Mr. YARMUTH led the Pledge of Allegiance as follows: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PLAYING MONOPOLY WITH AMERICA
(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, we will work our way through our current financial crisis, but we must not forget how we got to this point. Essentially, George Bush’s friends have been playing Monopoly with America.

I am sure everyone has played Monopoly; it is all about taking money that is given to you and making more money. The players roll the dice, then buy up hotels and railroads and, yes, houses, largely on credit, so they can take money from other players. The problem with Monopoly, as it is with our economy over the past couple decades, is that the players never have to worry about people or the communities in which they live.

Madam Speaker, we have allowed our economy to evolve in such a way that the missions of many of our largest corporations are no longer in alignment with the goals and dreams of our citizens or in the best interests of our society. Like Monopoly, their only goal is to make and end up with the most money.

Madam Speaker, we must use the people’s power to prevent George Bush’s friends from continuing to roll the dice and play Monopoly with America. Then we will have an economy and country that works for everyone.

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

Mr. REGULA. Madam Speaker, today I rise to congratulate the Members of this body on their support for the continuing resolution which we approved earlier this week, as it removed the provision that had prohibited oil and gas leasing in vast areas of the Outer Continental Shelf. This action is indeed historic. I know, because I am one of the few Members of this body who was here when the moratorium was first placed on the Interior appropriations bill. This history is instructive and one that needs to be recorded.

The story began in 1969 with a 3 million gallon oil spill off of Santa Barbara. Until recently, a lesser known consequence of this event was the congressional moratorium that forbid exploration of the OCS.

The late 1970s were a time of oil shortages, lines at the pump, and even gasoline rationing. In 1978, President Carter boldly declared our energy situation to be the moral equivalent of war. Congress rose to that challenge by passing the Outer Continental Shelf Lands Act, declaring it to be the policy of the United States that, and I quote: “The OCS is a vital national resource held by the Federal Government for the public, which should be made available for expeditious and orderly development...”

Had we done that, we would have oil today. The ink was barely dry on these words before Congress began derailing its own policy, and by 1981 with the long lines at the pumps gone, Congress placed the first moratorium, which applied to only 736,000 acres in one area. Since then, the amount of...
oil and gas resources we placed off limits has exploded to almost 266 million acres—18 percent of the whole Outer Continental Shelf.

Next, in July 1985 Secretary of the Interior Donald Hodel and members of the California congressional delegation announced a preliminary agreement to both protect and develop the California Outer Continental Shelf. Under that agreement, just 150 of the 6,450 tracts under moratoria restrictions would be available for lease, with the remainder protected until the year 2000. Even the minimal concession sparked an outcry, including the specter of oil soaked beaches, and headlines in the LA Times: “Drilling Plan Sparks Coast Battle Cry”.

At that time I testified and still believe today that the issue of leasing on the OCS is principally one of aesthetics, the Not in My Back Yard (NIMBY) syndrome, not an environmental one. Further, I said: “Today we have no energy crisis, making it the ideal time to begin the safe and orderly development of the OCS. In the event of an energy crisis in the near future how many of us are going to want to tell our constituents that we were responsible for tying up this national resource?”

The Hodel deal crumbled, and a bipartisan Congressional negotiating team was named to try to craft a new proposal. This group met 16 times between January and July 1986, but no consensus could be reached. Rather the Secretary was directed to consider all of the proposals in preparing the next Five-Year Plan for OCS Leasing and Development.

This effort was followed in 1989 by the President’s establishment of an Interagency OCS Task Force to examine adverse impacts of lease sales offshore California and the eastern Gulf of Mexico.

In testimony before that body I noted that: “The real effects of these moratoria have been to deprive the Nation of the opportunity to determine the size of its offshore resource base, to increase our dependence on unstable foreign sources, to increase our exposure to the risk of tanker spills and to increasingly force our domestic oil and gas industry to look to other nations for opportunities to locate oil and gas resources.”

Not surprisingly, in June 1990 President George H. W. Bush announced his decision to put 99 percent of the California coast and the coast of southwest Florida off limits to oil and gas leasing and development until after the year 2000. Despite even that assurance the “one year” annual legislative moratorium remained in effect. However, on July 15 of this year President George Bush lifted the Executive Ban on drilling, reigniting the age old debate. and this week, this House removed the last barrier to exploring in the OCS. The issue is not behind us though, and the next Congress must be vigilant in ensuring that these lands remain open to exploration.

MAKE WALL STREET PAY

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

Mr. DeFAZIO. Henry “Hank” Paulson, former CEO of Goldman Sachs, has a plan: Borrow $700 billion in the name of the American taxpay- ers, shovel it into the vaults at Goldman Sachs and other investment banks and places on Wall Street, and hopefully it will trickle down and somehow solve the underlying housing problem.

We spent all week trying to figure out a way to protect the American taxpayers with his faulty plan. There really is an easy way to do this: Make Wall Street pay to bail itself out. From 1914 until 1966, there was a tiny fee assessed on every transaction on Wall Street. In fact, the Congress, over the objections of Wall Street, doubled it in 1935 at the height of the Great Depression. It was no impact on Wall Street. It could raise the money Wall Street needs to heal itself.

Let’s remember all that rhetoric about bootstraps and all that. Let Wall Street pull itself up by its own bootstraps, and assess a minuscule fee on every stock transaction. It is done in London; it can be done in the U.S. Wall Street can pay for its own bailout. Call now.

STRONG ENERGY STRATEGY MEANS A STRONGER ECONOMY

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

Mr. WILSON of South Carolina. Madam Speaker, this week the House of Representatives voted to lift the ban on offshore deepwater drilling. This was a strong first step towards more American energy, but it was only a first step. Lifting this ban should not divert our attention away from working on an all-of-the-above energy strategy. Our Nation’s short-term and long-term energy needs require a comprehensive approach which includes conservation and the development of alternative resources.

At a time of economic uncertainty, a realistic and innovative energy strategy would be a powerful boost not only to the advancement of new technology but also of economic opportunity. Additionally, any efforts we can make to relieve the pain at the pump and reduce electricity bills for American families would be in itself a positive incentive to grow American small businesses and commerce.

Our Nation faces many challenges, but we do not lack the ability, the resources, or the resolve to address them. In conclusion, God bless our troops, and we will never forget September 11th.

WALL STREET

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

Mr. MCDERMOTT. Madam Speaker, there is something every American should remember as we deal with the administration’s economic crisis. For after the Bush and the Republicans have been staging events, issuing press releases, and telling everyone that we have to privatize Social Security and give it to Wall Street to invest.

For almost 8 years, the President and the Republicans have been telling the American people that Wall Street will wave its magic wand and inflate Social Security in Nirvana. They want satchels of money dropped off by that statue down on Wall Street of the bull, and they promise that Wall Street will use an incantation, something like “hocus pocus,” and they would work out their magic—for a fee, of course.

Democrats and Americans managed to hold their ground and have not taken this greedy plan to grab their Social Security. But the Wall Street Wonder workers worked their so-called magic in a lot of other places, and their outcome is just this: Now you see it, now you don’t.

That describes the administration’s bailout plan: Give us $700 billion and, lo and behold, the problems go away. Hocus pocus, it’s time for the administration to declare the magic wand option is off the table. It is time to recognize government has a responsibility to protect the people.

ALTERNATIVE RESCUE PLAN

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

Mrs. BIGGERT. Madam Speaker, I rise today to urge all of my colleagues on both sides of the aisle to give serious consideration to the alternative rescue plan that my colleagues and I have hammered out the last few days and announced yesterday.

Unlike the Paulson plan, our plan makes Wall Street pay for Wall Street’s mistakes. Unlike the Paulson plan, it calls for a workout, not a bailout requiring the owners of mortgage-backed securities to purchase insurance, we put the ball squarely where it belongs, with those who were responsible, not the innocent, hardworking taxpayers.

Let’s not play the blame game. Let’s work together to find a solution. We have a terrible problem here right now. Let’s find that solution.

WALL STREET

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

Mr. SHERMAN. Last weekend, the establishment told us that if we did not give the administration and Wall Street $700 billion in unmarked bills within 48 hours, the sky would fall. The sky is still in the heavens.

Last night, Washington Mutual failed in the largest bank failure of our history. This illustrates that we do have a serious problem and we ought to come up with the right solution.

Last night, there was an enormous, precipitous drop in the likelihood that this House would rubber-stamp the establishment’s program by this weekend. The markets are stable in spite of...
WASHINGTON Mutual and in spite of the fact that their $700 billion is now not likely to be disbursed exactly this weekend.

We have a few days to craft a creative solution, one that limits the power of the administration, limits the amount of money spent, and limits the number of Wall Street executives receiving bailouts. Let's get it right this time.

A WORKOUT, NOT A BAILOUT
(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, I agree with some of my colleagues on both sides of the aisle; we need to work on this together. We have a problem in this country in terms of our financial situation, and it should be a workout, not a bailout. However, it is important that we establish who is responsible for this happening.

There is responsibility on both sides of the aisle, but it is primarily on the side of the majority in this House because they failed over the years to recognize that you cannot continue to spend, spend, spend, and not have a day of reckoning.

We were given a proposal at the beginning of the week by the administration, and I liken it to a sick patient (Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

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Ms. CONAWAY and GERLACH and Ms. GRANGER changed their vote from "yea" to "nay.

Ms. BERKLEY changed her vote from "nay" to "yea.

So the previous question was continued.

Mr. TIAHRT. When the yeas and nays were ordered, it was ordered that the ayes have it.

Mr. HERGER. Mr. TIAHRT. Madam Speaker, on rollcall No. 645, I was unavoidably detained. Had I been present, I would have voted "nay." On rollcall No. 646, I was unavoidably detained. Had I been present, I would have voted "nay.

Mr. HERGER. Madam Speaker, on rollcall No. 645, I was unavoidably detained. Had I been present, I would have voted "nay.

Mr. TIAHRT. Madam Speaker, on rollcall No. 645, I was unavoidably detained. Had I been present, I would have voted "nay.

Mr. HASTINGS of Washington. Madam Speaker, on the motion offered by the gentleman from Michigan (Mr. CONyers), that the House suspend the rules and pass the bill, H.R. 6045.

Mr. ARCURI. Madam Speaker, on that I demand the yeas and nays.

The vote was taken by electronic device, and there were—yeas 215, nays 188, not voting 30, as follows:

[Roll No. 646]

YEAS—215

Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerman  Ackerm...
September 26, 2008

CONGRESSIONAL RECORD—HOUSE

DeGette
Kilpatrick

Delahanty
Kind

Delbaro, J.
Klaiber (NY)

DeSantis, L.
Kline (FL)

DeSaulnier, R.
Kline (MN)

DeSoto, J.
Kline (MD)

DeSousa, R.
Kliffen

DeStefano, M.
Klippel

DeWayne, W.
Kline (PA)

DeYoung, S.
Kline (TX)

DeYoung, W.
Kline (VA)

Dezalay, M.
Kline (WA)

Dezalay, S.
Kline (WV)

Dezalay, T.
Kline (WI)

Dezalay, V.
Kline (WY)

Diaz-Balart, L.
Klingensmith

Diaz-Balart, M.
Klosterman

Dicks
Knapik

Doig
Kline (FL)

Doggett
Kline (MN)

Donnelly
Knoenkel

Donnelly
Knollenberg

Doolittle
Knorr

Dollahite
Kohl (NY)

Drake
Laidlaw

Dreier
Lamborn

Duncan
Lampson

Duncan Hunter
Lampson

Duncan Hunter (CA)
Lampson

Dungan
Lanham

Dunham
Langenberg

Dulloch
Langfellner

Ellison
Latham

Ellsworth
Late DOT

Emanuel
Latta

Emerson
Lee

Erderez
Lewis (CA)

Ezelle
Lewis (GA)

Everts
Lewis (KY)

Fallin
Linder

Farr
Lipsen

Fattah
LoBiondo

Feeney
Loebback

Ferguson
Logan, G

Filner
Logue

Flores
Lomack

Frank (MA)
L arom

Frankel
Larmor (FL)

Fox
Lasky

Frank McNally
Lassar

Frelinghuysen
Lawley

Gibbs
McCarthy (CA)

Gilchrest
McCarthy (NY)

Gillibrand
McCaal (TX)

Gingrey
McClure

Gosar
McCollum (MN)

Grazzini
McCrory

Gutierrez
McDonough

Hagans
McElheran (NY)

Hagerty
McGrady

Hall (NY)
McGovern

Halpern
McGovern

Hansen
McGovern

Hargans
McGovern

Hastings (FL)
McGovern

Hastings (WA)
McGovern

Hayes
Michaud

Heller
Miller (FL)

Hemens
Miller (MI)

Henry
Miller (NC)

Herseth Sandlin
Miller (SD)

Higginson
Miller (VT)

Hinojosa
Moore (KS)

Hinojosa
Moore (TX)

Hinojosa
Moore (WI)

Hoskins
Moran (KS)

Hoskins
Moran (TX)

Hoskins
Moran (VA)

Hoeckestra
Murphy (CT)

Holden
Murphy (PA)

Honda
Murphy (NY)

Hoyer
Murray (MN)

Hufschmid
Myrick

Hunt
Myrick

Inglis (NC)
Napolitano

Indekeu
Neal (NE)

Israel
Neugsasser

Isera
Nanes

Jackson (IL)
Oberstar

Jackson Lee
Oberstar

Jefferson
O'Connell

Johnson (IL)
Olbinski

Johnson
Olson

Johnson
Olson (MN)

Johnson
Olson (ND)

Johnson, Sam
Olson (WA)

Jones
Olmstead

Jorgensen
Ortiz

Kagan
Perlmutter

Kanjorski
Perlmutter

Kaptur
Perri

Keller
Perry

Kennedy
Poe

Kilday
Pomeroy

Watt
Whitefield (KY)

Waxman
Wilson (NJ)

Weiner
Wilson (OH)

Welch
Wilson (WV)

Westmoreland
Wittman (VA)

Wexler
Wolf

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So (two-thirds being in the affirmative) the rules were suspended and the bill was voted on. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Madam Speaker, I regret that I was delayed in reaching the floor this morning and missed rollcall vote Nos. 645, 646 and 647. Had I been present, I would have voted "yea" on all three votes.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Cantwell, one of its clerks, announces that the Senate has passed the following bills of the House without amendment:

H.R. 6890. An act to extend the waiver authority for the Secretary of Education under section 522(a) of the Elementary and Secondary Education Act of 1965, as amended, to make available the block grants made available under section 522 of the act for the fiscal year 2008 to the States and local educational agencies to identify and implement strategies to improve the educational outcomes of American schools. The bill was referred to the Committee on Education and Labor.

