S. 1883

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1883, a bill to extend and modify the temporary suspension of duty on iminodisuccinate.

S. 1884

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1884, a bill to suspend temporarily the duty on MDA50.

S. 1885

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1885, a bill to suspend temporarily the duty on certain air pressure distillation columns.

S. 1886

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1886, a bill to suspend temporarily the duty on Epilink 701.

S. 1887

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1887, a bill to suspend temporarily the duty on Nourybond 276 Modifier.

S. 1888

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1888, a bill to extend the temporary suspension of duty on 2-ethylhexyl 4-methoxycinamate.

S. 1889

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1889, a bill to extend the temporary suspension of duty on glass bulbs, designed for sprinkler systems and other release devices.

S. 1890

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1890, a bill to suspend temporarily the duty on manganese flake containing at least 99.5 percent by weight of manganese.

S. 1891

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1891, a bill to suspend temporarily the duty on standard grade ferroniobium.

S. 1892

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1892, a bill to suspend temporarily the duty on methyl sulfonic acid.

S. 1894

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1894, a bill to suspend temporarily the duty on N-Benzyl-N-ethylaniline.

S. 1895

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1895, a bill to suspend temporarily the duty on p-Dodecyl aniline.

S. 1896

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1896, a bill to suspend temporarily the duty on stainless steel single-piece exhaust gas manifolds.

S. 1953

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1953, a bill to suspend temporarily the duty on p-toluidine.

S. 1954

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1954, a bill to suspend temporarily the duty on p-nitrotoluene.

S. 1955

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1955, a bill to suspend temporarily the duty on acrylic resin solution.

S. 1956

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1956, a bill to suspend temporarily the duty on Benzenamine, 4 Dodecyl.

S. 1958

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1958, a bill to suspend temporarily the duty on medium molecular weight solid epoxy resin.

S. 1979

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1979, a bill to suspend temporarily the duty on certain fiberglass sheets used to make ceiling tiles.

S. 1980

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1980, a bill to suspend temporarily the duty on certain fiberglass sheets used to make flooring substrate.

S. 2052

At the request of Mr. UDALL of Colorado, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2052, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes.

S. 2076

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2076, a bill to suspend temporarily the duty on titanium dioxide.

S. RES. 210

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 2712

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2712 proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

At the request of Mr. WYDEN, his name was added as a cosponsor of amendment No. 2712 proposed to H.R. 3548, supra.

AMENDMENT NO. 2723

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2723 intended to be proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2722. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. Mr. President, I join Senator ENZI today to introduce the Heart Mountain Relocation Center Study Act. This legislation will authorize the National Park Service to conduct a special resource study of the site of Heart Mountain Relocation Center near Powell, Wyoming. The site is an important part of our national history and of the history of our communities in western Wyoming.

This legislation is truly a credit to the individuals, local communities and grassroots organizations supporting recognition of the Heart Mountain site. Many of these individuals readily share their experience of the years between 1942 and 1945, when Japanese American families from the West Coast were forcibly moved to Park County, Wyoming and interned at the site near Heart Mountain. During those years, the Heart Mountain site was the third-

largest community in Wyoming, housing nearly 11,000 Japanese Americans. The experience during those years shaped internees and local residents alike. It represents an important chapter in American history.

The legislation introduced today will authorize study of the Heart Mountain site and its significance to the mission of the National Park Service. The study will involve participation by the public and evaluate options for future management of the Heart Mountain site.

I want to thank the Heart Mountain Wyoming Foundation, along with other supporting organizations, for championing this cause. It is because of their efforts that this important historical site has been preserved and presented to the public.

The internment of Japanese Americans during World War II is a part of America's history. The special resource study of Heart Mountain Relocation Center will lay groundwork for protecting this history for future generations. I urge Senators to support the Heart Mountain Relocation Center Study Act.

Mr. ENZI. Mr. President, I rise today to discuss the importance of preserving the Heart Mountain World War II Internment Camp in Powell, Wyoming. My good friend and colleague Senator JOHN BARRASSO and I are introducing a bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center as a unit of the National Park System.

Heart Mountain, WY, was 1 of 10 relocation centers created during World War II to house Japanese and Japanese-Americans who were forcibly relocated inland from the west coast. The current site contains the most existing structures of any site in the country. To memorialize this history, the Heart Mountain, Wyoming Foundation is working to develop a Learning Center on the site of the Internment Camp. The Foundation is a well-established and creditable organization serving 2,800 on its mailing list, with notable Board and Advisory Board members including former Senator Alan Simpson and former U.S. Department of Commerce and U.S. Department of Transportation Secretary Norman Mineta. Senator Simpson and Secretary Mineta first met as Boy Scouts when Senator Simpson's Cody, WY, Scout Troop visited Secretary Mineta's troop while he was interned as a young man in the Heart Mountain camp. They developed a bond that would last for decades and eventually served in Congress together.

Private and public entities alike strongly believe that Heart Mountain, WY, should be preserved for future generations. I, too, believe preservation of one of our country's landmarks from World War II should be saved so our children and grandchildren have another tool to learn about our country's history.

In 2000, I secured Federal funding from the Economic Development Initiative Grant Program, EDI, under the U.S. Department of Housing and Urban Development for the Heart Mountain, Wyoming Foundation. The foundation used this funding to acquire land and conduct environmental assessment of the land in order to build an interactive learning facility at Heart Mountain's World War II Internment Camp in Powell, WY. The facility educates tourists and Wyomingites about the camp's history and effects on the Japanese American population. In the past 9 years, private individuals, non-profit organizations, and the Federal Government have issued additional dollars to the Heart Mountain, Wyoming Foundation in order to achieve its goal of preserving the land, remaining structures, and building the Learning Center.

The next step in this journey is the bill Senator BARRASSO and I are introducing today. The bill would authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center as a unit of the National Park System. When conducting the study, the Secretary of the Interior will be looking at various factors including, but not limited to, evaluating the national significance of Heart Mountain, WY; identifying the cost estimates for any Federal acquisition, development, operation and maintenance of the area; and identifying any potential impacts of designation of site as a unit of the National Park System on private landowners. Once funds are made available for the study, the Secretary of the Interior has 3 years to study the issue and issue a report about next steps to the appropriate House and Senate committees of jurisdiction.

Simply because we are introducing this legislation does not guarantee that Heart Mountain will become a part of the National Park System. The bill we are introducing will allow the Secretary to study that question and to make a recommendation based on the merits of Heart Mountain and how it would fit within the entire National Park System.

Heart Mountain Camp internees want to leave a legacy of learning through this Center to future generations such that abridgements of freedoms and lack of ethnic understanding not occur again in this great country. Preserving the land and structures and building the Learning Center will do just that. This bill is the next step forward in making their dream a reality.

---

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 2723. A bill to amend the Internal Revenue Code of 1986 to provide a special depreciation allowance and recovery period for noncommercial aircraft property; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, Today I introduce an important piece of legislation that would provide a real boost to our economy at little, if any, expense to taxpayers. The bill I introduce would offer bonus depreciation on the purchase of noncommercial general aviation aircraft in 2010 or 2011.

America is the world leader in general aviation manufacturing, a sector in which we truly have no peer. General aviation is an essential and critical part of our Nation's transportation infrastructure for many individuals and businesses, for whom time is of the absolute essence. Further, general aviation is a vital component of our economy, supporting over 1.2 million jobs and providing $150 billion in economic activity. It is one of the few remaining American manufacturing industries that still provide a significant trade surplus for the U.S., generating over $5.9 billion in exports of domestically manufactured planes in 2008 alone.

However, this sector is particularly susceptible to economic downturns. Many individuals and companies will delay or even cancel the purchase of an aircraft in a bad economy even though they may have a present need for a new aircraft.

We see this reflected in our general aviation sector where during the first half of 2009, we witnessed declines of 58 percent in piston engine aircraft sales; 37 percent in jet engine aircraft sales; and 13 percent in turboprop aircraft sales. At the same time, use of business jets has declined 12 percent over the past year, and the number of used aircraft on the global market stands at a historic high.

Cumulatively, general aviation companies have had to lay off 19,000 American workers, and this includes 11,500 alone in Wichita, KS. Over the past year, total employment of general aviation companies has declined by almost 14 percent. This is even more alarming when you consider that the U.S. Department of Labor aerospace workforce multiplier is three. For every general aviation worker on an aircraft, there are three jobs outside the immediate company that are created, whether manufacturing, engineering, supply or support. So, for this many general aviation workers to have been laid-off has much further reaching consequences in terms of the number of people and families that are adversely impacted.

