, Director, Natural Resources and Environment, GAO; and public witnesses.

MISCELLANEOUS MEASURES: EXPLORING AVAILABILITY AND PRUDENT LENDING STANDARDS

Committee on Financial Services: Ordered reported the following measures: To amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008, to prohibit unreasonable and excessive compensation and compensation not based on performance standards; and H. Res. 251, Directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc, (AIG).

The Committee also held a hearing entitled "Exploring the Balance between Increased Credit Availability and Prudent Lending Standards. Testimony was heard from the following officials of the Department of the Treasury: Scott Polakoff, Acting Director, Office of Thrift Supervision; and Timothy W. Long, Senior Deputy Comptroller, and Chief National Bank Examiner, Office of the Comptroller of the Currency; Martin J. Gruenberg, Vice Chairman, FDIC; Elizabeth A. Duke, Governor, Board of Governors of the Federal Reserve System; James Kroeker, Acting Chief Accountant, SEC; and public witnesses.

NORTH ATLANTIC TREATY; CLIMATE CHANGE AND THE ARCTIC

Committee on Foreign Affairs: Ordered reported as amended the following measures: H. Res. 76, Mourning the horrific loss of life in January 2009 caused by a landslide in Guatemala and an earthquake in Costa Rica and expressing the sense of Congress that the United States should assist the affected people and communities; H. Res. 152, Expressing the sense of the House of Representatives that the United States remains committed to the North Atlantic Treaty; H. Res. 171, Expressing the sense of the House of Representatives on the need for constitutional reform in Bosnia and Herzegovina and the importance of sustained United States engagement in partnership with the European Union (EU); and H. Con. Res. 36, Calling on the President and the allies of the United States to engage with officials of the Government of Iran to raise the case of Robert Levinson at every opportunity, urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on the Government of Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

The Committee also held a hearing on Climate Change and the Arctic: New Frontiers of National Security. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on House Administration: Ordered reported the following measures: H. Res. 279, as amended, Providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress; Dismissing the election contest relating to the office of Representatives from the First Congressional District of Hawaii; H.R. 1299, Capitol Police Administrative Technical Corrections Act of 2009; H.R. 1679, House Reservists Pay Adjustment Act of 2009; H.R. 151, Daniel Webster Congressional Clerkship Act of 2009; H.R. 586, Civil Rights History Project Act of 2009; H.R. 749, To amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; H.R.

415, Fallen Heroes Flag Act of 2009; and Committee Resolution #111–5, providing Official Mail Allowance to Committees of the House for the 111th Congress.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1139, as amended, COPS Improvements Act of 2009; and H.R. 985, Free Flow of Information Act of 2009.

FEDERAL EMPLOYEE PAID PARENTAL LEAVE ACT; RESTORING FINANCIAL STABILITY OF THE U.S. POSTAL SERVICE

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia approved for full committee action the following bill: H.R. 626, Federal Employees Paid Parental Leave Act of 2009.

The Subcommittee also held a hearing on Restoring the Financial Stability of the U.S. Postal Service: What Needs to be Done? Testimony was heard from the following officials of the U.S. Postal Service: John E. Potter, Postmaster General and CEO; Carolyn Lewis Gallagher, Chairwoman, Board of Governors; and David C. Williams, Inspector General, Office of Inspector General; Dan G. Blair, Chairman, Postal Regulatory Commission; Phillip Herr, Director, Physical Infrastructure Issues, GAO; and public witnesses.

FINANCIAL MARKETS REGULATORY AGENCIES—INSPECTORS GENERAL ROLES AND RESPONSIBILITIES

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization, and Procurement held a hearing on Roles and Responsibilities of Inspectors General within Financial Markets Regulatory Agencies. Testimony was heard from Representative John B Larson; Gary L. Kepplinger, General Counsel, GAO; H. David Kotz, Inspector General, SEC; Elizabeth A. Coleman, General Counsel, System Board of Governors, Federal Reserve System; William DeSarno, Inspector General, National Credit Union Administration; A. Roy Lavik, Inspector General, Commodities Future Trading Commission; Vanessa K. Burrows, Legislative Attorney, Congressional Research Service; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported as amended the following bills: H.R. 1580, Electronic Waste Research and Development Act; and H.R. 1145, National Water Research and Development Initiative Act of 2009.

OVERSIGHT—SBA AND ITS PROGRAMS

Committee on Small Business: Held a hearing entitled "Oversight of the Small Business Administration and its Programs." Testimony was heard from Darryl Hairston, Acting Administrator, U.S. Small Business Administration; the following officials of GAO: William Shear, Director, Financial Markets and Community Investment and George Kutz, Managing Director, Forensics Audits and Special Investigations.

VETERAN'S LEGISLATION

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 1171, as amended, Homeless Veterans Reintegration Program Reauthorization Act of 2009; H.R. 1377, amended, To amend title 38, United States Code, to expand veterans eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility; and H.R. 1513, Veterans' Compensation Cost-of-Living Adjustment Act of 2009.