H.R. 7177. An act to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws. The bill was referred to the Committee on Education and Labor.

H.R. 6063. An act to authorize the programs of the National Aeronautics and Space Administration for its immediate consideration. The bill was referred to the Committee on Transportation and Infrastructure.

H.R. 7060. To be entitled the "Renewable Energy and Job Creation Tax Act of 2008."

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

SECTION 1. SHORT TITLE, ETC.

(a) Short Title. This Act may be cited as the "Renewable Energy and Job Creation Tax Act of 2008".

(b) Reference.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART 1—RENEWABLE ENERGY INCENTIVES

Sec. 101. Renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.

PART 2—CARBON MITIGATION PROVISIONS

Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Extension and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.


Sec. 121. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 122. Credits for biodiesel and renewable diesel.
Sec. 123. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 124. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 125. Excursion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 126. Transportation fringe benefit to bicycle commuters.
Sec. 127. Alternative fuel vehicle refueling property credit.
Sec. 128. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnership.


Sec. 131. Credit for nonbusiness energy property.
Sec. 132. Energy efficient commercial buildings deduction.
Sec. 133. Modifications of energy efficient appliance credit for appliances purchased after 2007.
Sec. 134. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 135. Qualified green building and sustainable design projects.

TITLE II—EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

Sec. 201. Deduction for State and local sales taxes.
Sec. 203. Treatment of certain dividends of regulated investment companies.
Sec. 204. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 206. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 207. Qualified retirement entities.
Sec. 208. Real property tax standard deduction.

Subtitle B—Extensions Primarily Affecting Businesses

Sec. 221. Research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 226. Seven-year cost recovery period for motorports racing track facilities.
Sec. 227. Accelerated depreciation for business property on Indian reservation.
Sec. 228. Exclusion from environmental remediation costs.
Sec. 229. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 230. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 231. Qualified zone academy bonds.
Sec. 233. Economic development credit for American Samoa.
Sec. 234. Enhanced charitable deduction for contributions of food inventory.
Sec. 235. Enhanced deduction for contributions of book inventory to public schools.
Sec. 236. Enhanced deduction for qualified computer contributions.
Sec. 237. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 238. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 239. Subpart F exception for active financing income.
Sec. 240. Look-through rule for related controlled foreign corporations.
Sec. 241. Expensing for certain qualified film and television productions.

Subtitle C—Other Extensions

Sec. 251. Authority to disclose information related to terrorist activities made permanent.
Sec. 252. Authority for undercover operations made permanent.
Sec. 253. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.

TITLE III—ADDITIONAL TAX RELIEF AND OTHER PROVISIONS

Sec. 301. Refundable child credit.
Sec. 302. Provisions related to film and television productions.
Sec. 303. Exception from excise tax for certain arrows designed for use by children.
Sec. 304. Modification of penalty on understatement of taxpayer’s liability by tax return preparer.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 402. Elimination of the 10-year period described in subsection (a) for any facility making charitable contributions of property to public schools.
Sec. 403. Broker reporting of customer’s transactions involving listed financial instruments.
Sec. 404. 0.2 percent FUTA surtax.
Sec. 405. Increase and extension of Oil Spill Liability Trust Fund tax.
Sec. 406. Nonqualified deferred compensation from certain tax indiff erent parties.

Sec. 407. Delay in application of worldwide allocation of interest.
Sec. 408. Time for payment of corporate estimated taxes.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking “January 1, 2009” and inserting “January 1, 2009, and October 1, 2011”.

(2) OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking “January 1, 2009” and inserting “October 1, 2011”:

(A) Clauses (i) and (ii) of paragraph (2)(A).
(B) Clauses (i)(I) and (ii) of paragraph (3)(A).
(C) Paragraph (4).
(D) Paragraph (5).
(E) Paragraph (6).
(F) Paragraph (7).
(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking “the 8 cent amount in para-

graph (1)” in paragraph (2).

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

“(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

“(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

“(i) the applicable percentage with respect to such facility, multiplied by

“(ii) the eligible basis of such facility.

“(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

“(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

“(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limit imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subparagraph (A) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess.

“(iii) PRELIMITATION CREDIT.—The term ‘prelimitation credit’ with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).”

“(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

“(D) IN GENERAL.—The term ‘applicable per-

centage’ means, with respect to any facility, the appropriate percentage prescribed by the—
Secretary for the month in which such facility is originally placed in service.

“(ii) Method of prescribing applicable percentage.—The applicable percentage prescribed under clause (i) shall be the percentage which yields over a 10-year period amounts of limitation under subparagraph (A) which have present value equal to 35 percent of the eligible basis of the facility.

“(iii) Method of discounting.—The present value under clause (i) shall be determined—

(I) as of the last day of the first year of the 10-year period referred to in clause (ii).

(II) at a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the percentage is being prescribed, or 4.5 percent.

(III) by taking into account the limitation under subparagraph (A) for any year on the last day of the year.

“(d) Eligible basis.—For purposes of this paragraph—

(i) in general.—The term ‘eligible basis’ means, with respect to any facility, the sum of—

(I) the basis of such facility determined as of the time that such facility is originally placed in service, or

(ii) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

(ii) Rules relating to utilization.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

“(iii) Shared qualified property.—For purposes of this paragraph, the term ‘shared qualified property’ means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

(I) which a qualified facility will require for utilization of such facility, and

(II) which is not a qualified facility.

“(iv) Special rule relating to geothermal facilities.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 283(c) were treated as allowable expenses.

“(E) Special rule for first and last year of credit period.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2) or (A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year bears to the entire taxable year.

“(F) Election to treat all facilities placed in service in a year as 1 facility.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are originally placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is originally placed in service at the midpoint of such year or the first day of the following calendar year.

“(G) Trash facility clarification.—Paragraph (7) of section 45(d) is amended—

(1) by striking ‘‘facility which burns’’ and inserting in lieu thereof ‘‘a facility described in paragraph (6) which uses’’, and

(2) by striking ‘‘combustion’’.

“SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

“(a) in general.—Paragraph (1) of section 45(c) is amended by striking ‘‘and’’ at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ‘‘; and’’, and by inserting at the end the following new subparagraph:

‘‘(I) marine and hydrokinetic renewable energy’’.

“(b) Marine Renewables.—Paragraph (1) of section 45 is amended by inserting ‘‘; and’’ at the end of subparagraph (A) and by striking ‘‘December 31, 2009’’ and inserting ‘‘December 31, 2016’’.

“(c) Modification of Rules for Hydro-Power Production.—Subparagraph (A) of section 45(c)(8) is amended to read as follows:

‘‘(A) The term ‘term of limitation under subparagraph (A) which is originally placed in service after December 31, 2008’’.

“(d) Expansion of Biomass Facilities.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after such subparagraph—

‘‘(B) Expansion of Facility.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.’’.

“(e) Modification of Rules for Hydro-Power Production.—Subparagraph (C) of section 45(c)(8) is amended by striking ‘‘and’’ at the end of subparagraph (H) and inserting ‘‘; and’’, and by striking ‘‘December 31, 2009’’ and inserting ‘‘December 31, 2016’’.

“(f) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 2008.”

“SEC. 103. ENERGY CREDIT.

“(a) Extension of Credit.—(1) Solar Energy Property.—Paragraphs (2)(A)(I)(II) and (3)(A)(II) of section 48(c) are each amended by striking ‘‘January 1, 2009’’ and inserting ‘‘January 1, 2017’’.

“(2) Fuel Cell Property.—The amendments made by section 48 of this Act, as amended by section 101, are each amended by striking ‘‘December 31, 2010’’ and inserting ‘‘December 31, 2016’’.

“(3) Microturbine Property.—The amendments made by section 48(c)(2)(B) are each amended by striking ‘‘December 31, 2008’’ and inserting ‘‘December 31, 2016’’.

“(b) Alternative Minimum Tax.—(1) in general.—Paragraph (5)(A)(vi) of section 36B is amended by redesigning clause (vi) as clause (vii), by striking ‘‘and’’ at the end of clause (v), and by inserting after clause (v) the following new clause:

‘‘(vi) the credit determined under section 46 for the extent that such credit is attributable to the energy credit determined under section 48, and’’.
(2) TECHNICAL AMENDMENT.—Clause (v) of section 38(c)(4)(B) is amended by striking "section 47 to the extent attributable to the rehabilitation credit under section 47, but only with respect to".

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking "or" at the end of clause (ii), by inserting "or" at the end of clause (iv), and by adding at the end the following new clause:

"(v) combined heat and power system property."

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (c) of section 48 is amended—

(A) by striking "Qualified Fuel Cell Property; Qualified Microturbine Property" in the heading and inserting "Definitions"; and

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

"(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

"(A) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising—

"(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, with the generation of steam or other forms of useful thermal energy (including heating and cooling applications);

"(ii) which produces—

"(I) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power or for combination thereof, and

"(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof);

"(iii) the energy efficiency percentage of which exceeds 60 percent, and

"(iv) which is placed in service before January 1, 2017.

"(B) LIMITATION.—

"(i) IN GENERAL.—In the case of combined heat and power system property with an installed capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(i) (determined without regard to the paragraph and carrying back of such credit) shall be equal to the amount which bears the same ratio to such amount of credit (determined without regard to this subparagraph) as the energy efficiency percentage of such system bears to 60 percent."

(3) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraphs (1)(B) and (2)(E)".

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking "$500" and inserting "$1,500".

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this Act shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (c)(1) and (d)(1) shall apply to periods after the date of the enactment of this Act.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—

"(1) the numerator of which is the total useful energy (including heating and cooling applications) for such year shall be equal to the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent."
SEC. 105. SPECIAL RULE TO IMPLEMENT FERC TURBINE TESTING POLICY.

(1) IN GENERAL.—Section 48A(e)(3), as amended by subsection (c), is amended by redesignating the following new subsection: 106 — EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking “and” at the end of paragraph (1), by striking “125% and” at the end of paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3) is amended by striking “$1.3 billion” and inserting “$2 billion”.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows: “(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraphs (2)(A)(i) and (ii); and

(ii) $500,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).”.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows: “(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

(1) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (d)(3), during the period beginning on the date the Secretary establishes the program under paragraph (1), and

(2) for an allocation from the dollar amount specified in paragraph (d)(4) of such projects in total carbon dioxide emissions.”.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection: 300 — CARGO SHIPMENTS.

(a) IN GENERAL.—Subsection (a) is amended by—

(A) by striking “Effective” and inserting “Effective for the first taxable year ending before January 1, 2010, in the case of a qualified electric utility” after “January 1, 2008”; and

(b) by redesignating subparagraph (A) as subparagraph (B).
SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6116 and section 6511 of the Internal Revenue Code of 1986, if—

(I) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, by such coal producer or a party related to such coal producer to be exported or shipped, and

(II) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act, and

(b) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(1) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (ii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States, and

(II) relates to the provability of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii),

(B) the claim for refund shall be paid not later than the close of the 30-day period beginning on the date of the enactment of this Act, and

(2) SEQUENTIAL REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this subsection shall be paid with interest from the date of overpayment of such tax paid to any person.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to a coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 on such coal exported to a foreign country or shipped to a possession of the United States, or caused such coal to be exported or shipped, by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton of such coal exported or shipped, by such coal producer or a party related to such coal producer, or

(3) in the case of a payment to an exporter, an amount equal to $0.825 per ton of such coal exported or shipped, by such coal producer or a party related to such coal producer.
(b) Application of Section.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) Study.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Ways and Means of the House of Representatives a report containing the results of study authorized under this section.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

SEC. 116. INCLUSION OF CELLULOSE BIOCIFUEL IN BONUS DEPRECIATION FOR BIO-MASS ETHANOL PLANT PROPERTY.

(a) In General.—Paragraph (3) of section 168(k)(5) of the Internal Revenue Code is amended by striking "cellulosic biofuel" and inserting "cellulosic hemicellulosic matter that is available on a renewable or recurring basis.".

(b) Conforming Amendments.—(1) Paragraph (1) of section 168(k) is amended by inserting paragraph (b)(1) after paragraph (b)(A) of section 168(k).

(2) Paragraph (2) of section 168(k)(3) is amended by striking paragraphs (2)(A) and (2)(B) and inserting "(2) Any property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

(c) Study.—The National Academy of Sciences shall submit to the Committee on Ways and Means of the House of Representatives a report containing the results of study authorized under this section.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Committee on Ways and Means of the House of Representatives to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

SEC. 117. INCOME TAX CREDIT.—

(a) In General.—Subsection (f) of section 40A (relating to the credit for biodiesel and renewable diesel) is amended by striking paragraphs (4) and (5) as paragraphs (4) and (6) respectively and by redesignating paragraph (5) as paragraph (7) and inserting after paragraph (4) the following new paragraph:

"(4) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.—

(A) In General.—Except as provided in the last three sentences of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

(B) Application of Credit.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), the amendments made by subsection (c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.

(1) Effective Date.—The amendments made by this subsection shall apply to any alcohol which is produced outside the United States.

(b) CREDITS FORapurpsoessed under this section, the amount determined under subsection (a) for any taxable year (determined by reference to the excess of the regular tax liability (as defined in section 45K(c)(3)) over the alternative minimum tax liability as determined under section 56(a)(2)) shall not exceed the excess of—

(i) the sum of the regular tax liability (as defined in section 26(a)(2)) which would be allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) and the credit allowed under this section to an allowance for depreciation shall be taken into account in computing such liability; and

(ii) the excess of any tax liability under section 26(a)(2) over the regular tax liability under section 26(a)(2) which would be allowed under subsection (a) for any taxable year (determined after application of paragraph (1)).

(c) Uniform Treatment of Renewable Diesel Produced From Biomass.—Paragraph (3) of section 40A is amended by striking "(B)" and inserting "(C)".

(d) Uniform Treatment of Renewable Diesel Produced From Biomass.—Paragraph (3) of section 40A is amended by striking paragraph (B) and inserting "(C)".

(1) Business Credit Treated as Part of General Business Credit.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

(2) Personal Credit.—

(a) In General.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowed under part A for such taxable year.

(b) Limitation Based on Amount of Tax.—In the case of a taxable year to which this section applies, the amount determined under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

(i) the sum of the regular tax liability (as defined in section 26(b)(2)) plus the tax imposed by section 55, over

(ii) the sum of the credits allowable under part A (other than this section and sections 23 and 35) and section 27 for the taxable year.

(d) External Use of Fuel.—The credit available for fuel placed in service after the date of the enactment of this Act for the taxable year to which this section applies shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States.