The legislation that I propose today is a proven approach to spur general aviation aircraft orders with minimal affect on the Federal budget. My approach to this issue is an approach that has resulted in real jobs. During the 2003–2004 economic downturn, I worked to have general aviation bonus depreciation included in legislation that emerged from the Senate Finance Committee. That provision is credited with spurring over $2 billion in new general aviation aircraft sales, and it is credited with saving or sustaining thousands of jobs. Also, another consideration that makes this approach a real

no-brainer is that, in the past, the Joint Tax Committee reported the provision to have a negligible impact on Federal tax revenues over the 10–year budget window. This is because, while tax revenue is reduced in the near-term, revenues rebound to higher levels in the second half of the 10–year window as no deprecation is being taken in the later years of the period.

Acting on this proposal now is important. The Blue Chip Economic Indicators consensus forecast expect unemployment to rise above 10 percent and to remain above the 3rd quarter 2009 level of 9.6 percent at least though the end of 2010, so we are looking at uncertain economic growth and high unemployment for several more quarters. A proposal like the one that I am putting forward is likely to encourage individuals and businesses to go ahead and act now on placing orders rather than waiting. For the Congress to act on this bonus depreciation legislation now would have a positive effect on getting our economic engines moving again and can play a part in helping facilitate a broader economic recovery, as it would hopefully again help to save and sustain jobs as well as returning jobs to those who have lost them as a result of the recession.

---

By Mr. REID (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, and Mrs. BOXER):

S. 2724. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I rise today with my good friends, Senator FEINSTEIN, Senator ENSIGN, and Senator BOXER to introduce the Lake Tahoe Restoration Act of 2009.

Representatives HELLER, TITUS, BERKLEY and others will be introducing an identical version of this legislation in the House of Representatives today, and I urge both bodies to act swiftly on this important legislation.

Lake Tahoe is a place of incredible beauty. The clear blue waters of the lake, surrounded by forested slopes and snow-capped peaks is a sight that can stir the soul. When Mark Twain first saw Lake Tahoe in 1861, he described it as ''a noble sheet of blue water lifted six thousand three hundred feet above the level of the sea, and walled in by a rim of snow-clad mountain peaks that towered aloft full three thousand feet higher still!'' He went on to proclaim the view in front of him as surely ''the fairest picture the whole earth affords.'' I could not agree more.

But the Lake Tahoe Basin faces some great challenges. The famed clarity of the lake declined by over a third during the last 50 years; it is estimated that 25 percent of the trees in the basin are dead or dying; the Lahontan cutthroat trout that once grew to 40 pounds or more in Lake Tahoe are no longer present; and many of the basin's natural marshes and wetlands have been altered or drained.

It became clear to me in the 1990s that a major commitment was needed to turn things around for the health and future of Lake Tahoe and the Lake Tahoe Basin. In 1996, I called then-President Clinton and Vice President Gore and asked if they would come to Lake Tahoe with me so that they could see both the incredible beauty of the place and many threats facing this rare jewel. When we convened in July 1997, the President and Vice President brought four cabinet secretaries with them and we had a serious multi-day session On the future of Lake Tahoe. President Clinton promised to make Lake Tahoe a priority—for the people of Nevada, for the people of California and for the whole country. An executive order and the subsequent Lake Tahoe Restoration Act of 2000 underscored that commitment.

It would have been difficult to imagine at that first summit how much progress we would be able to make in 12 years. The clarity of the lake now appears to have stabilized, thousands of acres of forest lands have been restored, roads and highways across the basin have been improved to limit runoff, and the natural function of many miles of stream zones and riparian areas has been restored. But there is a great deal yet to be done. We offer this legislation as the next step.

The Lake Tahoe Restoration Act of 2009 focuses Federal attention on the areas where we can be most effective and it builds on the lessons we have learned since 1997. The basic summary of the bill is that it authorizes $415 million over 8 years to improve water clarity, reduce the threat of fire, and restore the environment. But I would like to take a few minutes to explain some of the components in greater depth.

It would be impossible to make real progress in the Lake Tahoe Basin without working hand-in-hand with the Forest Service, which manages 75 percent of the land in the area. With that in mind, we call on the Forest Service to support the thresholds put forth by the Tahoe Regional Planning Agency, we provide encouragement and funding to work on the restoration of stream environment zones, and we withdraw all Forest Service in the Basin lands from mineral entry in order to minimize soil disturbance. The Forest Service is also granted increased flexibility to exchange land with the states of Nevada and California which will allow for more cost-efficient management of the over 8,000 publicly owned urban parcels spread throughout the Basin. Currently, the Forest Service owns over 3,280 of these urban parcels and there are questions about whether it is in the public interest for the Forest Service to manage these urban lands or whether it would be better to pass them to other responsible entities that could provide more efficient management. We have asked the Forest Service to report to Congress on their plans for improving this part of their program, including any suggestions for how Congress might be able to help. Along with these new authorities and direction for forest management, the bill authorizes $136 million to reduce the threat of wildfire. This includes work on Forest Service lands as well as work done by local fire agencies. Local communities and fire districts that receive grants from this generous program will provide a 25 percent cash match.

The Environmental Improvement Plan, EIP, another key part of restoration efforts in the basin. The EIP is a list, prepared by Lake Tahoe stakeholders, of projects that are designed to improve water quality, forest health, air quality and fish and wildlife habitat around Lake Tahoe. As part of this bill we authorize $136 million for Federal funding to support EIP projects. We also call on stakeholders in the basin to carefully rank the projects in the EIP, using the best available science, in order to give everyone involved an understanding of the long-term priorities and goals of the program. Through this ranking, when state, local, or private funds become available, the stakeholders and government agencies can move immediately to fund and implement the projects that are most vital and in keeping with the long-range vision for environmental restoration in the basin.

Another important authorization in the bill is $72 million for stormwater management and watershed restoration projects which have been determined to be among the most effective ways to improve water clarity. These are projects designed to reduce the inflow of very fine sediment into the lake through improvement of urban stormwater systems or the restoration of natural watershed functions in the basin's streams and marsh areas.

The legislation also takes great strides in protecting Lake Tahoe from dangerous invasive species like quagga and zebra mussels. The damage that would be inflicted at Lake Tahoe by a quagga or zebra mussel infestation has been estimated to be in the tens of millions of dollars annually. These organisms destroy native ecosystems. Their rampant reproduction upsets food chains and drives other species out of existence. Dense accumulation of shells damages infrastructure, clogs water pipes and fouls boats and motors. As has been experienced in other parts of our country, these invasive species can leave boulders and beaches covered in an unsightly, foul-smelling, crust of sharp fingernail-sized shells. In order to protect Lake Tahoe from this horrible fate, our bill would provide $20 million for watercraft inspections and removal of existing invasive species from Lake Tahoe. Further, we prohibit watercraft that have had contact with quagga or zebra mussel-infested waters from entering waterbodies in the Lake Tahoe Basin. All other watercraft must submit to inspection and decontamination prior to launch in order to prevent

the introduction of these harmful species. Watercraft can be exempted from decontamination if they have not launched elsewhere since last being in Lake Tahoe.

Of special importance to me, this legislation authorizes $20 million to help implement the full-scale recovery of the Lahontan cutthroat trout. This iconic fish was highly sought by anglers for generations, and was the top predator in the lake's ecosystem. Populations started to decline when widespread logging and pulp operations came to the Tahoe Basin, damaging crucial spawning areas. This, combined with serious overfishing, led to a sharp decline in population levels. To make matters worse, a number of non-native fish were introduced into Lake Tahoe and began to prey upon the remaining juvenile cutthroats.

We have since made great progress in cleaning up the Basin's streams and restoring lost habitat, but we will need to take additional steps to bring this great fish back to Lake Tahoe. The funding authorized by this legislation will make these steps possible. I would also like to note, that the Fish and Wildlife Service has made great progress in bringing Lahontan cutthroat trout back to Fallen Leaf Lake, in the Tahoe Basin. I have faith that they can work similar wonders in Lake Tahoe.

Another piece of this bill that we have put a lot of time and thought into is the science program. A solid understanding of how our restoration efforts are working, and how natural physical and biological processes affect the lake is critical to ensuring continued progress in restoring the health of the basin. The legislation authorizes $30 million for scientific programs and research that will produce information on long-term trends in the basin and provide the basis for selection of the most effective projects. To help coordinate efforts, all projects funded by this legislation will have monitoring and assessment built into their project design so that we can better understand their contributions to restoration in the basin.