NSA BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on NSA. Testimony was heard from departmental witnesses.

HOT SPOTS BRIEFING

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to hold a briefing on Hot Spots. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 26, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nominations of Ashton B. Carter, of Massachusetts, to be Under Secretary for Acquisition, Technology, and Logistics, James N. Miller, Jr., of Virginia, to be Deputy Under Secretary for Policy, and Alexander Vershbow, of the District of Columbia, to be Assistant Secretary for International Security Affairs, all of the Department of Defense, 9:30 a.m., SH–215.

Subcommittee on Airland, to hold hearings to examine current and future roles, missions, and capabilities of United States military land power, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to continue hearings to examine enhancing investor protection and the regulation of securities markets, 9:30 a.m., SD–538.

Committee on the Budget: business meeting to continue a markup of the concurrent resolution on the budget for fiscal year 2010, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine health insurance industry practices, 10:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine legislation to strengthen American manufacturing through improved industrial energy efficiency, 9:30 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the nominations of Jonathan Z. Cannon, of Virginia, to be Deputy Administrator of the Environmental Protection Agency, and Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine middle income tax relief, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nomination of Karl Winfrid Eikenberry, of Florida, to be Ambassador of the United States of America to the Islamic Republic of Afghanistan, Department of State, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Rose Eilene Gottemoeller, of Virginia, to be Assistant Secretary for Verification and Compliance, and Philip H. Gordon, of the District of Columbia, to be Assistant Secretary for European and Eurasian Affairs, both of the Department of State, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security, 10 a.m., SD–342.

Full Committee, to hold hearings to examine the nomination of John Berry, of the District of Columbia, to be Director of the Office of Personnel Management, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 515, to amend title 35, United States Code, to provide for patent reform, and the nominations of Tony West, of California, Lanny A. Breuer, of the District of Columbia, and Christine Anne Varney, of the District of Columbia, each to be an Assistant Attorney General, all of the Department of Justice, 9:30 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing on the state of obesity in the United States, 10 a.m., 1300 Longworth.

Subcommittee on Rural Development, Biotechnology, Specialty Crops, and Foreign Agriculture, hearing to review tobacco production in the United States, 10 a.m., 1302 Longworth.

Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies, to continue on Native-American and Alaska Natives Issues, 9:30 a.m., and 1:30 p.m., B–308 Rayburn.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Department of Health and Human Services, Office of Inspector General, 10 a.m., 2362–A Rayburn.

Subcommittee on Commerce, Justice, Science, and Relate Agencies, on DEA, 10 a.m., H–309 Capitol.

Subcommittee on Homeland Security, on S&T Research and Transitioning Products Into Use, 10 a.m., 2358–A Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on NIH: Budget Overview, Implementation of ARRA and Status of the National Children's Study, 10 a.m., 2359 Rayburn.

Subcommittee on State, and Foreign Operations, and Related Programs, on public witnesses, 9:30 a.m., 2362–B Rayburn.

Committee on Armed Services, Subcommittee on Air and Land Forces, hearing on status of the future combat systems program, 2 p.m., 2118 Rayburn.

Subcommittee on Seapower and Expeditionary Forces, hearing on requirements for the future capabilities of the United States maritime forces, 10 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on future roles and missions of the Missile Defense Agency, 9 a.m., 2212 Rayburn.

Committee on Education and Labor, hearing on the economic and employment impact of the Arts and music industry, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Communications, Technology and the Internet, hearing on Oversight of the Digital Television Transition, 10 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Institutional Review Boards that Oversee Experimental Human Testing for Profit, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled "Addressing the Need for Comprehensive Regulatory Reform," 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Management, Investigations, and Oversight, hearing entitled "Consolidating DHS: An Update on the St. Elizabeth Project," 10 a.m., 311 Cannon.

Committee on House Administration, Subcommittee on Elections, hearing on the 2008 Election: A look back on what went right and wrong, 10 a.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing on the Representation of Indigent Defendants in Criminal Cases: A Constitutional Crisis in Michigan and Other States? 10 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, hearing on Troops, Diplomats, and Aid: Assessing Strategic Resources for Afghanistan, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Space and Aeronautics, hearing on Aviation and the Emerging Use of Biofuels, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Investigations and Oversight, hearing entitled "Expanding Equity Investment in Small Business," 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, hearing on the Department of Transportation's Disadvantaged Business Enterprise Programs, 11 a.m., 2167 Rayburn.

Committee on Ways and Means, to continue hearings on Climate Change Legislation, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on USDI Update, 9:30 a.m., and executive, briefing on Afghanistan Roll-Out, 1:15 p.m., 3034 HVC.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine human rights in Afghanistan, 2:30 p.m., CVC Auditorium.

Next Meeting of the SENATE

9:30 a.m., Thursday, March 26

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 1388, Generations Invigorating Volunteerism and Education Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 26

House Chamber

Program for Thursday: Complete consideration of H.R. 1404—Federal Land Assistance, Management and Enhancement Act (Subject to a Rule).

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