SEC. 118. DEDUCTION OF MEDICAL EXPENSES.—

(a) In General.—Subsection (b)(1) of section 67 is amended by striking paragraph (B) and inserting "(B) The amount described in paragraph (A) shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a))."

(b) Effective Date.—The amendments made by this subsection shall apply to any taxable year beginning after December 31, 2010.

SEC. 119. CREDITS FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) In General.—The credit available for a taxable year under subsection (c) of section 30 (relating to credits for plug-in electric drive motor vehicles) shall be determined under this section with respect to any new qualified plug-in electric drive motor vehicle placed in service after the date of the enactment of this Act for the taxable year to which this section applies.

(b) Base Amount.—The amount determined under this paragraph shall be $3,000.

(c) Application Without Respect to Subsection (a) of Section 30.—

(1) No credit shall be determined under this paragraph with respect to such vehicle.

(2) The credit available for any taxable year under section 30 shall not exceed $2,000.

(3) Application Without Respect to Subsection (a) of Section 30.—

(1) No credit shall be determined under this paragraph for any taxable year (determined after application of paragraph (1)) which would be allowed under subsection (a) for any taxable year (determined after application of paragraph (1)), the credit allowed under this section shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

(2) Personal Credit.—

(a) In General.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowed under part A for such taxable year.

(b) Limitation Based on Amount of Tax.—In the case of a taxable year to which this section applies, the amount determined under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

(i) the sum of the regular tax liability (as defined in section 26(b)(2)) plus the tax imposed by section 55, over

(ii) the sum of the credits allowable under part A (other than this section and sections 23 and 35) and section 27 for the taxable year.

(c) Exclusion.—The credit allowed under subsection (a) for any taxable year under this section shall not exceed $2,000.

(4) Application Without Respect to Subsection (a) of Section 30.—

(1) No credit shall be determined under this paragraph for any taxable year (determined after application of paragraph (1)), the credit allowed under this section shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

(2) Personal Credit.—

(a) In General.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowed under part A for such taxable year.

(b) Limitation Based on Amount of Tax.—In the case of a taxable year to which this section applies, the amount determined under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

(i) the sum of the regular tax liability (as defined in section 26(b)(2)) plus the tax imposed by section 55, over

(ii) the sum of the credits allowable under part A (other than this section and sections 23 and 35) and section 27 for the taxable year.
"(1) IN GENERAL.—The term ‘new qualified plug-in electric drive motor vehicle’ means a motor vehicle—

(a) the original use of which commences with the taxpayer and not for resale,

(b) which is acquired for use or lease by the taxpayer and not for resale,

(c) which is made by a manufacturer,

(d) whose gross vehicle weight rating is not more than 8,500 pounds,

(e) which has received a certificate of conformity under section 114(d) of the Clean Air Act (42 U.S.C. 7591(d)) and meets the standards established under subpart A of part II of title II of the Clean Air Act for that make and model year vehicle, and

(f) which is propelled to a significant extent from on-board storage battery which draws electricity from a battery which—

(i) has a capacity of not less than 4 kilowatt-hours, and

(ii) is capable of being recharged from an external source of electricity.

(2) EXCEPTION.—The term ‘new qualified plug-in electric drive motor vehicle’ shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

(3) DEFINITION.—The term ‘motor vehicle’ means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated on a rail or rails) and which has at least 4 wheels.

(4) OTHER TERMS.—The terms ‘passenger automobile’ and ‘light truck’, and ‘manufacturer’ have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of section 202(h) of the Clean Air Act (42 U.S.C. 7521 et seq.).

(5) BATTERY CAPACITY.—The term ‘capacity’ means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

(6) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

(a) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

(b) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 100,000.

(7) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

(A) 50 percent for the first 2 calendar quarters of the phaseout period,

(B) 25 percent for the 3rd and 4th calendar quarters of the phaseout period, and

(C) 0 percent for each calendar quarter thereafter.

(8) CONTROLLED GROUPS.—Rules similar to the rules of section 30(b)(4) shall apply for purposes of this subsection.

(9) SPECIAL RULES.—

(a) BASIS REDUCTION.—The basis of any property for which a credit is allowable under this section shall be reduced by the amount of such credit (determined without regard to subsection (c)).

(b) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

(c) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property taken into account under section 1270(b)(1) or with respect to the portion of the cost of any property taken into account under section 1270(b)(2).

(d) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

(e) PROPERTY REGULATIONS; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30(b)(1) shall apply for purposes of this section.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30(b)(3) is amended by adding at the end the following new subparagraph:

‘‘(D) OTHER TERMS.—The terms ‘passenger automobile’ and ‘light truck’ shall be defined under section 30C(d)(2).’’

(c) APPLICATION OF EGTRRA SUNSET.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE PROFIT AND LOSS.—[REPEAL]

The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(3) REVOCATION OF EGTRRA SUNSET.—The amendments made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 125. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new subsection:

‘‘(D) IDLING REDUCTION DEVICE.—Any device or system of devices which—

(1) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked on the road or at a stationary location, or

(2) is determined by the Administrator of the Environmental Protection Agency to be a stand-alone device affixed to a tractor or truck, and

(3) is designed to provide to a vehicle such services while the vehicle is temporarily parked or remains stationary.

(4) Advanced Insulation.—Any insulation that has an R value of not less than R35 per inch.’’

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years after the date of the enactment of this Act.

SEC. 126. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(d) is amended by adding at the end the following:

‘‘(D) Any qualified bicycle commuting reimbursement.’’

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(d) is amended by striking ‘‘the end of section 132(d)(1),’’ and by adding at the end the following:

‘‘(3) The applicable annual limitation in the case of any qualified bicycle commuting reimbursement.’’

(c) DEFINITIONS.—Paragraph (5) of section 132(d) is amended by adding at the end the following:

‘‘(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

‘‘(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term ‘qualified bicycle commuting reimbursement’ means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee’s residence and a regularly used workplace or workplace residence at the end of such period.’’

(ii) APPLICABLE ANNUAL LIMITATION.—The term ‘applicable annual limitation’ means,
with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

"(II) QUALIFIED BICYCLE COMMUTING MONTH.—The term ‘qualified bicycle commuting month’ means, with respect to any employee, any month during which such employee —

"(I) regularly uses the bicycle for a substantial portion of the travel between the employee’s residence and place of employment, and

"(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ‘‘(other than a qualified bicycle commuting reimbursement)’’ after ‘‘qualified transportation fringe’’.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 127. ALTERNATIVE FUEL VEHICLE REFINANCING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking ‘‘30 percent’’ in subsection (a) and inserting ‘‘50 percent’’,

(2) by striking ‘‘$30,000’’ in subsection (b)(1) and inserting ‘‘$50,000’’,

and

(3) by striking ‘‘$1,000’’ in subsection (b)(2) and inserting ‘‘$2,000’’.

(b) EXTENSION OF CREDIT.—Subsection (g) of section 30C is amended to read as follows:

‘‘(g) TERMINATION.—This section shall not apply to any property placed in service after—

‘‘(1) December 31, 2017, in the case of property relating to natural gas, compressed natural gas, or liquefied natural gas, and which is not of a character subject to an allowance for depreciation,

‘‘(2) December 31, 2014, in the case of—

‘‘(A) property relating to hydrogen, and

‘‘(B) property relating to natural gas, compressed natural gas, or liquefied natural gas, and which is of a character subject to an allowance for depreciation, and

‘‘(3) December 31, 2010, in any other case.’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 128. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIOMASS FUEL, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) is amended by striking ‘‘December 31, 2008’’ and inserting ‘‘December 31, 2013’’.

(b) AGGREGATE CREDIT AMOUNT ALLOWED.—Subsection (b) of section 45M is amended by—

(1) striking paragraph (1), is amended by striking ‘‘3-calorie equivalent’’ and all that follows thereto; and

(2) by redesignating paragraphs (2), (3), and (4) as subparagraphs (A), (B), and (C), respectively.

SEC. 131. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ‘‘placed in service after December 31, 2007’’ and inserting ‘‘placed in service after—

‘‘(1) after December 31, 2007, and before January 1, 2009, or

‘‘(2) after December 31, 2009.’’.

(b) QUALIFIED ENERGY PROPERTY.—(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ‘‘and’’ at the end of sub-paragraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ‘‘and’’, and

(C) by amending at the end the following new subparagraph:

‘‘(P) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States, by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.’’.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

‘‘(6) BIOMASS FUEL.—The term ‘biomass fuel’ means—

(A) an energy source available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.’’.

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXTRADITIONS.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

‘‘(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

‘‘(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

‘‘(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.

‘‘(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after December 31, 2008.

SEC. 132. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Subsection (b) of section 179D is amended by striking ‘‘section 179D(d)(1)’’ and all that follows thereto; and

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures made after December 31, 2008.

SEC. 133. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 179D is amended by—

(1) striking paragraph (1), is amended by striking ‘‘3-calorie equivalent’’ and all that follows thereto; and

(2) by redesignating paragraphs (2), (3), and (4) as subparagraphs (A), (B), and (C), respectively.

(b) TYPES OF APPLIANCE CREDIT.

(1) DISHWASHERS.—The applicable amount is—

‘‘(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

‘‘(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

‘‘(C) $100 in the case of a commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

‘‘(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

(2) WASHERS.—The applicable amount is—

‘‘(A) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

‘‘(B) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

(3) REFRIGERATORS.—The applicable amount is—

‘‘(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and which uses no more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

‘‘(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and which uses no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards.

(4) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 20.9 percent less kilowatt hours per year than the 2001 energy conservation standards.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(1) by striking paragraph (2),

(2) by striking ‘‘(1) IN GENERAL ’’ and all that follows thereto; and

(3) by moving the text of such subsection in line with the subsection heading, and

(b) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ‘‘3-calendaryear’’ and inserting ‘‘2-calendar year’’.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M(d) (defining types of energy efficient appliances) is amended to read as follows:

‘‘(d) TYPES OF ENERGY EFFICIENT APPLIANCES.—For purposes of this section, the types of energy efficient appliances are—

‘‘(I) dishwashers described in subsection (b)(1),

‘‘(II) clothes washers described in subsection (b)(2), and

‘‘(III) refrigerators described in subsection (b)(3).

‘‘(2) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

‘‘(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.

‘‘(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

‘‘(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended by inserting ‘‘or for any taxable year in calendar year 2008, 2009, or 2010’’ after ‘‘2007’’ and ‘‘2008’’ after ‘‘2009’’.
(b)(2)(D) shall not be taken into account under paragraph (1).”.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f)(1) (defining qualified energy efficient appliance) is amended to read as follows:

“(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term ‘qualified energy efficient appliance’ means—

(A) any dishwasher described in subsection (b)(1),

(B) any clothes washer described in subsection (b)(2), and

(C) any refrigerator described in subsection (b)(3).

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ‘commercial’ before ‘residential’ the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (1) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

“(4) TOP-LOADING CLOTHES WASHER.—The term ‘top-loading clothes washer’ means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.”

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

“(6) MODIFIED ENERGY FACTOR.—The term ‘modified energy factor’ means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.”.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

“(9) GALLONS PER CYCLE.—The term ‘gallons per cycle’ means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of taxable years beginning after December 31, 2007.

SECTION 134. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(c)(3)(D) is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

“(iii) any qualified smart electric meter, and

(iv) any qualified smart electric grid system.”.

(b) DEFINITIONS.—Section 168(c)(4)(D) is amended by inserting at the end the following new paragraph:

“(4) QUALIFIED SMART ELECTRIC METERS.—

(A) IN GENERAL.—The term ‘qualified smart electric meter’ means any smart electric meter which is placed in service by a taxpayer and which is capable of being used by the taxpayer as part of a system that—

(i) monitors and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

(ii) provides for the exchange of information between supplier or provider and the customer’s electric meter in support of time-based rates or other forms of demand response;

(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers; and

(iv) provides net metering.

(B) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

(A) IN GENERAL.—The term ‘qualified smart electric grid system’ means any smart grid property used as part of a system for electric distribution grid communications, monitoring, or management in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term ‘smart grid property’ means electronics and related equipment that is capable of—

(i) sensing, collecting, and monitoring data of or from all portions of a utility’s electric distribution grid,

(ii) providing real-time, two-way communications to monitor or manage such grid, and

(iii) providing real-time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SECTION 135. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking “October 1, 2009” and inserting “October 1, 2012”.

(c) ACCOUNTING.—The second sentence of section 702(b)(5) of the American Jobs Creation Act of 2004 is amended by striking “issuance, and inserting “issuance of the last issue with respect to such project.”.

TITLE II—EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 63(c)(1) is amended by inserting “or” after “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION FOR MAXIMIZED TUITON AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 83(b)(5) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(c) TEMPORARY HOG GROWTH AND LIFETIME LEARNING CREDITS.—In the case of any taxpayer for any taxable year beginning in 2008 or 2009, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer’s net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 25A(f) of such Code).

SEC. 203. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INCOME-RELATED DIVIDENDS.—Subparagraph (C) of section 1295(c)(1) (defining interest-related dividend) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 204. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARTERED INDIAN INDIANS AND NATIVE AMERICANS.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2007” and inserting “2007, 2008, or 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 206. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NON-RESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Subparagraph (3) of section 2105(d) is amended by striking “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 207. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Subparagraph (C) of section 897(b)(4)(A) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008, except that such amendment shall not apply to the application of withholding requirements with respect to any distribution made on or before the date of the enactment of this Act.

SEC. 208. REAL PROPERTY TAX STANDARD DEDUCTION.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by inserting “or 2009” after “2008”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

Subtitle B—Extensions Primarily Affecting Businesses

SEC. 221. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 38(b)(1) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.
(b) computation of credit for taxable year in which credit terminates.—Paragraph (2) of section 41(h) is amended to read as follows:

"(2) computation of credit for taxable year in which credit terminates.—

"(A) in general.—In the case of any taxable year with respect to which this section applies, the applicable base amount with respect to such taxable year shall be the amount described in subsection (c)(4) equal to the same ratio to such applicable amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.

"(B) applicable base amount.—For purposes of subparagraph (A), the term ‘applicable base amount’ means, with respect to any taxable year—

"(i) except as otherwise provided in this subparagraph, the base amount for the taxable year,

"(ii) in the case of a taxable year with respect to which an election under subsection (c)(4) (relating to election of alternative incremental qualified contributions) is in effect, the applicable base amount as described in subsection (c)(1)(B) for the taxable year, and

"(iii) in the case of a taxable year with respect to which an election under subsection (c)(5) (relating to election of alternative simplified credit) is in effect, the average qualified research expenses for the 3 taxable years preceding the taxable year.