A great deal of work has gone into this bill, and I am grateful for the help and assistance that my colleagues and their staffs have provided. Senator FEINSTEIN and her staff deserve special praise for their diligent efforts. I also sincerely appreciate the time and attention of the many people in Nevada and California who have provided crucial input along the way.

Anyone who has been to Lake Tahoe knows that is it not just uniquely beautiful but that it is also worth fighting to protect. It is my sincere hope that my grandchildren will see the day when the Lake's clarity is restored to 100 feet or more, when Tahoe's giant native trout are once again plentiful, and when nearby forests are diverse and healthy. Mark Twain saw something amazing when he crested into the Lake Tahoe Basin. We owe it to ourselves and to subsequent generations to restore as much of that splendor as we can. This bill is the next step in that journey.

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. 2724

*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 ''Lake Tahoe Restoration Act of 2009''.

**SEC. 2. FINDINGS AND PURPOSES.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

**''SEC. 2. FINDINGS AND PURPOSES.**

''(a) FINDINGS.—Congress finds that—

''(1) Lake Tahoe—

''(A) is 1 of the largest, deepest, and clearest lakes in the world;

''(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

''(C) is recognized nationally and worldwide as a natural resource of special significance;

''(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is 1 of the outstanding recreational resources of the United States, which—

''(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

''(B) contributes significantly to the economies of California, Nevada, and the United States;

''(3) the economy in the Lake Tahoe Basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

''(4) the Lake Tahoe Basin continues to be threatened by the impacts of land use and transportation patterns developed in the last century that damage the fragile watershed of the Basin;

''(5) the water clarity of Lake Tahoe declined from a visibility level of 105 feet in 1967 to only 70 feet in 2008;

''(6) the rate of decline in water clarity of Lake Tahoe has decreased in recent years;

''(7) a stable water clarity level for Lake Tahoe could be achieved through feasible control measures for very fine sediment particles and nutrients;

''(8) fine sediments that cloud Lake Tahoe, and key nutrients such as phosphorus and nitrogen that support the growth of algae and invasive plants, continue to flow into the Lake from stormwater runoff from developed areas, roads, turf, other disturbed land, and streams;

''(9) the destruction and alteration of wetland, wet meadows, and stream zone habitat have compromised the natural capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

''(10) approximately 25 percent of the trees in the Lake Tahoe Basin are either dead or dying;

''(11) forests in the Tahoe Basin suffer from over a century of fire suppression and periodic drought, which have resulted in—

''(A) high tree density and mortality;

''(B) the loss of biological diversity; and

''(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

''(12) the establishment of several aquatic and terrestrial invasive species (including bass, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

''(13) there is an ongoing threat to the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as the zebra mussel, New Zealand mud snail, and quagga mussel);

''(14) the report prepared by the University of California, Davis, entitled the 'State of the Lake Report', found that conditions in the Lake Tahoe Basin had changed, including—

''(A) the average surface water temperature of Lake Tahoe has risen by more than 1.5 degrees Fahrenheit in the past 37 years; and

''(B) since 1910, the percent of precipitation that has fallen as snow in the Lake Tahoe Basin decreased from 52 percent to 34 percent;

''(15) 75 percent of the land in the Lake Tahoe Basin is owned by the Federal Government, which makes it a Federal responsibility to restore environmental health to the Basin;

''(16) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

''(A) congressional consent to the establishment of the Tahoe Regional Planning Agency with—

''(i) the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and

''(ii) the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);

''(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

''(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

''(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration projects under this Act; and

''(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

''(17) the Assistant Secretary of the Army for Civil Works was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

''(18) the Chief of Engineers, under direction from the Assistant Secretary of the Army for Civil Works, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

''(A) stream and wetland restoration;

''(B) urban stormwater conveyance and treatment; and

''(C) programmatic technical assistance;

''(19) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

''(A) committing to increased Federal resources for environmental restoration at Lake Tahoe; and

''(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

''(20) at the 2008 and 2009 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Ensign, and Governor Gibbons—

''(A) renewed their commitment to Lake Tahoe; and

''(B) expressed their desire to fund the Federal share of the Environmental Improvement Program through 2018;

''(21) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,430,000,000 to the Lake Tahoe Basin, including—

''(A) $424,000,000 from the Federal Government;

''(B) $612,000,000 from the State of California;

''(C) $87,000,000 from the State of Nevada;

''(D) $59,000,000 from units of local government; and

''(E) $249,000,000 from private interests;

''(22) significant additional investment from Federal, State, local, and private sources is necessary—

''(A) to restore and sustain the environmental health of the Lake Tahoe Basin;

''(B) to adapt to the impacts of changing climatic conditions; and

''(C) to protect the Lake Tahoe Basin from the introduction and establishment of invasive species; and

''(23) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least $10,000,000 and up to $20,000,000 annually for the Fire Risk Reduction and Forest Management Program.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities to address in the Lake Tahoe Basin the issues described in paragraphs (4) through (14) of subsection (a);

''(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin and to coordinate on other activities in a manner that supports achievement and maintenance of—

''(A) the environmental threshold carrying capacities for the region; and

''(B) other applicable environmental standards and objectives;

''(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

''(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

''(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

''(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to public and private land use and resource management in the Basin.''.

**SEC. 3. DEFINITIONS.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

**''SEC. 3. DEFINITIONS.**

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.

''(3) CHAIR.—The term 'Chair' means the Chair of the Federal Partnership.

''(4) COMPACT.—The term 'Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).

''(5) DIRECTOR.—The term 'Director' means the Director of the United States Fish and Wildlife Service.

''(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term 'Environmental Improvement Program' means—

''(A) the Environmental Improvement Program adopted by the Planning Agency; and

''(B) any amendments to the Program.

''(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term 'environmental threshold carrying capacity' has the meaning given the term in article II of the compact.

''(8) FEDERAL PARTNERSHIP.—The term 'Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13957 (62 Fed. Reg. 41249) (or a successor Executive Order).

''(9) FOREST MANAGEMENT ACTIVITY.—The term 'forest management activity' includes—

''(A) prescribed burning for ecosystem health and hazardous fuels reduction;

''(B) mechanical and minimum tool treatment;

''(C) road decommissioning or reconstruction;

''(D) stream environment zone restoration and other watershed and wildlife habitat enhancements;

''(E) nonnative invasive species management; and

''(F) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

''(10) NATIONAL WILDLAND FIRE CODE.—The term 'national wildland fire code' means—

''(A) the most recent publication of the National Fire Protection Association code numbered 1141, 1142, or 1144;

''(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

''(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

''(11) PLANNING AGENCY.—The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

''(12) PRIORITY LIST.—The term 'Priority List' means the environmental restoration priority list developed under section 8.

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(14) TOTAL MAXIMUM DAILY LOAD.—The term 'total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

''(15) STREAM ENVIRONMENT ZONE.—The term 'Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

''(16) WATERCRAFT.—The term 'watercraft' means all motorized and non-motorized watercraft, including boats, personal watercraft, kayaks, and canoes.''.

**SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.**

Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking ''basin'' and inserting ''Basin''; and

(2) by adding at the end the following:

''(c) TRANSIT.—

''(1) IN GENERAL.—The Lake Tahoe Basin Management Unit shall, consistent with the regional transportation plan adopted by the Planning Agency, manage vehicular parking and traffic in the Lake Tahoe Basin Management Unit, with priority given—

''(A) to improving public access to the Lake Tahoe Basin, including the prioritization of alternatives to the private automobile, consistent with the requirements of the Compact;

''(B) to coordinating with the Nevada Department of Transportation, Caltrans, State parks, and other entities along Nevada Highway 28 and California Highway 89; and

''(C) to providing support and assistance to local public transit systems in the management and operations of activities under this subsection.

''(2) NATIONAL FOREST TRANSIT PROGRAM.—Consistent with the support and assistance provided under paragraph (1)(C), the Secretary, in consultation with the Secretary of Transportation, may enter into a contract, cooperative agreement, interagency agreement, or other agreement with the Department of Transportation to secure operating and capital funds from the National Forest Transit Program.

''(d) FOREST MANAGEMENT ACTIVITIES.—

''(1) COORDINATION.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

''(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

''(2) MULTIPLE BENEFITS.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

''(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

''(I) reducing forest fuels;

''(II) maintaining or restoring biological diversity;

''(III) improving wetland and water quality, including in Stream Environment Zones; and

''(IV) increasing resilience to changing climatic conditions; and

''(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

''(B) EXCEPTION.—Notwithstanding clause (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a project in relation to the additional ecosystem benefits gained from the management activity.