"(c) conforming amendment.—Subparagraph (D) of section 45B(b)(1) is amended by striking ‘December 31, 2007’ and inserting ‘December 31, 2009’.

"(d) effective date.—

"(1) in general.—Except as provided in paragraph (2), subsection (b) and the amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2007.

"(2) computation of credit for taxable year in which credit begins.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2007.

SEC. 223. new markets tax credit. (a) in general.—Subsection (f) of section 45A is amended by striking ‘December 31, 2007’ and inserting ‘December 31, 2009’.

"(b) effective date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 224. railroad track maintenance. (a) in general.—Subsection (f) of section 45G is amended by striking ‘and 2008’ and inserting ‘2008, and 2009’.

"(b) effective date.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

SEC. 225. fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property. (a) in general.—Clause (iv) of section 168(e)(3)(E) is each amended by striking ‘January 1, 2008’ and inserting ‘January 1, 2010’.

"(b) effective date.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 226. seven-year cost recovery period for airports non-track facility. (a) in general.—Subparagraph (D) of section 168(15) is each amended by striking ‘December 31, 2007’ and inserting ‘December 31, 2009’.

"(b) effective date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 227. accelerated depreciation for business property on indian reservation. (a) in general.—Paragraph (8) of section 168(i) is each amended by striking ‘December 31, 2007’ and inserting ‘December 31, 2009’.

"(b) effective date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 228. expensing of environmental remediation costs. (a) in general.—Subsection (h) of section 168 is each amended by striking ‘January 1, 2008’ and inserting ‘December 31, 2009’.

"(b) effective date.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 229. deduction allowable with respect to income attributable to business activities in puerto rico. (a) in general.—Clause (iv) of section 912(b)(13)(E) is each amended by striking ‘December 31, 2007’ and inserting ‘December 31, 2009’.

"(b) effective date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 230. modification of tax treatment of certain educational institutions. (a) in general.—Section 54C is each amended—

"(1) qualified zone academy bonds.—

"(A) in general.—Subparagraph (C) of section 199(d)(5) is each amended by—


"(ii) in the case of a taxable year with respect to qualified zone academies established by eligible local education agencies, the limitation amount for any State for such calendar year under subsection (a) with respect to qualified zone academies within such State, the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

"(B) limitation on carryover.—Any carryforward of a limitation amount may be carried only to the first limitation year following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

"(C) Coordination with section 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation amount) with respect to the following calendar year 2008 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subsection (a), and the limitation amount of subsection (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

"(d) definitions.—For purposes of this section—

"(1) qualified zone academy.—The term ‘qualified zone academy’ means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education to the rigors of college and the increasingly complex workforce.

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency.

"(C) the comprehensive education plan of such school or program (as the case may be) will include the eradication of any such school or program designated after the date of the enactment of this section, or

"(ii) there is a reasonable expectation (as of the date of issuance of the bond) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-price lunch at the school lunch program established under the National School Lunch Act.
(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term ‘eligible local education agency’ means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

(3) QUALIFIED PURPOSE.—The term ‘qualified purpose’ means—

(A) rehabiliting or repairing the public school facility in which the academy is established,

(B) providing equipment for use at such academy,

(C) developing course materials for education to be provided at such academy, and

(D) training teachers and other school personnel in such academy.

(4) QUALIFIED CONTRIBUTIONS.—The term ‘qualified contribution’ means any contribution of a type and quality acceptable to the eligible local education agency of—

(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

(C) services of employees as volunteer mentors,

(D) internships, field trips, or other educational opportunities outside the academy for students, or

(E) any other property or service specified by the eligible local education agency.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

'(1) QUALIFIED TAX CREDIT BOND.—The term ‘qualified tax credit bond’ means—

'A. a qualified forestry conservation bond, or

'B. a qualified zone academy bond, which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6)’.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

'(C) services of employees as volunteer mentors,

'(D) training teachers and other school personnel in such academy, and

'(E) developing course materials for education to be provided at such academy, and

'(F) providing equipment for use at such academy.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by this subsection shall apply to contributions made after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(C) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400G is amended by striking ‘‘2008’’ and inserting ‘‘2009’’.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 232. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400A is amended by striking ‘‘2007’’ and inserting ‘‘2009’’.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Section 1001(b)(2) of section 1400B is amended by striking ‘‘2008’’ each place it appears and inserting ‘‘2010’’.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(c)(2) is amended—

(i) by striking ‘‘2012’’ and inserting ‘‘2014’’, and

(ii) by striking ‘‘2014’’ in the heading thereof and inserting ‘‘2016’’.

(B) Section 1400B(g)(2) is amended by striking ‘‘2012’’ and inserting ‘‘2014’’.

(C) Section 1400B(h) is amended by striking ‘‘2012’’ and inserting ‘‘2014’’.

(D) Section 1400B(h) is amended by striking ‘‘first 4 taxable years’’ and inserting ‘‘first 5 taxable years’’.

(E) EFFECTIVE DATES.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

SEC. 233. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2009 is amended—

(1) by striking ‘‘first two taxable years’’ and inserting ‘‘first four taxable years’’, and

(2) by striking ‘‘January 1, 2009’’ and inserting ‘‘January 1, 2010’’.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2007.

SEC. 234. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘December 31, 2009’’.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

SEC. 235. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘December 31, 2009’’.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

SEC. 236. ENHANCED DEDUCTION FOR QUALIFIED BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘December 31, 2009’’.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

SEC. 237. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘December 31, 2009’’.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 238. WORK OPPORTUNITY TAX CREDIT FOR WORKFORCE EMPLOYERS.

(a) IN GENERAL.—Paragraph (1) of section 2101(b) of the Kirtana Emergency Tax Relief Act of 2005 is amended by striking ‘‘2-year’’ and inserting ‘‘4-year’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after December 31, 2008.

SEC. 239. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (18) of section 956(e) (relating to application) is amended—

(1) by striking ‘‘January 1, 2009’’ and inserting ‘‘January 1, 2010’’, and

(2) by striking ‘‘December 31, 2008’’ and inserting ‘‘December 31, 2009’’.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(b)(5) (relating to application) is amended by striking ‘‘January 1, 2009’’ and inserting ‘‘January 1, 2010’’.

SEC. 240. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 959(c)(6) (relating to application) is amended by striking ‘‘January 1, 2009’’ and inserting ‘‘January 1, 2010’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 241. EXPANDING EXPEN SING CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subparagraph (C) of section 1621(b)(3) is amended by striking clause (iv).

(b) DISCLOSURE ON REQUEST.—Paragraph (7) of section 6101(1) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. 242. INCREASE IN LIMIT ON COVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ‘‘January 1, 2008’’ and inserting ‘‘January 1, 2009’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 243. INCREASE IN LIMIT ON COVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ‘‘January 1, 2008’’ and inserting ‘‘January 1, 2009’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2008.

SEC. 302. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) MODIFICATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:
“(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.

(b) REDUCTION IN AMOUNT ALLOWED AS DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W-2 WAGES.—Paragraph (2) of section 199(b)(2) is amended by adding ‘‘and the end of the following new subparagraph:’’

‘‘(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.’’

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ‘‘A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.’’

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ‘‘and’’ at the end of clause (i), by striking the period at the end of clause (ii) and inserting ‘‘and’’, and by adding at the end the following new clause:

‘‘(iv) in the case of each partner of a partnership, or of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation,’’

‘‘(A) such partner or shareholder shall be treated as having engaged directly in any film produced by such partner or corporation, and

‘‘(B) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.’’

(c) CONFORMING AMENDMENT.—Section 181(d)(3)(A) is amended by striking ‘‘actors, and all that follows and inserting ‘‘actors, production personnel, directors, and producers.’’

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) THE AMENDMENTS MADE BY SUBSECTION (A) OF SECTION 199(c)(5)(G) ARE APPLICABLE TO TAXABLE YEARS BEGGINING AFTER DECEMBER 31, 2007.

SEC. 302. EXEMPTION FROM EXCISE TAX FOR CERTAIN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) (relating to arrows) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

‘‘(B) EXEMPTION FOR CERTAIN ARROW SHAFTS.—Subparagraph (A) shall not apply to any arrow shafting 5/16 inch or less in diameter consisting of—

‘‘(i) all fiberglass and hollow, or

‘‘(ii) all natural wood.

with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly is not suitable for use with a bow described in paragraph (1).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

SEC. 304. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER’S LIABILITY FOR FOREIGN OIL AND GAS INCOME.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

‘‘(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

‘‘(1) IN GENERAL.—If a tax return preparer—

‘‘(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in subparagraph (B), and

‘‘(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to 0.5 percent or 5 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

‘‘(2) UNREASONABLE POSITION.—

‘‘(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

‘‘(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(a)(2)(B)(i) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

‘‘(C) REASONABLE CAUSE EXCEPTION.—If the position is with respect to a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position described would more likely than not be sustained on its merits.

‘‘(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.”

(b) REDUCTION IN AMOUNT ALLOWED AS DEDUCTION FOR DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTIONS THEREOF.

(a) IN GENERAL.—Section 199(d) is amended by redesigning paragraph (9) as paragraph (10) and by inserting after paragraph (9) the following new paragraph:

‘‘(9) GENERAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

‘‘(A) IN GENERAL.—If a taxpayer has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the lesser of—

‘‘(i) the oil related qualified production activities income of the taxpayer for the taxable year,

‘‘(ii) the qualified production activities income of the taxpayer for the taxable year, or

‘‘(iii) taxable income (determined without regard to this section).

‘‘(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this paragraph, the term ‘oil related qualified production activities income’ means for any taxable year determined without regard to section 901, the amount of any foreign oil and gas income which would be taken into account for purposes of section 901 without regard to this section.

(b) REDUCTION IN AMOUNT ALLOWED AS DEDUCTION FOR FOREIGN OIL AND GAS EXTRACTION LOSSES.—Paragraph (4) of section 907(c) (relating to oil extraction losses by recharacterizing later extraction income) is amended to read as follows:

‘‘(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

‘‘(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year determined without regard to this paragraph shall be reduced—

‘‘(i) by the amount determined under subparagraph (B), and

‘‘(ii) by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combinated foreign oil and gas income.

‘‘(B) REDUCTION FOR PRE-2004 FOREIGN OIL EXTRACTION LOSSES.—The reduction under
this paragraph shall be equal to the lesser of—

(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

(ii) the excess of—

(I) the aggregate amount of foreign oil extraction losses for the taxable years beginning after December 31, 1981, and before January 1, 2009, over

(II) so much of such aggregate amount as was under this paragraph (as in effect before and after the date of the enactment of the Renewable Energy and Job Creation Act of 2008), for preceding taxable years beginning after December 31, 1982.

(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this subparagraph shall be equal to the lesser of—

(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

(ii) the excess of—

(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

(II) so much of such aggregate amount as was under this paragraph (as in effect before and after the date of the enactment of the Renewable Energy and Job Creation Act of 2008), for preceding taxable years beginning after December 31, 2008.

(D) FOREIGN OIL AND GAS LOSS DEFINED.—

(i) IN GENERAL.—For purposes of this paragraph, the term ‘foreign oil and gas loss’ means the amount by which—

(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses to benefit or deduct from such income) exceeds the combined foreign oil and gas income for such year, is exceeded by

(II) the sum of the deductions properly apportioned or allocated therefor.

(ii) any unused oil and gas extraction losses for preceding taxable years beginning after December 31, 2008—

(1) by substituting ‘oil and gas extraction taxes’ for ‘foreign oil and gas taxes’ each place it appears in paragraphs (1), (2), and (3); and

(2) by striking ‘and gas’ for such unused credit year may be deemed paid or accrued in such preceding year.

(3) CONFORMING AMENDMENT.—Section 6501(i) is amended by inserting ‘foreign oil and gas extraction taxes’ each place such term appears and inserting ‘foreign oil and gas taxes’.

(f) ALLOWED CREDITS.—Section 907(f) (relating to ‘foreign oil and gas taxes’, and ‘oil and gas extraction losses’) of such section is amended by striking ‘oil and gas extraction losses’ and inserting ‘foreign oil and gas losses’ each place it appears and inserting ‘foreign oil and gas taxes’ each place it appears.

(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS.—

(a) IN GENERAL.

(B) BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.—

(i) by substituting ‘oil and gas extraction taxes’ for ‘foreign oil and gas taxes’ each place it appears in paragraphs (1), (2), and (3), and

(ii) by computing, for purposes of paragraphs (2)(A) and (2)(B), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting ‘foreign oil and gas extraction income’ for ‘foreign oil and gas income’ in subsection (a).

(iii) EXPROPRIATION AND CASUALTY LOSSES.

(1) EXERCISE OF OPTION.—For purposes of paragraphs (1) and (2), any foreign expropriation loss (as determined without regard to this paragraph), reduced by an amount equal to the foreign oil and gas income for such year Beginning after January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.

(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

(c) APPLICABLE DATE.—The term ‘applicable date’ means—

(1) January 1, 2011, in the case of any specified security which is stock in a corporation (other than any stock described in clause (i)), or

(2) January 1, 2012, in the case of any stock for which an average basis method is permissible under section 1012, and

(3) January 1, 2013, or such later date determined by the Secretary in the case of any other specified security.

(d) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

(e) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.

(f) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

(i) APPLICATION TO OPTIONS.—Para-

phrases (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2013.

(5) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2013.

(6) DEFINITIONS.—For purposes of this subsection, the term ‘covered security’ and ‘specified security’ shall have the meanings given such terms in subsection (g).’’.

(7) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—In general.—Subsection (b) of section 6045 is amended by striking ‘January 31’ and inserting ‘February 15’.

(8) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ‘at such time and’,
(i) by inserting after "other item," the following new sentence: "The written statement required under the preceding sentence shall be furnished on or before February 15 of the year in which the payment was made."

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following new paragraph:

"(1) In general.—The term "periodic stock investment plan" means—

'(i) any stock purchase plan, and

'(ii) any dividend reinvestment plan.

(B) SPECIFIED SECURITY.—For purposes of this subsection—

'(A) Covered security.—The term "covered security" means—

'(i) any security which transfers to a broker a dividend or other distribution described in subsection (a), or

'(ii) any brokers' liability (as defined in section 6045(g)(3)).

(C) DETERMINATIONS BY REGULATIONS.—The term "arbitrarily" and "probably" shall be determined in accordance with regulations prescribed by the Secretary.

(D) ELECTED PERIODIC STOCK INVESTMENT PLAN.—The term "elected periodic stock investment plan" means—

'(1) a periodic stock investment plan which is a covered security, and

'(2) the written statement in such manner and set forth such information as the Secretary determines necessary to carry out the purposes of section 6045.