''(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

''(A) establish post-project ground condition criteria for ground disturbance caused by forest management activities; and

''(B) provide for monitoring to ascertain the attainment of the post-project conditions.

''(e) WITHDRAWAL OF FEDERAL LAND.—

''(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit 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.

''(2) DETERMINATION.—

''(A) IN GENERAL.—The withdrawal under paragraph (1) shall be in effect until the date on which the Secretary, after conducting a review of all Federal land in the Lake Tahoe Basin Management Unit and receiving public input, has made a determination on which parcels of Federal land should remain withdrawn.

''(B) REQUIREMENTS.—The determination of the Secretary under subparagraph (A)—

''(i) shall be effective beginning on the date on which the determination is issued;

''(ii) may be altered by the Secretary as the Secretary determines to be necessary; and

''(iii) shall not be subject to administrative renewal.

''(f) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

''(g) COOPERATIVE AUTHORITIES.—

''(1) IN GENERAL.—During the 4 fiscal years following the date of enactment of the Lake Tahoe Restoration Act of 2009, the Secretary, in conjunction with land adjustment projects or programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the projects or programs.

''(2) REPORT ON LAND STATUS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Lake Tahoe Restoration Act of 2009, the Secretary shall submit to Congress a report regarding the management of land in the Lake Tahoe Basin Management Unit Urban Lots Program, including—

''(i) a description of future plans and recent actions for land consolidation and adjustment; and

''(ii) the identification of any obstacles to desired conveyances or interchanges.

''(B) INCLUSIONS.—The report submitted under subparagraph (A) may contain recommendations for additional legislative authority.

''(C) EFFECT.—Nothing in this paragraph delays the conveyance of parcels under—

''(i) the authority of this Act; or

''(ii) any other authority available to the Secretary.

''(3) SUPPLEMENTAL AUTHORITY.—The authority of this subsection is supplemental to all other cooperative authorities of the Secretary.''.

**SEC. 5. CONSULTATION.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

**''SEC. 5. CONSULTATION.**

''In carrying out this Act, the Secretary, the Administrator, and the Director shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.''.

**SEC. 6. AUTHORIZED PROJECTS.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

**''SEC. 6. AUTHORIZED PROJECTS.**

''(a) IN GENERAL.—The Secretary, the Director, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out any project described in subsection (c) or included in the Priority List under section 8 to further the purposes of the Environmental Improvement Program if the project has been subject to environmental review and approval, respectively, as required under Federal law, article 7 of the Compact, and State law, as applicable.

''(b) MONITORING AND ASSESSMENT.—All projects authorized under subsection (c) and section 8 shall—

''(1) include funds for monitoring and assessment of the results and effectiveness at the project and program level consistent with the program developed under section 11; and

''(2) use the integrated multiagency performance measures established in the science program developed under that section.

''(c) DESCRIPTION OF ACTIVITIES.—

''(1) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION.—Of the amounts made available under section 18(a), $40,000,000 shall be used for the Federal share of the following projects:

''(A) Bijou Stormwater Improvement Project in the City of South Lake Tahoe, California.

''(B) Christmas Valley Stormwater Improvement Project in El Dorado County, California.

''(C) Kings Beach Watershed Improvement Project in Placer County, California.

''(D) Lake Forest Stormwater and Watershed Improvement Project in Placer County, California.

''(E) Crystal Bay Stormwater Improvement Project in Washoe County, Nevada.

''(F) Washoe County Stormwater Improvement Projects 4, 5, and 6 in Washoe County, Nevada.

''(G) Upper and Lower Kingsbury Project in Douglas County, Nevada.

''(H) Lake Village Drive-Phase II Stormwater Improvement in Douglas County, Nevada.

''(I) State Route 28 Spooner to Sand Harbor Stormwater Improvement, Washoe County, Nevada.

''(J) State Route 431 Stormwater Improvement, Washoe County, Nevada.

''(2) STREAM ENVIRONMENT ZONE AND WATERSHED RESTORATION.—Of the amounts made available under section 18(a), $32,000,000 shall be available for the Federal share of the following projects:

''(A) Upper Truckee River and Marsh Restoration Project.

''(B) Upper Truckee River Mosher, Reaches 1 & 2.

''(C) Upper Truckee River Sunset Stables.

''(D) Lower Blackwood Creek Restoration Project.

''(E) Ward Creek.

''(F) Third Creek/Incline Creek Watershed Restoration.

''(G) Rosewood Creek Restoration Project.

''(3) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

''(A) IN GENERAL.—Of the amounts made available under section 18(a), $136,000,000 shall be made available for the following projects:

''(i) Projects identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

''(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

''(iii) Biomass projects, including feasibility assessments and transportation of materials.

''(iv) Angora Fire Restoration projects under the jurisdiction of the Secretary.

''(B) MULTIPLE BENEFIT FUELS PROJECTS.—Consistent with the requirements of section 4(d)(2), not more than $10,000,000 of the amounts made available to carry out subparagraph (A) shall be available to the Secretary for the planning and implementation of multiple benefit fuels projects with an emphasis on restoration projects in Stream Environment Zones.

''(C) MINIMUM ALLOCATION.—Of the amounts made available to carry out subparagraph (A), at least $80,000,000 shall be made available to the Secretary for projects under subparagraph (A)(i).

''(D) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

''(E) COST-SHARING REQUIREMENTS.—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25 percent match.

''(4) INVASIVE SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), $20,500,000 shall be made available for the Aquatic Invasive Species Program and the watercraft inspections described in section 9.

''(5) SPECIAL STATUS SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), $20,000,000 shall be made available for the Lahontan Cutthroat Trout Recovery Program.

''(6) SCIENCE.—Of the amounts to be made available under section 18(a), $30,000,000 shall be used to develop and implement the science program developed under section 11.

''(d) USE OF REMAINING FUNDS.—Any amounts made available under section 18(a) that remain available after projects described in subsection (c) have been funded shall be made available for projects included in the Priority List under section 8.''.

**SEC. 7. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended—

(1) by striking sections 8 and 9;

(2) by redesignating sections 10, 11, and 12 as sections 16, 17, and 18, respectively; and

(3) by inserting after section 7 the following:

**''SEC. 8. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

''(a) FUNDING.—Subject to section 6(d), of the amounts to be made available under section 18(a), at least $136,000,000 shall be made available for projects identified on the Priority List.

''(b) DEADLINE.—Not later than February 15 of the year after the date of enactment of the Lake Tahoe Restoration Act of 2009, the Chair, in consultation with the Secretary, the Administrator, the Director, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium shall submit to Congress a prioritized list of all Environmental Improvement Program projects for the Lake Tahoe Basin, regardless of program category.

''(c) CRITERIA.—

''(1) IN GENERAL.—The priority of projects included in the Priority List shall be based on the best available science and the following criteria:

''(A) The 5-year threshold carrying capacity evaluation.

''(B) The ability to measure progress or success of the project.

''(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in the Compact for—

''(i) air quality;

''(ii) fisheries;

''(iii) noise;

''(iv) recreation;

''(v) scenic resources;

''(vi) soil conservation;

''(vii) forest health;

''(viii) water quality; and

''(ix) wildlife.

''(D) The ability of a project to provide multiple benefits.

''(E) The ability of a project to leverage non-Federal contributions.

''(F) Stakeholder support for the project.

''(G) The justification of Federal interest.

''(H) Agency priority.

''(I) Agency capacity.

''(J) Cost-effectiveness.

''(K) Federal funding history.

''(2) SECONDARY FACTORS.—In addition to the criteria under paragraph (1), the Chair shall, as the Chair determines to be appropriate, give preference to projects in the Priority List that benefit existing neighborhoods in the Basin that are at or below regional median income levels, based on the most recent census data available.

''(3) EROSION CONTROL PROJECTS.—For purposes of the priority list, erosion control projects shall be considered part of the stormwater management and total maximum daily load program of the Environmental Improvement Program.

''(d) REVISIONS.—

''(1) IN GENERAL.—The Priority List submitted under subsection (b) shall be revised—

''(A) every 4 years; or

''(B) on a finding of compelling need under paragraph (2).

''(2) FINDING OF COMPELLING NEED.—

''(A) IN GENERAL.—If the Secretary, the Administrator, or the Director makes a finding of compelling need justifying a priority shift and the finding is approved by the Secretary, the Executive Director of the Planning Agency, the California Resources Secretary, and the Director of the Nevada Department of Conservation, the Priority List shall be revised in accordance with this subsection.

''(B) INCLUSIONS.—A finding of compelling need includes—

''(i) major scientific findings;

''(ii) results from the threshold evaluation of the Planning Agency;

''(iii) emerging environmental threats; and

''(iv) rare opportunities for land acquisition.

**''SEC. 9. AQUATIC INVASIVE SPECIES PREVENTION.**

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Lake Tahoe Restoration Act of 2009, the Director, in coordination with the Planning Agency, the California Department of Fish and Game, and the Nevada Department of Wildlife, shall deploy strategies that meet or exceed the criteria described in subsection (b) for preventing the introduction of aquatic invasive species into the Lake Tahoe Basin.

''(b) CRITERIA.—The strategies referred to in subsection (a) shall provide that—

''(1) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe Basin;

''(2) watercraft not be allowed to launch in waters of the Lake Tahoe Basin if the watercraft—

''(A) has been in waters infested by quagga or zebra mussels;

''(B) shows evidence of invasive species that the Director has determined would be detrimental to the Lake Tahoe ecosystem; or

''(C) cannot be reliably decontaminated in accordance with paragraph (3);

''(3) subject to paragraph (4), all watercraft surfaces and appurtenance (such as anchors and fenders) that contact with water shall be reliably decontaminated, based on standards developed by the Director using the best available science;

''(4) watercraft bearing positive verification of having last launched within the Lake Tahoe Basin may be exempted from decontamination under paragraph (3); and

''(5) while in the Lake Tahoe Basin, all watercraft maintain documentation of compliance with the strategies deployed under this section.

''(c) CERTIFICATION.—The Director may certify State agencies to perform the decontamination activities described in subsection (b)(3) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this section.

''(d) APPLICABILITY.—The strategies and criteria developed under this section shall apply to all watercraft to be launched on water within the Lake Tahoe Basin.

''(e) FEES.—The Director may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this section.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this section shall be liable for a civil penalty in an amount not to exceed $1,000 per violation.

''(2) OTHER AUTHORITIES.—Any penalties assessed under this subsection shall be separate from penalties assessed under any other authority.

''(g) LIMITATION.—The strategies and criteria under subsections (a) and (b), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria.

''(h) FUNDING.—Of the amounts made available under section 6(c)(4), not more than $500,000 shall be made available to the Director, in coordination with the Planning Agency and State governments—

''(1) to evaluate the feasibility, cost, and potential effectiveness of further efforts that could be undertaken by the Federal Government, State and local governments, or private entities to guard against introduction of aquatic invasive species into Lake Tahoe, including the potential establishment of inspection and decontamination stations on major transitways entering the Lake Tahoe Basin; and

''(2) to evaluate and identify options for ensuring that all waters connected to Lake Tahoe are protected from quagga and zebra mussels and other aquatic invasive species.

''(i) SUPPLEMENTAL AUTHORITY.—The authority under this section is supplemental to all actions taken by non-Federal regulatory authorities.

**''SEC. 10. ARMY CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.**

''(a) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

''(b) LOCAL COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

''(2) COMPONENTS.—The agreement entered into under paragraph (1) shall—

''(A) describe the nature of the technical assistance,

''(B) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

''(C) include cost-sharing provisions in accordance with paragraph (3).

''(3) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement under this subsection shall be 65 percent.

''(B) FORM.—The Federal share may be in the form of reimbursements of project costs.

''(C) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this subsection.

**''SEC. 11. SCIENCE PROGRAM.**

''The Administrator, in cooperation with the Secretary, the Planning Agency, the States of California and Nevada, and the Tahoe Science Consortium, shall develop and implement a Lake Tahoe Science Program that—

''(1) develops and regularly updates an integrated multiagency programmatic assessment and monitoring plan—

''(A) to evaluate the effectiveness of the Environmental Improvement Program;

''(B) to evaluate the status and trends of indicators related to environmental threshold carrying capacities; and

''(C) to assess the impacts and risks of changing climatic conditions and invasive species;

''(2) develops a comprehensive set of performance measures for Environmental Improvement Program assessment;

''(3) coordinates the development of the annual report described in section 13;

''(4) produces and synthesizes scientific information necessary for—

''(A) the identification and refinement of environmental indicators for the Lake Tahoe Basin; and

''(B) the evaluation of standards and benchmarks;

''(5) conducts applied research, programmatic technical assessments, scientific data management, analysis, and reporting related to key management questions;

''(6) develops new tools and information to support objective assessments of land use and resource conditions;

''(7) provides scientific and technical support to the Federal Government and State and local governments in—

''(A) reducing stormwater runoff, air deposition, and other pollutants that contribute to the loss of lake clarity; and

''(B) the development and implementation of an integrated stormwater monitoring and assessment program;

''(8) establishes and maintains independent peer review processes—

''(A) to evaluate the Environmental Improvement Program; and

''(B) to assess the technical adequacy and scientific consistency of central environmental documents, such as the 5-year threshold review; and

''(9) provides scientific and technical support for the development of appropriate management strategies to accommodate changing climatic conditions in the Lake Tahoe Basin.

**''SEC. 12. PUBLIC OUTREACH AND EDUCATION.**

''(a) IN GENERAL.—The Secretary, Administrator, and Director will coordinate with the Planning Agency to conduct public education and outreach programs, including encouraging—

''(1) owners of land and residences in the Lake Tahoe Basin—

''(A) to implement defensible space; and

''(B) to conduct best management practices for water quality; and

''(2) owners of land and residences in the Lake Tahoe Basin and visitors to the Lake Tahoe Basin, to help prevent the introduction and proliferation of invasive species as part of the private share investment in the Environmental Improvement Program.

''(b) REQUIRED COORDINATION.—Public outreach and education programs for aquatic invasive species under this section shall—

''(1) be coordinated with Lake Tahoe Basin tourism and business organizations; and

''(2) include provisions for the programs to extend outside of the Lake Tahoe Basin.

**''SEC. 13. REPORTING REQUIREMENTS.**

''Not later than February 15 of each year, the Chair, in cooperation with the Secretary, the Director, the Administrator, the Planning Agency, and the States of California and Nevada, shall submit to Congress a report that describes—

''(1) the status of all Federal, State, local, and private projects authorized under this Act, including to the maximum extent practicable, for projects that will receive Federal funds under this Act during the current or subsequent fiscal year—

''(A) the project scope;

''(B) the budget for the project; and

''(C) the justification for the project, consistent with the criteria established in section 8(c)(1);

''(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program and projects otherwise authorized under this Act;

''(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

''(4) public education and outreach efforts undertaken to implement programs and projects authorized under this Act.

**''SEC. 14. ANNUAL BUDGET PLAN.**

''As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, and the United States Fish and Wildlife Service), including—

''(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

''(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

''(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.

**''SEC. 15. GRANT FOR WATERSHED STRATEGY.**

''(a) IN GENERAL.—Of the amounts to be made available under section 18(a), the Administrator shall use not more than $500,000 to provide a grant, on a competitive basis, to States, federally recognized Indian tribes, interstate agencies, other public or nonprofit agencies and institutions, or institutions of higher education to develop a Lake Tahoe Basin watershed strategy in coordination with the Planning Agency, the States of California and Nevada, and the Secretary.

''(b) COMMENT.—In developing the watershed strategy under subsection (a), the grant recipients shall provide an opportunity for public review and comment.

''(c) COMPONENTS.—The watershed strategy developed under subsection (a) shall include—

''(1) a classification system, inventory, and assessment of stream environment zones;

''(2) comprehensive watershed characterization and restoration priorities consistent with—

''(A) the Lake Tahoe total maximum daily load; and

''(B) the environmental threshold carrying capacities of Lake Tahoe;

''(3) a monitoring and assessment program consistent with section 11; and

''(4) an adaptive management system—

''(A) to measure and evaluate progress; and

''(B) to adjust the program.

''(d) DEADLINE.—The watershed strategy developed under subsection (a) shall be completed by the date that is 2 years after the date on which funds are made available to carry out this section.''.

**SEC. 8. RELATIONSHIP TO OTHER LAWS.**

Section 17 of The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2358) (as redesignated by section 7(2)) is amended by inserting '', Director, or Administrator'' after ''Secretary''.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 18 (as redesignated by section 7(2)) and inserting the following:

**''SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $415,000,000 for a period of 8 fiscal years beginning the first fiscal year after the date of enactment of the Lake Tahoe Restoration Act of 2009.