(3) SUCH OTHER INFORMATION AS THE SECRETARY MAY PREScribe.—The written statement required under subsection (a) with respect to a specified security which is a covered security, shall furnish to the Secretary, in a form and manner as the Secretary determines necessary to carry out the purposes of this subsection—

'(1) the name, address, and phone number of the information contact of such person, and

'(2) such other information as the Secretary may prescribe.

SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

'(1) a description of any organizational action which affects the basis of such specified security, and

'(2) the quantitative effect on the basis of such specified security resulting from such action, and

'(3) such other information as the Secretary may prescribe.

(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

'(1) 45 days after the date of the action described in subsection (a), or

'(2) January 15 of the year following the calendar year during which such action occurred.

(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to such security (or the specified security, if the nominee is no longer in existence) a written statement that—

'(1) is in writing;

'(2) includes the name and address of the information contact of the person required to make such return;

'(3) includes the information required to be shown on such return with respect to such security, and

'(4) includes such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

(d) SPECIFIED SECURITY.—For purposes of this section, the term "specified security" has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which is a covered security, if the person required to make the return under subsection (a) with respect to such action is a covered security.

(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirement under paragraphs (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) with respect to such action is publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

'(1) if the security is publicly available, and

'(2) if the person required to make the return under subsection (a) with respect to such action is a specified security.

(2) ASSESSABLE PENALTIES.—Paranograph (2) of section 6724(d)(1) is amended by redesigning subparagraphs (D) through (G) as subparagraphs (A) through (D), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) the information described in paragraphs (1) through (D) of such subparagraphs as it pertains to such section (no return shall be required if such subparagraphs are not applicable to such section)."

(3) CLERICAL AMENDMENTS.—The table of contents for subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045A the following new section:

"SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(a)) shall furnish to such broker a written statement in such manner and set forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045.

(b) APPLICABLE PERSON.—For purposes of this section, and the term 'applicable person' means—

'(1) any broker (as defined in section 6045(c)(1)), and

'(2) any other person as provided by the Secretary in regulations.

(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.

(2) ASSESSABLE PENALTIES.—Paranograph (2) of section 6724(d) is amended by redesigning subparagraphs (D) through (G) as subparagraphs (A) through (D), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) a description of any organizational action which affects the basis of such specified security, and

'(2) the information described in paragraphs (1) through (D) of such subparagraphs as it pertains to such section (no return shall be required if such subparagraphs are not applicable to such section)."

(3) CLERICAL AMENDMENTS.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

"Sec. 6045A. Information required in connection with transfers of covered securities to brokers.

(2) ASSESSABLE PENALTIES.—Paranograph (2) of section 6724(d) is amended by redesigning subparagraphs (D) through (G) as subparagraphs (A) through (D), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) a description of any organizational action which affects the basis of such specified security, and

'(2) the information described in paragraphs (1) through (D) of such subparagraphs as it pertains to such section (no return shall be required if such subparagraphs are not applicable to such section)."
(3) Clerical Amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subtitle (b) of title I, relating to section 6054A, the following new item:

"Sec. 6045B. Returns relating to actions affecting basis of specified securities."

(e) Effective Date.—

(1) In General.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2010.

(2) Extension of Period for Statements Sent to Customers.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 404. 0.2 PERCENT FUTA SURTAX.

(a) In General.—Section 3301 (relating to rate of tax) is amended—

(1) by striking "through 2008" in paragraph (1) and inserting "through 2009", and

(2) by striking "calendar year 2009" in paragraph (2) and inserting "calendar year 2010".

(b) Effective Date.—The amendments made by this section shall apply to wages paid after December 31, 2008.

SEC. 405. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) Increase in Rate.—

(1) General.—Section 461(c)(2)(B) (relating to rates) is amended by inserting "is 5 cents a barrel, and inserting "+

(ii) in the case of crude oil received or petroleum products entered after December 31, 2016, 9 cents a barrel." and inserting "is—

(b) Effective Date.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) Phase-Out.—

(1) In General.—Section 461(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.".

(2) Conforming Amendment.—Section 4611(f)(1) is amended by striking "paragraphs (2) and (3)" and inserting "paragraph (2)".

(3) Effective Date.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 406. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) In General.—Any compensation of a service provider which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includable in gross income when there is a substantial risk of forfeiture of the rights to such compensation.

(b) Nonqualified Entity.—For purposes of this subsection, the term ‘nonqualified entity’ means—

(1) any foreign corporation unless substantially all of its income is—

(A) effectively connected with the conduct of a trade or business in the United States, or

(B) subject to a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section, and

(2) a nonqualified entity if—

(A) the term ‘investment asset’ means any single asset (other than an investment fund or similar entity)."
(c) Clerical Amendment.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 657 the following new item:

“Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.”.

(d) Effective Date.—

(1) In General. Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed before December 31, 2008.

(2) Application to existing deferrals.—

In the case of any amount deferred to which this section applies, the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) Accelerated Payments.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution under such arrangement to the date the amounts are required to be included in income.

(4) Certain Preexisting Arrangements.—If the taxpayer is also a service recipient, the Secretary shall provide that if a service recipient on the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution under such arrangement to the date the amounts are required to be included in income.

(5) Accelerated Payment Not Treated as Material Modification.—Any amendment to a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

(6) Certain Preexisting Arrangements.—If, pursuant to a written binding contract entered into on or before December 31, 2007, any compensation payable under such contract for a period is determined as a portion of the amount of gain recognized on the disposition during such period of a specified asset, the amendments made by this section shall not apply to the portion of compensation attributable to such disposition notwithstanding the fact that such portion of compensation may be reduced by realized losses or depreciation in the value of other assets during such period or a prior period or be attributable in part to services performed after December 31, 2008, but only if—

(A) payment of such portion of compensation is received by the service provider and included in its gross income no later than the earlier of—

(i) 12 months after the end of the taxable year of the service recipient during which the disposition of the specified asset occurs, or

(ii) the last taxable year of the service provider beginning before January 1, 2018; and

(B) that the arrangement is held by the service recipient on the date of the enactment of this section.

SEC. 407. DELAY IN APPLICATION OF WORLDWIDE REGISTRATION AND ALLOCATION OF INTEREST.

(a) In General.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking “December 31, 2010” and inserting “December 31, 2012.”

(b) Transition.—Paragraph (7) of section 864(f) is amended by striking “30 percent” and inserting “55 percent.”

(c) Coordination with Other Legislation.—If H.R. 6983 of the 110th Congress is enacted into law—

(1) such law shall be treated, solely for purposes of carrying out the amendments made by this section, as having been enacted immediately before the enactment of this Act, and

(2) in lieu of the amendments made by subsections (a) and (b): (A) Paragraphs (5)(D) and (6) of section 864(f), as amended by such law, are each amended by striking “December 31, 2012” and inserting “December 31, 2018.”

(B) Subsection (f) of section 864, as amended by such law, is amended by striking paragraph (7).

SEC. 408. TIME FOR PAYMENT OF CORPORATE ES- extracted taxes.

The percentage under subparagraph (C) of section 408(b) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 58 percentage points.

The SPEAKER pro tempore (Mrs. TAUSCHER). Pursuant to House Resolution 1502, the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume, and ask unanimous consent that the remainder of my time be controlled by the distinguished subcommittee chairman of the Ways and Means Committee, the gentleman from Massachusetts (Mr. NEAL).

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

There was no objection.

Mr. RANGEL. Madam Speaker, before I get into the substance of this important legislation, let me make it abundantly clear that in my opinion, there is nobody in this House that is not concerned with the direction in which this country has gone in the past in relying on fossil fuels.

In addition to that, we, all being patriots, do recognize that probably everyone in this Chamber agrees that many of the important tax provisions should not expire because business can lose confidence in the system and certainly in the Congress. People should be allowed to rely on what we say will be tax incentives, and probably most of us believe that these should be even permanent, rather than 1 or 2 years, but at least they should not be allowed to expire.

Unfortunately, there is a cloud of politics that remains over our shoulder and the other body has said that notwithstanding what we do here today, that they would not even receive the legislation because they put a time on us. I don’t care whether you are Republican or Democrat. It is shameful that the other House can hold us in such complete disregard that they can dictate what they are not going to look at.

On the other side, instead of referring to them as the other body, the majority, or Republicans and Democrats, I am inclined to believe that they are the gang of 60 that determine what the law is going to be, notwithstanding the extent of the House who are supporting the President. Wherever along the line, no matter what our major policy differences might be, that our leadership can get together to let the other body know that it is a two-body Congress, and that this eagle has to work with two wings instead of one.

Another political issue is this: I was shocked and amazed yesterday that when the rule came up, most all of the debate from the minority was the protection and support of our rural schools. We should not have been arguing or debating each other, because education of our young people, whether they come from urban, inner cities or rural areas, is not just important to the community, but important to the United States of America, who must compete with the rest of the world.

If we don’t have the ability to give access to a decent education for our young people, no matter what great part of our country they come from, then we lose our competitive edge. None of our competitors care whether or not our workforce is black or white, Jew or gentile, rural or in the city. We have to come together as a Nation and respect that our produce educated people is not a local and State issue, but our support for it is to protect our national security. There is a way that we could do that and not have it divert attention from the important issues that are in this bill.

Where is this rural support bill? Is it in our bill? Did we initiate it in the House? Has anyone in the minority ever asked that it be included in an energy bill or tax extension? No. Why? Because we’ve got rules over there. But they don’t have rules on the other side, so they put it in the bill. I have told my colleagues on the Ways
and Means Committee, I got their support, the Democratic Caucus, and even made an appeal yesterday. If you are really serious about it, we can’t put it in our bill here today, but it’s in their bill, and we are willing to accept it. What about accepting the rural areas bill that you guys and gals don’t understand?

But how can we accept it? The only way we can is that if they take the Senate-passed bill and send it over here. So you can talk all you want about your dedication to education, rurality, rural or urban. But if you really are sincere about it, the only vehicle that you have for it is to get that bill over here, and my leaders and my committee have given assurance, bring the bill over, and we will accept it.

Why won’t they send it over? Because of lack of respect of the House of Representatives. They are holding it at the desk thinking, in the middle of the night, when we have to go home, it’s their way or the highway. I do hope we have some pride in our legislative initiatives that we find out our differences. But at the end of the day when the House speaks, they don’t have to accept it, but they shouldn’t have the arrogance of saying that they are not even going to look at it.

Having said that, here we go again, with the whole Nation looking at us, wondering do we have any concern about the energy crisis that we find ourselves in. The gasoline prices the pump causes everyone to consider what is it going to be for rent, what is it going to be for mortgages, what is it going to be for food, what is it going to be to put clothes on the kids, because we find ourselves in this energy crunch, and God knows how long it’s going to take.

The only thing that we can do, as representatives of the American people, is to say how long, how long, and we’re going about it. It even affects our national security to believe that we are so dependent on countries that we don’t even believe in their form of government, but yet we send them money each and every day, each and every year, to consume the oil that they have.

We have put together the bill that just makes a lot of common sense. No one has challenged our bill on the merits. Sure you can talk about drill, drill, drill, what you have to do politically. But let’s get back to what we can do realistically.

It may take some time. It’s not going to bring changes tomorrow, but we will be able to tell our kids and our grandkids that we looked for alternatives, wind, solar, water, and that’s possible. We provide these incentives. We can create a whole new industry in search of some answers to the crisis. We are talking about creating jobs, creating ideas, creating thoughts. We can have the Democrats or Republicans. We have to do it as a Congress. They have accepted all of these things on the other side. We can get together and save the future of our country if we ever got together as one Congress instead of two bodies.

We also have in our bill a commitment that we have made to provide incentives for research and development; for income taxes, but we can have them to be able to deduct their local and State taxes for Federal tax purposes; for teachers who dedicate themselves each and every day to help the kids to give them a little help in their writing. The business sector, the social sector, are depending on us that when we have a law, that we just don’t leave it saying it expired because we have differences of politics on the other side. We have done everything that we could to take anything controversial out of this bill, whether it’s helping the people that have suffered as a result of a terrorist attack against New York, whether it’s providing some protection for people living in energy to make certain that they get a decent wage, whether we give lawyers an opportunity to operate their accounting system the same way other professionals do. No, we haven’t done it, we said, We’ll drop it. Let’s see how we can meet across the aisle.

But if the whole debate is going to be about rural schools, we can take care of that in the Speaker’s corridor and not waste the people’s time in debate. If the whole thing is going to be whether or not we are going to be fiscally responsible and pay for 2 years of the extension of these things, we will let the people and the business people decide which side is right, whether we are going to increase the indebtedness to our children or grandchildren, or whether at a time when the Federal Government is asking us to provide $700 billion of tax exposure, can we say that where we could control, we did try to control.

That’s the major difference between the other side and us. Do we pay for 1 year of the extensions, or do we really look at how to do something? This is the option. This is the last time this year. I hope we can jump over the hurdles of politics and get something done.

For more specifics to the bill, our distinguished chairman of the committee that has studied this, the one that has done the taxes, the one that has done the taxes for energy, is going to take over.

Madam Speaker, I yield my time.

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

(Mr. CAMP of Michigan asked and was given permission to revise and extend his remarks.)

Mr. CAMP of Michigan. Madam Speaker, I rise today in opposition to H.R. 7060, the majority’s latest extenders package, a bill that will never actually deliver the tax relief it’s promising because it will never pass the Senate and it will never be enacted into law.

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Mr. CAMP of Michigan. Madam Speaker, I rise today in opposition to H.R. 7060, the majority’s latest extenders package, a bill that will never actually deliver the tax relief it’s promising because it will never pass the Senate and it will never be enacted into law.
I agree with the distinguished chairman of the Ways and Means Committee—it’s time to be realistic. We are in the waning hours of this Congress, only a day away from our scheduled adjournment, a day or two or three.

Yet here we are, conducting another purely political exercise on a tax bill that is doomed in the other body because of our House majority’s insistence on adhering to the misguided PAYGO rules.

Indeed, as the end of the 110th Congress draws near, it’s interesting to see the application of PAYGO to expiring tax provisions remain as difficult for the majority today as it has ever been.

Throughout the year, Republicans have insisted that we should not have to raise taxes to prevent a tax increase. Democrats, meanwhile, have insisted that PAYGO requires us to find offsets for these tax extensions. Of course, the majority’s adherence to PAYGO has been somewhat intermittent. It has been waived to fund unemployment benefits, and on the housing bill passed in July. And PAYGO has never added to spending, which continues to grow at unsustainable rates. It has also been waived for extensions of some tax provisions, including just Wednesday on the AMT patch. Nevertheless, the majority has refused to waive PAYGO for other expiring tax provisions even in the face of ample evidence that the Senate and the President are not in agreement with that position.