''(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

''(1) shall be in addition to any other amounts made available to the Secretary, Administrator, or Director for expenditure in the Lake Tahoe Basin; and

''(2) shall not reduce allocations for other Regions of the Forest Service, Environmental Protection Agency, or United States Fish and Wildlife Service.

''(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 6(c)(3)(E), the States of California and Nevada shall pay 50 percent of the aggregate costs of restoration activities in the Lake Tahoe Basin funded under section 6 or 8.

''(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts ⅔ the costs of relocating facilities in connection with—

''(1) environmental restoration projects under sections 6 and 8; and

''(2) erosion control projects under section 2 of Public Law 96–586 (94 Stat. 3381).

''(e) SIGNAGE.—To the maximum extent practicable, a project provided assistance under this Act shall include appropriate signage at the project site that—

''(1) provides information to the public on—

''(A) the amount of Federal funds being provided to the project; and

''(B) this Act; and

''(2) displays the visual identity mark of the Environmental Improvement Program.''.

**SEC. 10. CONFORMING AMENDMENTS.**

(a) ADMINISTRATION OF ACQUIRED LAND.—Section 3(b) of Public Law 96–586 (94 Stat. 3384) is amended—

(1) by striking ''(b) Lands'' and inserting the following:

''(b) ADMINISTRATION OF ACQUIRED LAND.—

''(1) IN GENERAL.—Land''; and

(2) by adding at the end the following:

''(2) INTERCHANGE.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this paragraph as the 'Secretary') may interchange (as defined in the first section of Public Law 97–465 (16 U.S.C. 521c)) any land or interest in land within the Lake Tahoe Basin Management Unit described in subparagraph (B) with appropriate units of State government.

''(B) ELIGIBLE LAND.—The land or interest in land referred to in subparagraph (A) is land or an interest in land that the Secretary determines is not subject to efficient administration by the Secretary because of the location or size of the land.

''(C) REQUIREMENTS.—In any interchange under this paragraph, the Secretary shall—

''(i) insert in the applicable deed such terms, covenants, conditions, and reservations as the Secretary determines to be necessary to ensure—

''(I) protection of the public interest, including protection of the scenic, wildlife, and recreational values of the National Forest System; and

''(II) the provision for appropriate access to, and use of, land within the National Forest System;

''(ii) receive land within the Lake Tahoe Basin of approximately equal value (as defined in accordance with section 6(2) of Public Law 97–465 (96 Stat. 2535)); and

''(iii) for the purposes of any environmental assessment—

''(I) assume the maintenance of the environmental status quo; and

''(II) not be required to individually assess each parcel that is managed under the Lake Tahoe Basin Management Unit Urban Lots Program.

''(D) USE OF LAND ACQUIRED BY UNITS OF STATE GOVERNMENT.—Any unit of State government that receives National Forest System land through an exchange or transfer under this paragraph shall not convey the land to any person or entity other than the Federal Government or a State government.''.

(b) INTERAGENCY AGREEMENT FUNDING.—Section 108(g) of title I of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2942) is amended by striking ''$25,000,000'' and inserting ''$75,000,000''.

Mrs. FEINSTEIN. Mr. President, Lake Tahoe is a national treasure. Her alpine beauty has drawn and inspired people for centuries: artists and poets, John Muir and Mark Twain, and countless millions the world over.

But the ''Jewel of the Sierra'' is in big trouble. If we don't act now, we could lose Lake Tahoe—lose it with stunning speed—to several devastating threats.

Invasive species, such as the quagga mussel, could decimate the lake, much as it has Lake Mead. Just one quagga mussel attached to a boat could lay 1 million eggs. An infestation would devastate the lake. It would ruin its biology, foul its beaches, deliver a body

blow to the regional economy. It would turn this ''noble sheet of clear water,'' as Twain put it, into just another dull, gray, polluted body of water. We must get a stranglehold on invasive species before they get a stranglehold on the lake.

Catastrophic wildfires could spiral out of control and consume the basin. The Angora Fire of 2007 destroyed 242 homes and scorched 3,100 acres. It was just a wakeup call. Today, 25 percent of the basin's forests are marred by dead, downed or dying trees. These fuels—combined with hot, tinder-dry conditions—threaten explosive wildfires that could incinerate the basin. We must make their removal a top priority.

Pollution and sedimentation threaten Lake Tahoe's fabled water clarity. In 1968, the first year UC Davis scientists made measurements using a device called a Secchi disk, clarity was measured at an average depth of 102.4 feet. Clarity declined over the next three decades, hitting a low of 64 feet in 1997. We have seen improvements in this decade. This year scientists recorded average clarity at 69.6 feet—roughly within the range of the past 8 years. Scientists say the rate of decline in Lake Tahoe's clarity has slowed. I believe we can build on this. But the gains could easily be reversed if we are not diligent.

Climate change is real and adding to all these problems. It leaves the basin hot and tinder-dry, and vulnerable to wildfires. The lake's surface water temperature has risen 1.5 degrees in 38 years. That means the cyclical deep-water mixing of the lake's waters will occur less frequently, and this could significantly disrupt Lake Tahoe's ecosystem.

We must face facts—we could lose Lake Tahoe.

So it is with a real sense of urgency that today I join with Majority Leader REID as he introduces sweeping legislation to attack these threats. The Lake Tahoe Restoration Act of 2009 is also cosponsored by Senators ENSIGN and BOXER. Representative DEAN HELLER of Nevada is introducing a companion in the House of Representatives.

This legislation would authorize $415 million over 8 years to mount a robust attack against these threats.

Against invasive species.

Against catastrophic wildfires.

Against the sedimentation and pollution that could forever ruin Lake Tahoe's crystal waters.

With this legislation we can rise to the challenges presented by all these threats, and build upon the gains set in motion by the Lake Tahoe Restoration Act of 2000.

Bottom line—this bill will help ensure the protection and preservation of Lake Tahoe, now and for future generations.

Now, to see where we are headed, it's important to review where we have been. So I would like to touch on the work that's been done so far at Lake Tahoe, work that sets the foundation for the effort that lies ahead.

The Lake Tahoe Restoration Act of 2000 set in motion a partnership between the Federal Government, the States of California and Nevada, local governments and organizations, and the private sector.

All were brought together with a common purpose—to save Lake Tahoe.

I am proud to have been an original sponsor, along with Senators REID and BOXER, and then-Senator Dick Bryan.

This legislation set in motion investments that have enabled us to get a foothold. These investments included $424 million by the Federal Government, $612 million by the State of California, $87 million by the State of Nevada, $59 million by local governments and $249 million by the private sector.

It financed more than 300 projects under the Environmental Improvement Program, a combined Federal, State, local, and private-sector partnership to restore Lake Tahoe. One hundred eighty three more projects are in progress.

We have seen improvements across the board:

Water Clarity: Stormwater, erosion-control, and road improvement projects enabled us to begin to tackle the problem of sedimentation and pollution, which enters the lake and degrades its fragile water clarity. This includes improvements to 429 miles of roadways and restoring 739 acres of wetlands. As I noted a moment ago, we have seen gains in water clarity in this decade, and this year's average clarity was 69.6 feet. Scientists report that the rate of decline has slowed. But these gains could easily be reversed if we don't continue and broaden our efforts to keep sediments out of the lake.

Catastrophic Wildfires: One-fourth of the forests of the Tahoe Basin are comprised of dead, downed, and dying trees. Combined with hot, tinder-dry conditions, they can feed massive wildfires that could destroy the basin. Removal of these hazardous fuels has been a priority. The Fire Safe Councils and the local Fire Departments have done good work. They deserve our continued support, and with this legislation, they will get it. As with efforts on water clarity, efforts to clear the forests of hazardous fuels, and to institute sensible fire-safe practices must be continued. So far, hazardous fuels reduction treatment has occurred on 33,549 acres, including 12,256 acres treated since 2006. In the next 8 years, we plan on treating 68,000 additional acres.

Stream Restoration and Wildlife Habitat Improvement: So far more than 13,927 acres of wildlife habitat have been improved and 800 acres of Stream Environment Zones restored. This includes restoration of the Upper Truckee Watershed to reduce the flow of sedimentation into the lake, and reintroduction of the Tahoe Yellow Cress, a plant that grows no place else on Earth.

Much work has been done. Much work lies ahead. It must be done, because the old threats are still there. And new ones—such as the quagga mussel—have arisen.

The bill introduced today by Senator REID is essential to continuing the good work done to date, and to meeting the threats facing the lake today.

It would authorize $415 million over 8 years to improve water clarity, reduce risk of catastrophic wildfire, and restore the environment. Specifically, it would do the following:

The bill provides $248 million over 8 years for the highest priority restoration projects, according to scientific data. The legislation authorizes at least $72 million for stormwater management and watershed restoration projects scientifically determined to be the most effective ways to improve water clarity. This bill also requires prioritized ranking of environmental restoration projects and authorizes $136 million for state and local agencies to implement these projects. Now—and this is an important point—this legislation would direct investments to where it is needed most. For example, today we know the major sources of stormwater runoff that send sedimentation into the lake, degrading water clarity. So the monies would go to specific projects addressing California State roads, source of 23 percent of urban particle loads; the city of Lake Tahoe, CA, 22 percent; Washoe County, Nevada, 17 percent; and so forth. In this bill, these stormwater projects are targeted to the areas of greatest concern. Priority projects will improve water quality, forest health, air quality and fish and wildlife habitat around Lake Tahoe. In addition, projects that benefit low-income neighborhoods are encouraged.

The bill authorizes $136 million over 8 years to reduce the threat of wildfire in Lake Tahoe. This would finance hazardous fuels reduction projects, at $17 million per year, including grants to local fire agencies. It provides the Forest Service up to $10 million for fuels projects that have multiple environmental benefits, with an emphasis in restoring Stream Environment Zones. This is critical because, again, these streams feed into the lake, and form a critical link in the ecosystem. We need to pay attention to these stream zones if we hope to restore water clarity. The bill also creates incentives for local communities to have dedicated funding for defensible space inspections and enforcement.

This bill protects Lake Tahoe from the threat of quagga mussels and other invasive aquatic species. Quagga mussels pose a very serious threat to Lake Tahoe, a threat made more intractable because these mussels have been shown to survive in cold waters. And this summer UC scientists reported that they found up to 3,000 Asian clams per square meter at spots between Zephyr Point and Elk Point in Lake Tahoe. The spreading Asian clam population could put sharp shells and rotting algae on the lake's beaches and help spread other invasive species such as quagga mussels.

The bill would authorize $20 million for watercraft inspections and removal of existing invasive species. It would also prohibit watercraft that have had contact with quagga or zebra mussel-infested waters from entering waters in the Tahoe Basin. As I noted earlier, one quagga or zebra mussel can lay 1 million eggs in a year. This means that a single boat carrying quagga could devastate the lake's biology, local infrastructure, and the local economy. The damage that could be inflicted at Lake Tahoe by a quagga infestation has been estimated in the tens of millions of dollars annually.

The threat to Lake Tahoe cannot be overstated. There were no quagga mussels in Lake Mead 3 years ago. Today there are more than 3 trillion. The infestation is probably irreversible. Quagga mussels attach themselves to underwater structures and clog water intake pipes, canals, aqueducts and dams. They degrade water quality and can alter the taste and smell of drinking water. They can devastate aquatic ecosystems by consuming large amounts of microscopic plants, leaving little or nothing for native fish and other aquatic species. They are a very real threat.

But the fix need not be drastic. Only about 1.5 percent of boats that have been inspected in Lake Tahoe would be prohibited from entering the lake, according to the Tahoe Regional Planning Agency. The bill would also require that all watercraft be inspected and decontaminated to prevent the introduction of invasive aquatic species. Watercraft last launched in Lake Tahoe would be exempted. The Secretary of the Interior can modify these regulations if scientific information leads to new technologies or techniques that would be no less effective than current measures. And there's good news. There's promising news on this front. This week, scientists reported that under proper conditions, plastic ''bottom barriers'' laid on top of clam beds can kill all Asian clams living there within 28 days. We can fight off these invaders. But it will require drive and imagination—and the help authorized within this bill.

The bill supports reintroduction of the Lahontan Cutthroat Trout. The legislation authorizes $20 million over 8 years for the Lahontan Cutthroat Trout Recovery Plan. The Lahontan Cutthroat Trout is an iconic species that has an important historic legacy in Lake Tahoe. When John C. Fremont first explored the Truckee River in January of 1844, he called it the Salmon Trout River because he found the Pyramid Lake Lahontan Cutthroat Trout. The trout relied on the Truckee River and its tributaries for their spawning runs in spring, traveling up the entire river's length as far as Lake Tahoe and Donner Lake, where they used the cool, pristine waters and clean gravel beds to lay their eggs. But dams, pollution and overfishing caused the demise of the Lahontan Cutthroat Trout. Lake Tahoe is one of the historic 11 lakes where Lahontan Cutthroat Trout flourished in the past, and it's a critical part of the strategy to recover the species.

The bill funds scientific research. The legislation authorizes $30 million over 8 years for scientific programs and research which will produce information on long-term trends in the basin and inform the most cost-effective projects.

The bill prohibits mining operations in the Tahoe Basin. The legislation would prevent the start of any mining operations in the basin, ensuring that the fragile watershed, and Lake Tahoe's water clarity, are not threatened by pollution from mining operations.

The bill increases accountability and oversight. Every project funded by this legislation will have monitoring and assessment to determine the most cost-effective projects and best management practices for future projects. The legislation also requires the Chair of the Federal Partnership to work with the Forest Service, Environmental Protection Agency, Fish and Wildlife Service and regional and state agencies, to prepare an annual report to Congress detailing the status of all projects undertaken, including project scope, budget and justification and overall expenditures and accomplishments. This will ensure that Congress can have oversight on the progress of environmental restoration in Lake Tahoe.

The bill provides for public outreach and education. The Forest Service, Environmental Protection Agency, Fish and Wildlife Service, and Tahoe Regional Planning Agency will implement new public outreach and education programs including encouraging basin residents and visitors to implement defensible space, conducting best management practices for water quality and preventing the introduction and proliferation of invasive species. In addition, the legislation requires signage on federally financed projects to improve public awareness of restoration efforts.

The bill allows for increased efficiency in the management of public land. Under this legislation, the Forest Service would have increased flexibility to exchange land with State agencies which will allow for more cost-efficient management of public land. There is currently a checkerboard pattern of ownership in some areas of the basin. Under this new authority, the Forest Service could exchange land with the California Tahoe Conservancy of approximately equal value without going through a lengthy process to assess the land. For example, if there are several plots of Forest Service land that surround or are adjacent to Tahoe Conservancy land, the Tahoe Conservancy could transfer that land to the Forest Service so that it can be managed more efficiently.

Finally, it is important to note that this bill would increase accountability and oversight. All projects funded by this legislation would be monitored and assessed to ensure cost-effectiveness. The bill would also require annual reports to Congress detailing the status of all projects—including expenditures and accomplishments. Scientific data will be used to inform every aspect of this legislation. It will help us refine and adjust our restoration programs and ensure that we fund only the highest priority projects.

Let there be no doubt: Lake Tahoe is in grave danger. Grave danger from catastrophic wildfires. Grave danger from invasive species. Grave danger from sedimentation and pollution that threaten to dull her crystal waters.

Mark Twain called Lake Tahoe ''the fairest picture the whole world affords.'' Mr. President, we must not be the generation that lets this picture fall into ruin. We must rise to the challenge, and do all we can to preserve the ''Jewel of the Sierra.'' This legislation will do exactly that.

Mr. ENSIGN. Mr. President, I rise to talk about a bill that has been introduced today by myself, along with Senators REID, FEINSTEIN, and BOXER, that will be the next chapter in our continuing support of one of the most pristine and magnificent areas in the United States.

Since it was formed 2 million years ago, the breathtaking beauty of Lake Tahoe has awed all who have visited its crystal-clear waters and inspiring views. Mark Twain once said about the landmark, ''I thought it must surely be the fairest picture the whole world affords.'' From the Washoe tribe that originally inhabited its shores to John C. Fremont who first saw Lake Tahoe 165 years ago, this alpine lake is a part of our history and a part of our future.

Next year, the Lake Tahoe Restoration Act, originally enacted in 2000, will expire. Over the course of a decade, $300,000,000 was invested in environmental projects for water clarity, erosion control, and fire suppression. I am proud to have led the effort to amend the Southern Nevada Public Land Management Act in 2003 in order to guarantee funding for the Lake Tahoe Restoration Act from land auctions across southern Nevada. Great work has gone into protecting this national legacy, but we are not done.