On Tuesday, the Senate acted on a bipartisan basis to find common ground on this issue. They agreed, by an overwhelming vote of 93–2, to approve a comprehensive tax relief package containing extenders provisions that are not fully offset, as many Democrats would prefer, but contain more offsets than Republicans would like.

Is the Senate’s package perfect? Of course it isn’t. But given the limited time left in this Congress, the Senate’s comprehensive package is likely the only option that will lead to enactment of much-needed extensions of expired and expiring provisions, including the AMT patch, the State and local sales tax deduction, the research and development deduction, and the medical expense deduction, which is so important for restarting our economy, and the extension of the subpart F exception for active financial services income.

Why is this our only option? Because the Senate, which has labored long and hard to develop that compromise, has indicated in no uncertain terms that it is not going to reconsider these issues again this year.

The Senate majority leader made that point on Tuesday on three separate occasions. In the morning he urged the House: “Don’t send us back something different . . . it is dead, sorry to say.” And then, to make sure that there was no confusion, even later in the afternoon the majority leader said, “If the House doesn’t pass this, the full responsibility of this not passing is theirs, not ours.”

So let’s be clear. The Senate’s comprehensive tax package, which passed 93–2, is the only clear path for enactment of the AMT patch and the tax extender package we are debating here today. Let me say that as a member of the Ways and Means Committee, I don’t like being told by the Senate what we should or should not do. This is not how I prefer to legislate, of course. However, with adjournment looming and with a continuing resolution that takes us into next year, it is time to be realistic, as the distinguished chairman said. We are headed down a path that will leave all of these critical issues unresolved well into 2009.

Simply put, the majority’s insistence on paying for extenders has painted us into this corner. And, unfortunately, we don’t have the time to wait for the paint to dry. Painfully, we see the extenders this year will be burdensome to businesses and families alike.

It is important to note, Madam Speaker, that the House majority’s extender bill contains no net tax relief. None. That is in stark contrast to the Senate’s position. The Senate’s comprehensive tax package contains approximately $107 billion in net tax relief after subtracting out the AMT patch, the disaster-related tax provisions, the mental health parity benefits from the Senate’s package to account for the House’s passage of those provisions as separate freestanding bills. We see that the remaining Senate extenders provisions by themselves provide approximately $35 billion in net tax relief. On the other hand, the House extenders bill provides no net tax relief to American taxpayers because every last penny of tax relief is offset with revenue raisers elsewhere, and that is not a good deal for the American taxpayer.

It is also a bad deal for U.S. businesses and employers that are trying to compete with their foreign counterparts. That is because the House bill provides a short-term delay, potentially until 2019, of the implementation of more rational worldwide interest allocation rules that are currently scheduled to go into effect in 2011. These more rational rules, originally enacted by Republicans in 2004, were good policy then and that is good policy now.

While the majority refers to those as an international tax provision, when implemented, these rules will actually help companies avoid double taxation on their foreign income, and we shouldn’t push off for nearly a decade the effective date of a provision that will help American businesses and employers compete.

I would also note, Madam Speaker, that the House bill in many instances provides considerably less generous tax benefits than the Senate bill, including and especially with respect to energy-related tax benefits. For example, the House bill omits entirely a number of Senate proposals, including extension and modification of the election to expense certain refineries, an energy-efficient home credit, and a special depreciation allowance for certain renewable and recycling property. In addition, the House bill includes considerable limitations on a number of the Senate’s other energy-related provisions, including a reduction in the maximum credit for plug-in hybrids, a key restriction on the credit for producing electricity from wind renewable.

Moreover, unlike the Senate package, the House bill does not contain $3.3 billion in funding for the Secure Rural Schools Program.

Madam Speaker, when the 110th Congress convened last January, I had high hopes that these 2 years would be spent working on a bipartisan basis on issues people care about. That doesn’t mean that we shouldn’t have real disagreements about what each side believes in.

But, unfortunately, in the face of a bipartisan Senate solution to the extenders debate, and the ticking clock on this Congress, the House majority is still clinging to PAYGO on this bill.

Time is short, Madam Speaker. Whether we defeat the House bill now or whether the Senate rejects it later, this bill’s life expectancy is exceedingly short. The sooner the majority sees that, the sooner we can begin debating the Senate’s comprehensive package, which would actually be enacted into law. I urge opposition to this bill.

I reserve the balance of my time.

Mr. NEAL of Massachusetts. Madam Speaker, I yield 1 minute to the gentleman from New York, the chairman of the Ways and Means Committee.

Mr. RANGEL. We don’t have a lot of speakers. That’s why I asked the gentleman to yield.

Madam Speaker, assuming that the majority was prevailed upon by the eloquence of the gentleman from Michigan and we wanted to embrace the bill that 60 Members in the other House had, and assuming further that we wanted to help the rural schools which is in that bill, the gentleman knows that we won’t pass any bills that they have passed over there until they send it over here.

So we shouldn’t allow the other House to interfere with the process that we have. We can’t make a whole lot of harmony. We have different constituents and different policies. It is okay to say their way or the highway, and the minority may say that is
way they want to go. But even if we yield to that, if we said that 60 votes over there are far more important than 435 votes over here, how could we possibly do anything until they send it over here?

Mr. HERGER of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the provisions of H.R. 7060, the Renewable Energy and Job Creation Act of 2008, provides tax relief by extending generally for 2 years tax incentives for rural energy production and other temporary tax provisions. I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the bill, JCX75–08. The technical explanation expresses the committee’s understanding and legislative intent behind this important legislation. It is available on the Joint Committee’s Web site at www.jct.gov.

Madam Speaker, the Senate has not sent a bill over to us. None of us got elected here to defer to what the other body happens to think on any given day. We have repeatedly sent them good legislation over the course of the last year and a half, only to have it summarily rejected.

I want to submit today, I bet you during the course of Mr. CAMP’s career, along with mine, that will be the last time he quotes the majority leader of the United States Senate on a piece of legislation.

This is a responsible bill, and it is the constitutional prerogative of the House of Representatives to originate this legislation. What is the sense of being on the Ways and Means Committee if you defer to the other body on these matters? We have separate responsibilities for good reason, and that’s what we are entertaining today.

A reminder—there is no Senate bill to consider. They have not sent one over. I do not understand the idea that they have said if they don’t have the paperwork by 11 o’clock, they’re not going to consider this bill. Why be on the Ways and Means Committee? Why be a member of the House of Representatives?

We have done a good job with these legislative matters and sent them back to them responsibly. We have rules here, and we adhere to them. That is the fundamental difference.

I recall the balance of my time.

Mr. CAMP of Michigan. At this time I yield 3 minutes to a distinguished senior member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I rise in strong opposition to this phony tax extender bill. After months of negotiations, the Senate finally reached an agreement on extending critical tax relief for individuals, businesses, and energy security. The Senate passed that agreement, but here we are once again by an overwhelming bipartisan vote of 93–2. With Congress preparing to adjourn, time is of the essence.

And yet here we are back at square one considering a proposal that the Senate has already rejected on four separate occasions.

I am especially disappointed that the legislation before us today drops a provision to extend the Secure Rural Schools Program through 2011. This program is vital to small counties in my district and across the West.

Madam Speaker, my counties depend on these payments to provide the most basic services like education for their kids, and the Senate, in its marvelous wisdom, has decided not to continue these payments.

Several of us from the West have been working all year to get this program reauthorized, and we finally got a 93–2 vote in the Senate for a bill that would get it done. But now we have blown up a good bill and rural counties are getting lost in the shuffle.

I understand that some of my friends on the other side of the aisle feel that the Senate bill doesn’t raise taxes enough. And, frankly, there are some things in the Senate bill that I don’t like either. It is a compromise. But taking a different approach virtually guarantees that we won’t get this tax relief done at all.

No more R&D credit, no more tax relief for higher education expenses, no more incentives for renewable energy production.

I urge a resounding “no” vote on this futile exercise, and I urge this House to pass the Senate’s bipartisan compromise and get this done.

September 24, 2008.

Hon. Charles Rangel, Chair, Committee on Ways and Means, House of Representatives, Washington, DC.

Dear Chairman Rangel: On behalf of the National Education Association’s (NEA) 3 million members, we strongly urge you to include in tax extenders legislation provisions to extend the Secure Rural Schools and Community Self-Determination Act. These issues are critically important to children and public education. NEA members across the country will be watching congressional actions closely.

We are very disappointed that provisions to extend the Secure Rural Schools program are not included in current House-drafted tax extender bill drafts, despite inclusion of such provisions in the Senate-passed bill. The program is absolutely essential to the survivability of over 800 rural counties and 4,400 rural schools in 42 states across the country. It has made a real difference for schools in rural, timber-dependent counties, by ensuring them a consistent funding stream.

The program has restored critical educational services for students in rural schools and prevented the closure of numerous isolated rural schools. It is a critical source of revenue for rural counties across the country. In fact, a number of counties around the country have already sent out pink slips notifying employees of potential layoffs.

We urge your immediate attention to this critical matter.

Sincerely,

Dr. Shust, Director of Government Relations.

Randall Moody, Manager of Federal Advocacy.

Mr. NEAL of Massachusetts. Madam Speaker, a grim reminder: There are 4,000 businesses in Mr. HERGER’s district, but only 300 employees who need the R&D tax credit.

I yield 2 minutes to the gentleman from Michigan, my friend and a long-time member of the Ways and Means Committee, Mr. LEVIN.

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

Mr. LEVIN. Madam Speaker, we are going to pass this legislation. To say we are not going to have legislation regarding these energy provisions or the R&D tax credit or others is really a straw man.

The question is whether or not we are going to exercise our constitutional responsibility and act on a bill that is paid for.

The basic difference between the Senate and the House is not over rural schools. Mr. RANGEL has already made that clear. It is not a question of tax relief. You so strangle fiscal responsibility that when we try to pay for something, you say that isn’t tax relief. That’s a strange logic.

The tax provisions here have essentially passed the Senate before, and the additional one is extension of a provision that the President has already agreed before to allow to go into effect later.

So let me not be personal but very direct. If you want to simply say the Senate shall rule, run for the Senate. If you want to exercise responsibilities as Members of the House, stay here. This is a bill that is solid substantively. It is not political. It involves a basic question of whether we want to try to be fiscally responsible in passing beneficial legislation. We should be fiscally responsible.
Mr. NEAL of Massachusetts. I would yield.

Mr. CAMP of Michigan. I’d be happy to say that, first of all, we have three branches of government.

Mr. NEAL of Massachusetts. Would you answer the question yes or no from our constitutional perspective: Do Members of the House of Representatives serve under the President of the United States?

Mr. CAMP of Michigan. Will the gentleman yield?

Mr. NEAL of Massachusetts. I yield.

Mr. CAMP of Michigan. I’d be happy to yield 1 minute and will ask the gentleman a question: Do Members of the House of Representatives serve under the President of the United States?

Mr. CAMP of Michigan. Will the gentleman yield?

Mr. NEAL of Massachusetts. I would yield.

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Mr. NEAL of Massachusetts. I yield.

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Mr. CAMP of Michigan. Will the gentleman yield?

Mr. NEAL of Massachusetts. I yield.

Mr. CAMP of Michigan. I’d be happy to say that, first of all, we have three branches of government.

Mr. NEAL of Massachusetts. I yield myself 1 minute and will ask the gentleman a question: Do Members of the House of Representatives serve under the President of the United States?
Madam Speaker, the basic question is, should we pay for what we’re doing, or should we kick the can down the street and put the burden on our children and our grandchildren? The answer is no.

Mr. CAMP of Michigan. At this time, Madam Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. I want to thank my colleague from Michigan.

Let me talk about a couple of points here. First of all, it’s ironic that the argument by the Democrat majority on the floor today is one that says, you can’t cut taxes unless you raise taxes and all this other discussion, when in 35 or 34 minutes, up in the House Rules Committee the Democrat majority is going to. I’m told, move a stimulus bill that spends tens and tens and tens of billions of dollars for which I believe there are no offsets. There’s a little inconsistency here.

And for those of us from the West, that are home to the rural timbered counties where Federal land may equate to over half of our States and our districts, you want to talk about loss of jobs? Come to my district, where we have counties of the 20 that are over 8 percent unemployment and have been. The mills have been closed. These are blue-collar jobs that have gone away because this Congress has failed to reauthorize—

Mr. PASCRELL. Will the gentleman yield?

Mr. WALDEN of Oregon. I will in a second. I’m a little passionate on this, and then I’d be happy to yield.

Mr. PASCRELL. And so am I.

Mr. WALDEN of Oregon. I’d love to have your help reauthorizing secure county roads and schools. It’s in the Senate version of this legislation. The President has said he will sign that legislation, it can become law, and then our mills can have three counties of the 20 that are over 8 percent unemployment and the jobs. The mills have been closed. These are blue-collar jobs that have gone away because this Congress has failed to reauthorize—

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Mr. PASCRELL. And so am I.

Mr. WALDEN of Oregon. I’d love to have your help reauthorizing secure county roads and schools. It’s in the Senate version of this legislation. The President has said he will sign that legislation, it can become law, and then our counties don’t have to gut their sheriff’s departments, their fire departments, their search and rescue departments. The libraries are closing. The school teachers have been fired. It doesn’t have to happen that way. The Senate has risen to the challenge and come forward with a way to do that.

Every time we have asked for help to reauthorize and fund this, this majority has figured out a way to deny that, other than one emergency extension.

We need your help on this. This is the time that, if the previous question had been defeated, we could have offered an amendment to add it to this bill. This is the time that, if this bill went away, and we just took up the Senate bill when it got here, it could become law tomorrow and we could resolve this problem.

I’ve only got a few seconds here, but I’d be happy to yield.

Mr. PASCRELL. I would agree with much of what my friend just said, by the way. Your district did not invent unemployment. We have had unemployment in my district for at least 4 or 5 years. We’ve been trying to get our hands around that. It’s not an easy thing to do. But, in conclusion, we want to pay for what we do.

Mr. NEAL of Massachusetts. Madam Speaker, I would like to yield 2 minutes to the distinguished lady from Nevada, a fine member of the Ways and Means Committee, Ms. BERKLEY.

Ms. BERKLEY. I thank the gentleman for yielding and for his leadership on these important issues.

Madam Speaker, I rise in support of this bill that would extend clean, renewable domestic energy production, to improve our energy security, and to extend provisions that provide vital tax relief to parents, teachers, college students, small businesses and millions of other middle class Americans.