The Lake Tahoe Restoration Act of 2009 is our continued commitment to protecting this Nevada treasure for future generations. This effort, a collaboration among Senators FEINSTEIN, REID, BOXER, and me, authorizes $415 million for 8 years and provides for fuels reduction, Environmental Improvement Program projects, storm water management, and watershed restoration. It devotes significant funding—for the first time ever—to prevent the introduction of quagga and zebra mussels into the lake, one of the greatest threats facing Tahoe today. There is also funding for Lahontan Cutthroat Trout recovery and public outreach and education.

Unfortunately, there are many threats facing Lake Tahoe. This legislation addresses each of those threats in a manner that is fiscally responsible with the most effective and efficient use of Federal funds. Hazardous fuels reduction is one of the most important investments we can make. If you have ever been to Lake Tahoe, you know that one catastrophic fire could wipe out the entire basin. Just 2 years ago, we watched in horror as the Angora fire spread and consumed land, trees, homes, and businesses. It spewed sediment and ash into the lake and turned our worst fears into reality. That is why we must be aggressive with our fuels reduction efforts. This bill also provides grants to Fire Protection Districts in the Lake Tahoe Basin to work in partnership with homeowners on defensible space.

The Lake Tahoe Restoration Act is not just a Federal effort. Nevada, California, and private entities are also partners in the Environmental Improvement Program. In Nevada, where the legislature recently committed 100 million to the Environmental Improvement Program, Lake Tahoe is beloved and treasured. I had the privilege of spending several years of my childhood at the lake. My wife Darlene and I have made it a point to instill the same love for Lake Tahoe in our children. We spend our family's summer vacations there—biking, boating, waterskiing, and rock climbing. To this day, my favorite spot is the Tahoe Rim Trail looking down on Sandy Harbor, where you can see deep into the lake. You can see huge boulders. The clarity is so amazing, it is literally one of the most spectacular views in all the world. There really is no place in the world like Lake Tahoe.

Let us make sure this inheritance is cared for and passed on to future generations.

---

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. LEAHY, and Mr. GRAHAM):

S. 2725. A bill to provide for fairness for the Federal judiciary; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Federal Judicial Fairness Act of 2009.

I want to thank my cosponsors—Senator HATCH, Senator LEAHY, and Senator GRAHAM—for working with me on this important legislation.

The salaries of our Federal judges are eroding in their real buying power over time. This bill would solve that problem.

Over the past 30 years, pay for Federal judges has declined dramatically. Since 1969, the inflation-adjusted salaries of Federal judges have dropped by 24 percent, even as other Federal workers have received an average salary increase of 18 percent.

The way the pay system works now, Federal judges are at a stark disadvantage each year for receiving a cost-of-living adjustment to keep their salaries in pace with inflation. While most Federal civilian employees receive an automatic cost-of-living adjustment, Federal judges do not. Instead, they currently receive an adjustment only if Congress passes a special law and also provides an adjustment for itself.

Judicial salaries should not be ensnared in Congressional-pay politics. Judges should simply be on the same system that other Federal employees are.

That is what this bill would do.

It would repeal ''Section 140,'' which currently requires Congress to pass a special law each year in order for judges to receive a cost-of-living adjustment; and it would provide judges with an automatic, annual cost-of-living adjustment under the same General Schedule used for other Federal civilian employees.

In other words, the bill would simply put Federal judges on an even playing field.

Why is this important?

The drop in real pay for Federal judges has created what Chief Justice John Roberts has called ''a Constitutional crisis.'' More and more judges are being forced to leave the bench for financial reasons during what should be the peak years of their judicial careers.

Recently, the Federal court for the Central District of California lost a U.S. District Judge, Stephen Larson, after only 4 years of service. Larson had been a public servant for over a decade and said that because of his large family, he was finally faced with an impossible choice: He could either continue serving the public as a judge, or he could retire from the bench in order to be able to afford a college education for his children.

Judge Larson's story is not an anomaly. The Federal bench has lost 103 judges since 1990, 80 percent of whom ended up taking other, usually higher-paying, positions in the private sector.

The problem is especially acute in high-cost states like California. In California, State court judges have higher salaries than Federal Article III judges.

The rate at which our Federal courts are losing judges has increased by 24 percent since the 1990s, even as caseloads have gone up and the replacement process has slowed down.

Departures like Judge Larson's are only half the problem. As former Federal judge and former Representative Abner Mikva has pointed out, a primary effect of the erosion of judicial salaries is to discourage our Nation's most talented lawyers from joining the bench in the first place.

In 1969, the salary of a Federal district court judge was about 20 percent higher than the salary of a top law school dean and about 30 percent higher than that of a senior law professor at a top law school. Today, judges make only two-thirds the salary of similarly credentialed law professors, and half the pay of deans.

In many cases, judges make less than first-year associates fresh out of law school.

The bill that I am introducing today does not say that Federal judges should make as much as law firm partners or law school deans. It simply says that Federal judges should not be at a disadvantage vis-à-vis other Federal employees in getting a cost-of-living adjustment each year. It simply ensures that the salary Congress intended judges to receive will keep pace with inflation.

Congress has already delayed action on this issue for too long. Our Nation now risks losing both our most experienced judges and the next generation of talented jurists.

As early as 2003, the nonpartisan National Commission on the Public Service, also known as the Volcker Commission, concluded that ''the lag in judicial salaries has gone on too long, and the potential for the diminished quality in American jurisprudence is now too large.''

I believe that the legislation that I am introducing today with Senators HATCH, LEAHY, and GRAHAM is a straightforward solution. It is not a raise. It is simply an assurance that judges will not have to jump through special hoops or rely on the politics of Congressional pay in order to get the cost-of-living adjustment received by other Federal employees.

I do not believe that judges should expect to make the kind of salaries available to partners at private law firms. The rewards of public service are of a different kind. But we must ensure that judicial service remains a viable option for the most talented members of the bar.

Basic fairness requires that judges' salaries not diminish over time. It is time to provide these critical public servants with a fair pay system that will guarantee the future health of the judiciary.

I urge my colleagues to support this important 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. 2725

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Judicial Fairness Act of 2009''.

**SEC. 2. JUDICIAL COST-OF-LIVING INCREASES.**

(a) REPEAL OF STATUTORY REQUIREMENT RELATING TO JUDICIAL SALARIES.—Section 140 of the resolution entitled ''A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes.'', approved December 15, 1981 (Public Law 97–92; 95 Stat. 1200; 28 U.S.C. 461 note), is repealed.

(b) AUTOMATIC SALARY ADJUSTMENTS.—Section 461(a) of title 28, United States Code, is amended to read as follows:

''(a) Effective at the beginning of the first applicable pay period commencing on or

after the first day of the month in which an adjustment takes effect under sections 5303 and 5304 of title 5 in the rates of pay under the General Schedule, each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100) equal to the percentage of such salary rate which corresponds to the overall average percentage of the adjustment in the rates of pay under the General Schedule.''.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEBB. 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 November 3, 2009, at 9 a.m. in Room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Increasing Health Costs Facing Small Businesses'' on Tuesday, November 3, 2009. The hearing will commence at 2:30 p.m. in room 106 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 3, 2009, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Mr. CRAPO. Mr. President, I ask unanimous consent that an intern from my office, Matthew Spencer, be granted floor privileges.

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

## NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 291, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 291) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas there are approximately 510,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting for families to adopt them;

Whereas 61 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 3 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 26,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas, while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 25,000 children have joined forever families during National Adoption Day;

Whereas, in 2008, adoptions were finalized for over 4,500 children through more than 325 National Adoption Day events in all 50 States, the District of Columbia, Puerto Rico, and Guam; and

Whereas the President traditionally issues an annual proclamation to declare November as National Adoption Month, and National Adoption Day is on November 21, 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

## ORDERS FOR WEDNESDAY, NOVEMBER 4, 2009

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Wednesday, November 4; 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 proceed to a period of morning business for 2 hours 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 Republicans controlling the first half and the majority controlling the final half; and that following morning business the Senate resume consideration of H.R. 3548, the Worker, Homeownership, and Business Assistance Act of 2009, as provided for under the previous order.

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

## PROGRAM

Mr. DURBIN. Under the previous order, following the adoption of the substitute amendment tomorrow morning, the Senate will proceed to a cloture vote on H.R. 3548, as amended. This vote will be the first vote of the day and will begin at 12:15 p.m.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Wednesday, November 4, 2009, at 9:30 a.m.