The energy provisions in this bill will allow my home State of Nevada to become an even stronger leader in the field of renewable energy. In a State that has a renewable energy standard and shines almost every day of the year, our entrepreneurs are anxious to secure the 8 years of solar energy tax credits contained in this bill, while our public utilities will finally be able to claim that credit as well.

Instead of capping solar tax credits at $2,000 for residential property owners, this bill will allow home owners to recoup 30 percent of their solar energy installation costs as a tax credit.

Solar is just one renewable energy resource in this bill. There’s also tax credits for wind, geothermal and biomass. The time is long past due for these important tax credits to be extended.

This legislation also renews a number of expired individual and business tax credits, and will ensure that the residents of Nevada and other States that do not pay a State income tax are treated fairly and allowed to deduct State and local sales taxes instead.

It’s also important to note that the tax relief in this bill is fully paid for and will not add a single dollar to the national debt. Now, that’s good fiscal policy.

I urge support for this bill, and I urge the Senate and the President to do their part to enact this important legislation.

Mr. CAMP of Michigan. At this point, Madam Speaker, I yield 2 minutes to the distinguished gentleman from Oregon.

Mr. WALDEN of Oregon. I thank my colleague from Michigan for the time.

I want to make a couple of other points. There have been many legislative proposals that would not only pay for a 10-year extension of these tax extenders and incent production of renewable energy, but would do much more, including fully fund county payments and fully fund payment in lieu of taxes by energy producers and taxpayers. We need to guarantee reserves and using the royalties and the fees from the SEAA, The Security and Energy for America Act, to actually pay for these things because I was a small business person for 21 years and 7 months, owned and operated a small company. I understand about paying taxes, and I understand about meeting budgets. And I have legislation that would accomplish both, but the major- ity won’t allow it to even have a hearing.

So we’re confronted today with legislation that only goes part way and doesn’t deal with the biggest issue affecting Republicans and Democrats and Independents and school kids and people who are out in the woods. We have an enormous crisis in our Federal forests. We, the people in this House, are the stewards of those great lands. I’ve got half a million acres of Federal and private timber land that is ready to go up in fire in one of our national forests, Winema-Fremont, half a million acres. That’s as big as the Biscuit Fire a few years ago. It’s all bug infested and dead, and we need to get in there and work in it.

Reauthorization of Secure Rural Schools would help us do that, through the various titles.

You’re going to spend $250 an acre to treat those lands. If you don’t pass Secure Rural Schools and other legislation that would help us go in and treat it, you’re going to spend $1,500 to $2,000 an acre to fight fire. And my good friend knows all about fighting fire. You get in and you prevent it.

This is why, for multiple reasons, not only for our kids, for law enforcement, for search and rescue, for libraries that are being closed, why can’t this majority give us an opportunity to at least have a vote to reauthorize and fund the Secure Rural Schools and Community Self-Determination Act? It was bipartisan when it became law in 2000. Bill Clinton signed it into law.

Mr. NEAL of Massachusetts. Madam Speaker, I yield to the gentleman from American Samoa for a unanimous consent request.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of the Renewable Energy and Job Creation Tax Act of 2008, and publicly thank the Honorable CHARLES RANGEL, Chairman of the House Committee on Ways and Means, and Senator MAX BAUCUS, Chairman of the Senate Finance Committee, for extending 30A tax credits to American Samoa for an additional 2 years as a means to protect the jobs of some 5,000 of our tuna canning workers.

Given the unparalleled financial crisis America is now facing, I especially appreciate the support of my colleagues in the House and Senate. On behalf of the people of American Samoa, I thank you for extending these tax credits which are essential to stabilizing the operations of our canneries and economy.

In these challenging times, I remain hopeful that local tuna canneries will again put measures in place to supplement what the Federal Government has once again done for them, especially since American Samoa’s economy
is more than 80 percent dependent, either directly or indirectly, on the U.S. tuna fishing and processing industries.

I also continue to hope that the American Samoa government will do everything it can to diversify our local economy as I will continue to do everything I can at the Federal level to keep American Samoa’s economy and canneries strong.

Again, on behalf of the some 5,000 canning workers in American Samoa whose jobs I will work to protect at every turn, I thank my colleagues for their support.

Mr. Speaker, I rise to especially thank the gentleman from Massachusetts, Mr. Neal, Chairman of the House Ways and Means Subcommittee on Select Revenue Measures, for his leadership in getting this bill approved both in committee and by this body.

Mr. Neal of Massachusetts. Mr. Speaker, with that, I yield 1 minute to the distinguished gentleman from Connecticut, a member of the Appropriations Committee and my friend, Ms. DelAuro.

Ms. DelAuro. Mr. Speaker, I rise in support of this bill. It illustrates our commitment to restoring middle class prosperity, a clear and practical approach to strengthen our economy, achieve energy independence and give families the opportunity to reach for the American dream.

By expanding the child tax credit, lowering its floor to $6,500, we can finally make a direct and a critical impact for all families with children: $3 billion benefiting 13 million children. That is 2.9 million children newly eligible and more than 10 million who would see their credit increased.

I believe with the child tax credit we make opportunity real for American families. Today, amidst our current fiscal and economic crisis and an economy that continues to shed jobs and produces growth at 100 in a gage. It’s the same kind of game playing the day after day on the floor of this House.

Republicans are here to work: Democrats take off the entire month of August. They don’t want to work. We stayed here and worked. We wanted a good energy bill. Now we want to do something on this tax extenders bill, and what do we get? Games back.

Let’s listen to Senator Harry Reid. Let’s get our work done. We have other important work that needs to be done, and we’re wasting the time of Members on something that is dead on arrival in the Senate. That is not leadership.

I want the American people to understand the Democrats are in charge of the House, the Senate, and the White House. They cannot blame Republicans when they fail. They have the votes. They are in charge.

Mr. Neal of Massachusetts. Mr. Speaker, I understand it’s the opportunity for the minority leader on the Ways and Means Committee to use his time to close.

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

We’ve heard a lot about the principal stand of the majority in terms of PAYGO, but I have to say that to inflict permanent tax increases on the American people to pay for temporary extensions of tax relief is just nonsensical. And let me just say that their application of this principle has been inconsistent at best and applied for the unemployment benefits extension that we did; it wasn’t applied for the housing bill; it hasn’t been applied when they wanted to extend AMT, alternative minimum tax relief; it won’t be applied to the stimulus package that’s being put through the Rules Committee right now.

So to say that this bill is the only way because it has PAYGO when PAYGO is not applied in any kind of consistent manner across anything that they present to this House I think is an argument that really collapses under its own weight.

Secondly, we have clear indication from the Senate, as the distinguished senator from California so eloquently said, who has stated that they will not take up this bill. They’ve passed a bipartisan compromise 92–3. We would have bipartisan support for that bill were it to come to this body, were my colleagues to bring that forth.

Not only is it the other body, but it’s also the administration. The President has said this bill would be vetoed if it ever reaches his desk. We know it won’t get that far.

So recognizing that we have limited time left in this Congress, recognizing that it really takes three branches of government, it’s particularly the executive and legislative branch to at least get a bill enacted into law, the third branch to make sure it’s constitutional; but knowing what the other branch of government has said already about this bill, knowing that we don’t have unanimity in the legislative side, it makes absolute sense that we bring forward the Senate bill.

Then on policy grounds, let me just say, the House bill has more tax increases than necessary, and the Senate measure includes a number of key items that are not included in the House bill that some of my colleagues have talked about today, particularly with regard to rural schools. But also especially in the area of energy.

When you look at this bill lacking the credit for small wind power systems, which is going to so help our dependence on foreign oil, and then also the bonds to help municipal and cooperatives to install wind and solar power plants. We see those operating all over the country, efforts to try to get these alternative energy sources up and running. And here we’ve delayed 9 months to move forward on a bill and then bring a bill forward to this body which is inadequate in those alternative energy methods. Also for refining capacity, for energy-efficient homes, those are crucial.

And lastly, which is important to so many Members from the Gulf coast still dealing with the aftermath of Katrina, the extension of tax credits for rebuilding buildings and homes, those are critical.

These aren’t just minor problems. These are glaring omissions that have received bipartisan support in the Senate. They’re lacking in the House bill. So I would urge my colleagues to vote “no” on this legislation.

I yield back the balance of my time.

Mr. Neal of Massachusetts. Mr. Speaker, I yield myself the balance of time.

Mr. Speaker, I have been here for 20 years. I want to tell you something today. This is a good piece of legislation. This deals with the energy needs of the country, and I want to say to my friend, Mr. Camp, I consulted with him on the final provisions of this legislation. There are provisions in this legislation that Mr. Camp and I worked hand-in-glove on.

We are here this morning where the minority here says, ‘‘We have to check with the President.’’ We didn’t get elected to be members of the executive branch; we got elected to be members of the legislative branch. Every
Mr. UDALL of Colorado. Mr. Speaker, support a bill to provide a three-year extension of the PTC for more than one year. This key tax credit extended for more than one year, is a step in the right direction. The bill also includes an additional $400 million for Quality Zone Academy Bonds to help states and localities address school construction and renovation needs. While I am a supporter of funding for local counties and municipalities, I am disappointed that this bill does not include the four-year county payments extension for secure rural schools, I believe this bill contributes significantly to the needs of our families. The bill will provide support in the form tax breaks and incentives to the small businesses that form the backbone of our economy. This bill extends the Research and Development Tax Credit for renewable energy for the first time to spurn American innovation and business investment as well as a two year extension of the 15-year straight-line cost recovery for leasehold improvements and qualified restaurant improvements. Developing alternative energy resources and reducing our dependence on foreign oil is one the most critical challenges facing our country. H.R. 7060 will increase the production of renewable fuels and renewable electricity, and encourage greater energy efficiency in the U.S. This bill provides an eight-year extension of the investment tax credit for solar energy and a multi-year extension of the production tax credit for other sources of alternative energy like biomass, geothermal, hydro-power and wind. With millions of Americans struggling to afford rising gas prices, H.R. 7060 includes tax incentives for the installation of E-85 pumps for flex-fuel vehicles, and a $3,000 tax credit toward the purchase of fuel-efficient, plug-in hybrid vehicles. There are also incentives for incorporating energy conservation in commercial buildings and residential structures. The energy provisions in H.R. 7060 will help create and preserve more than 500,000 good-paying green collar jobs and to create a new American industry. With the economy struggling and unemployment is at a five-year high. Finally, as a member of the House Budget Committee, I am pleased that this bill includes offsets that minimize its impact on the federal budget. H.R. 7060 is paid for by including provisions that close offshore tax loopholes and tighten taxes deductions for oil and gas companies. This attention to fiscal responsibility is even more important today as we face an uncertain economy and a growing deficit. The Renewable Energy and Job Creation Tax Act is a crucial step towards getting our economy back on track and making our nation energy independent. I support H.R. 7060 and urge my colleagues to join me in voting for its passage.

Mr. UDALL of Colorado. Mr. Speaker, support this legislation that will extend critical tax credits for renewable energy and for American families and businesses. As co-chair of the Renewable Energy and Energy Efficiency Caucus, I am especially pleased to see the House take action on needed tax credits for renewable energy. The Production Tax Credit (PTC) in particular has been instrumental in promoting the creation of a renewable energy industry. An extended PTC will provide more market certainty and we must have an extension of this key tax credit before the current credit expires at the end of 2008. I must add that, while I am pleased that the bill provides a three-year extension of the PTC for most renewable energy sources, I am concerned that it only provides a one-year extension for wind energy. Wind is a very promising renewable energy source and an extension will not be as helpful for the industry. I will continue to lead the fight to extend the wind energy PTC for more than one year.

The bill also extends the Investment Tax Credit (ITC) for solar energy, qualified fuel cells, and microturbines for eight years. The ITC will help companies with initial investment costs in expanding these renewable energy sources across the country. Rising gas prices are forcing many Coloradans to dip into their savings just to make ends meet. This bill helps reduce their fuel bills by providing $3000 in tax credits toward the purchase of fuel-efficient, plug-in hybrid vehicles. It will also address long-term fuel cost concerns by expanding production of homegrown fuels and incentives for the installation of E-85 pumps for consumers to fill up flex-fuel vehicles. This bill will also support advances in energy efficiency and conservation in commercial and residential buildings, as well as energy efficient appliances. The bill will also help Colorado businesses stay competitive by extending the research and development tax credit for one year. While again I would like to see this key tax credit extended for more than one year, this is a step in the right direction. To help with the hard economic times that Coloradans are facing, this bill includes several other key tax credits, including expanding the child tax credit for some of our neediest families, allowing teachers to take a deduction for purchasing classroom supplies out of their own pocket, and providing additional support for families paying for college education. Although this bill includes several important provisions and I will vote for it, I am disappointed that it does not include provisions that passed in the Senate and in previous House bills—particularly those related to clean renewable energy bonds (CREBS) and the Secure Rural Schools Program.

CREBS provide a critical tool for public power providers and electric cooperatives to invest in renewable energy. This is a unique Colorado opportunity for rural co-ops and municipal utilities and I hope to see us address this issue before the session ends. CREBS provisions were included in the version of the bill originally passed by the House, but in the Senate they were revised. My understanding is that is the reason this bill has been held entirely from the floor now before the House. My hope is that further discussions between the House and Senate will resolve this impasse.

The "Secure Rural Schools" program, originally authorized in 2000, was designed to establish stability to certain annual payments to States and counties containing National Forest System lands and certain public domain lands managed by the Bureau of Land Management.
Since 1908, 25 percent of Forest Service revenues, such as those from timber sales, mineral resources and grazing fees, have been returned to the States in which national forest lands are located. Because receipts from timber sales have fluctuated over time, the 106th Congress in 2000 enacted the Secure Rural Schools and Community Self-Determination Act (Public Law 106-393) to address this instability by providing funding for a period of seven years, but requiring reaffirmation after that time.

Unfortunately, the Senate did not join the States receiving the largest payments, the program has helped some of our rural counties meet urgent needs. In fact, last year payments under the program to Colorado counties amounted to more than $6.4 million, helping to offset the costs of public schools, roads, and other needs of Colorado residents.

That is why I cosponsored legislation (H.R. 3058) to renew the program’s authorization, and why I voted for that legislation when the House considered it on June 5th of this year. Unfortunately, despite our overwhelming support for the program, the final total included 193 against and thus, because it was considered under a procedure requiring two-thirds approval, the bill did not pass.

In addition to the funding that the Senate included in the bill, the Senate approved a pilot program to Colorado counties amounted to more than $6.4 million, helping to offset the costs of public schools, roads, and other needs of Colorado residents.

Among other things, this bill extends the 10 percent tax credit for the production of cellulosic biofuels and plug-in electric vehicles for two years. This will help some of our rural counties meet urgent needs. In fact, last year payments under the program to Colorado counties amounted to $6.4 million, helping to offset the costs of public schools, roads, and other needs of Colorado residents.

This pro-growth legislation provides $15 billion for tax incentives in the areas of renewable energy, energy efficiency and conservation. It extends the production tax credit for wind, biomass, geothermal and hydropower facilities and expands that credit to include the production of electricity from waste. It extends the investment tax credit for solar energy, fuel cells and microturbines for eight years and similarly extends the residential solar property credit for another eight years while removing the existing $2000 cap. And it extends important energy efficiency incentives across the residential, commercial and industrial sectors—including accelerated depreciation of smart grid systems and related equipment—while expediting next generation transportation technologies like cellulosic ethanol and plug-in hybrids.

On the extenders side of the equation, this legislation maintains important provisions in the code ranging from the R&D tax credit to encourage business innovation to IRA charitable rollover provisions that support the good work of our non-profit sector to above-the-line tuition tax credits for education. And importantly, this legislation includes funding for both the Secure Rural Schools program and for the Payment in Lieu of Taxes (PILT) program, which makes payments to counties across the country where certain categories of Federal lands are located. PILT is also very important to Colorado, and I strongly support funding for it—and I would have preferred to have both its funding and that for the Secure Rural Schools program included in the bill now before us.

Nonetheless, despite the lack of these provisions, this is a good bill. I hope we can move it forward and promote positive change that will benefit our families and rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

I encourage my colleagues in the House to vote for this needed legislation, and also encourage quick action in the Senate so that we may move it to President’s desk.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 7060, the Renewable Energy and Job Creation Tax Act of 2008. This bill provides much needed tax relief for many Americans and will help create jobs at a time when unemployment is increasing. Furthermore, this legislation provides needed incentives for renewable energy investments that will help reduce greenhouse gas emissions and decrease our dependence on foreign oil.

These are uncertain times for the economy. The troubles on Wall Street have created problems on Main Street, and America’s working families are struggling. In times like these, we need tax relief that everyone can count on.

The legislation before us today will help achieve this goal.

First, H.R. 7060 extends several important expiring tax provisions. In particular, the bill will provide property tax relief for tens of millions of Americans, support for parents through an expanded child tax credit, relief for more than 11 million families through state and local sales tax deduction, help for more than 4.5 million families to cover the cost of education through the tuition deduction, and relief for more than 3.5 million teachers who will be reimbursed for out-of-pocket expenses for their classrooms.

H.R. 7060 also addresses the need for more clean energy production in our country by providing long term extensions of the renewable energy production tax credit and the solar energy and fuel cell investment tax credit, while amending these to increase accessiblility and utility of the tax credits. It extends and invests the predictability they need to move forward with new generation projects in the years to come. The bill also addresses energy use and carbon emissions by extending multiple energy efficient credits for homes and businesses including credits for carbon capture and sequestration demonstration projects, and calling for carbon audit of the tax code to determine what policies are encouraging wasteful energy use and unnecessary carbon emissions. The bill also addresses our use of dirty foreign oil by extending and improving tax credits for the production of cellulosic biofuels and plug-in electric vehicles.

Finally, this bill is fully offset and complies with pay-go rules. Under the leadership of Chairman RANGEL and Speaker FELSO, we have ensured that any new non-defense related tax relief without sending the debt on to our children. After years of fiscal recklessness—deficit financed tax cuts for the wealthy and out of control government spending—this bill sets a precedent of fiscal responsibility.

Again, Mr. Speaker, I am happy to support this sensible and fair tax bill before us today. I urge my colleagues to support H.R. 7060.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of the Renewable Energy and Job Creation Tax Act of 2008, and publicly thank the Honorable CHARLES RANGEL, Chair of the House Committee on Ways and Means, and Senator MAX BAUCUS, Chairman of the Senate Finance Committee, for extending 30A tax credits to American Samoa for an additional two years to maintain and protect the jobs of some 5,000 of our tuna canneries workers.

Given the un-paralleled financial crisis America is now facing, I especially appreciate the strong support of the colleagues in the House and Senate. On behalf of the people of American Samoa, I thank you for extending these tax credits which are essential to stabilizing the operations of our canneries, and economy. In these challenging times, I remain hopeful that the Government of American Samoa will also put measures in place to supplement what the federal government has once again done for them, especially since American Samoa’s economy is more than 80 percent dependent, either directly or indirectly, on the U.S. tuna fishing and processing industries.

I also continue to hope that the American Samoa Government will do everything it can to diversify our local economy as I will continue to do everything I can at the federal level to keep American Samoa’s economy and canneries strong.

Again, on behalf of the some 5,000 canneries workers in American Samoa whose jobs I will work to protect at every turn, I thank my colleagues for their support.

Mr. VAN VELDER. Mr. Speaker, I rise in strong support of the Renewable Energy and Job Creation Tax Act of 2008 (H.R. 6049) for the innovation it will drive and the fiscal responsibility it represents. In our efforts to fashion a bicameral way forward on these important incentives, I sincerely hope that my colleagues in the Senate will take yes for an answer and forward this compromise package to the President without delay.

Again, on behalf of the some 5,000 canneries workers in American Samoa whose jobs I will work to protect at every turn, I thank my colleagues for their support.

Mr. WELSH. Mr. Speaker, I rise in strong support of the Renewable Energy and Job Creation Tax Act of 2008 (H.R. 6049) for the innovation it will drive and the fiscal responsibility it represents. In our efforts to fashion a bicameral way forward on these important incentives, I sincerely hope that my colleagues in the Senate will take yes for an answer and forward this compromise package to the President without delay.

Mr. Speaker, I am happy to support this sensible and fair tax bill before us today. I urge my colleagues to support H.R. 7060.
and natural gas. Extending the tax credits and incentive in this bill is a strong step in the direction of American energy independence, and I urge passage of H.R. 7060.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of the Renewables and Energy Efficiency Creation Act of 2008. This legislation is a timely, necessary, and comprehensive approach to addressing our energy crisis. I support efforts to extend the expiring business tax provisions. Opponents of H.R. 6049 are concerned that the House Amendment to the Senate Amendment to this bill would permanently increase the tax on businesses for a temporary, one-year extension of expiring business tax provisions. I fail to see the merits of the opponent’s contention and I believe that the benefits far outweigh any potential costs. Given the circumstances, the American economy is spiraling downward, energy prices are high, and unemployment is high, some kind of relief must be granted. To the extent that this body can grant some kind of relief, it is to be supported. I urge my colleagues to support this legislation to be committed to working with industry actors to make sure that some balance is struck in the future.

The following are provisions that are widely supported by various interest groups:

- Extension of Expired and Expiring Business Tax Provisions is urgently needed to extend critically important provisions. A number of provisions—such as the R&D credit, the election to deduct state and local general sales tax, and the railroad track maintenance credit—already have expired. Others—such as the domestic production activities deduction—will expire at the end of this year.

Clean Energy Tax Incentives—The extension of the clean energy tax incentives. These incentives will go a long way toward the development of the renewable and alternative energy technologies essential to America’s energy future. The Chamber believes it is critical to provide a reasonable use of oil and alternative energy sources. To reach this goal, government and business should support investment in new technologies that expand alternative energy and enable traditional sources of energy to be used more cleanly and cleanly and efficiently.

Some business interests have concerns with revenue offset provisions included in the House Amendment to the Senate Amendment to H.R. 6049, including those related to:

- Punitive Oil and Gas Taxes—Business claim that Congress must be mindful of the cross border American economy from the financial sector to the housing sectors. Many believe tax increases on the oil and gas industries are out of sync with an American economy showing great demand for increased domestic energy production, which could provide the opportunity for the energy industry to add a million jobs, and hundreds of billions of dollars to the economy. Many are concerned with provisions that would freeze the section 199 deduction for oil and gas companies. This change would discourage energy investment, resulting in the loss of jobs, a decrease in the supply of oil and gas, and an increase in the costs for businesses that rely on oil and gas.

- Many businesses interest groups are also concerned with the proposed modifications of the foreign tax credit rules for oil and gas companies, as this change would place domestic firms at a competitive disadvantage to foreign oil and gas manufacturers.

- Some businesses are concerned with the proposed extension of the FUTA surtax. Pursuant to House Resolution 1502, the bill is considered read and the previous question is ordered.

The SPEAKER pro tempore (Mr. ROES). The SPEAKER pro tempore, Mr. CAMP of Michigan. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to recommit. The Clerk reads as follows:

Mr. CAMP of Michigan moves to recommit the bill H.R. 7060 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

- Strike all after the enacting clause and insert the following:

DIVISION A—ENERGY PROVISIONS

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This division may be cited as the “Energy Improvement and Extension Act of 2008”.

(b) REFERENCE.—Except as otherwise expressly provided, when used in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this title shall be as follows:

Sec. 1. Short title, etc.

TITLe I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

Sec. 101. Renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.

Sec. 103. Energy credit.

Sec. 104. Energy credit for small wind property.

Sec. 105. Energy credit for geothermal heat pumps.

Sec. 106. Credit for residential energy efficient property.

Sec. 107. New clean renewable energy bonds.

Sec. 108. Credit for fuel cell industry fuel.

Sec. 109. Special rule to implement FERC and State electric restructuring policy.

Subtitle B—Carbon Mitigation and Coal Provisions

Sec. 111. Expansion and modification of advanced coal project investment credit.

Sec. 112. Expansion and modification of coal gasification investment credit.

Sec. 113. Temporary increase in coal excise tax; funding of Black Lung Disability Trust Fund.

Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.

Sec. 115. Tax credit for carbon dioxide sequestration.

Sec. 116. Certain income and gains relating to industrial source carbon dioxide treated as qualifying income for publicly traded partnerships.

Sec. 117. Carbon audit of the tax code.

TITLe II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

Sec. 201. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.

Sec. 202. Credits for biodiesel and renewable diesel.

Sec. 203. Clarification that credits for fuel were designed to provide an incentive for United States production.

Sec. 204. Extension and modification of alternative fuel credit.

Sec. 205. Credit for new qualified plug-in electric drive motor vehicles.

Sec. 206. Exclusion from heavy truck tax for idling reduction units and advanced insulation.

Sec. 207. Alternative fuel vehicle refueling property credit.

Sec. 208. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.

Sec. 209. Extension and modification of election to expense certain refineries.

Sec. 210. Extension of suspension of taxable of percentage depletion for oil and natural gas produced from marginal properties.

Sec. 211. Transportation fringe benefit to bicycle commuters.

TITLe III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

Sec. 301. Qualified energy conservation bonds.

Sec. 302. Credit for nonbusiness energy property.

Sec. 303. Energy efficient commercial building deduction.

Sec. 304. New home energy efficient home credit.

Sec. 305. Modifications of energy efficient appliance credit for appliances produced after 2007.

Sec. 306. Accelerated recovery period for depreciation of smart meters and smart grid systems.
TITLE IV—REVENUE PROVISIONS

Sec. 401. Limitation of deduction for income attributable to domestic production of oil, gas, or primary processed products.

Sec. 402. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil and gas production income for purposes of the foreign tax credit.

Sec. 403. Broker reporting of customer’s basis in securities transactions.

Sec. 404. 0.25 percent CTPA surtax.

Sec. 405. Increase and extension of Oil Spill Liability Trust Fund tax.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) Extension of Credit.—

(1) 1-YEAR EXTENSION FOR WIND AND REFINED COAL FACILITIES.—Paragraphs (1) and (8) of section 45(d) are each amended by striking “January 1, 2009” and inserting “January 1, 2010”.

(2) 2-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—The provisions of the first sentence of subsection (d) of section 45 are amended by striking “January 1, 2009” and inserting “January 1, 2011”:

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) Modification of Refined Coal as a Qualified Energy Resource.—

(1) Elimination of Increased Market Value Test.—Section 45(c)(7)(A)(iii) (defining refined coal), as amended by section 108, is amended—

(A) by striking subsection (IV), (B) by adding “and” at the end of subsection (III), and (C) by striking “, and” at the end of subsection (III) and inserting a period.

(2) Increase in Required Emission Reduction.—Section 45(c)(10)(A)(ii) (defining the emission reduction) is amended by inserting “at least 40 percent of the emissions of” after “nitrogen oxide and”.

(c) Trash Facility Clarification.—Paragraph (7) of section 45(d) is amended—

(1) by striking “facility which burns” and inserting “facility (other than a facility described in paragraph (8) which uses”, and (2) by striking “combustion”.

(d) Expansion of Biomass Facilities.—

(1) Open-Loop Biomass Facilities.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subpar

(a) by striking subparagraph (B) and inserting as a new subparagraph (B), and (B) by inserting after subparagraph (A) the following new subparagraph:

“(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.”.

(2) Closed-Loop Biomass Facilities.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

“(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.”.

(3) Marine and Hydrokinetic Renewable Energy Projects.—(A) IN GENERAL.—The term ‘marine and hydrokinetic renewable energy’ means energy derived from—

(i) waves, tides, and currents in oceans, estuaries, and streams,

(ii) free flowing water in rivers, lakes, and streams,

(iii) free flowing water in an irrigation system or canal, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

(iv) differentials in ocean temperature (ocean thermal energy conversion).

(B) Exclusions.—(1) PROPERTIES PRODUCED FROM Tidal not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (B)(iii)), or impoundment for electric power production purposes.”.

(c) Definition of Facility.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

“(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity and hydrokinetic renewable energy, the term ‘qualified facility’ means any facility owned by the taxpayer—

(A) which has a nameplate capacity rating of at least 150 kilowatts, and

(B) which is originally placed in service on or after the date of the enactment of this Act and before January 1, 2010.”.

(d) Credit Rate.—Subparagraph (A) of section 45(b)(2)(B) is amended by striking “or (9)” and inserting “or (9), (10), (11), or (12)”.

(e) Modification of Rules for Hydroelectric Projects.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking “January 1, 2011” and inserting “the date of the enactment of paragraph (11)”.

(f) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 102. BONUS CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) In General.—Paragraph (1) of section 45(b)(2)(A)(i) is amended by striking “and” at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting “, and”, and by adding at the end of the following text:

“(l) marine and hydrokinetic renewable energy.”.

(b) Marine Renewables.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

“(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

(A) In General.—The term ‘marine and hydrokinetic renewable energy’ means energy derived from—

(i) waves, tides, and currents in oceans, estuaries, and streams,

(ii) free flowing water in rivers, lakes, and streams,

(iii) free flowing water in an irrigation system or canal, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

(iv) differentials in ocean temperature (ocean thermal energy conversion).”.

SEC. 103. ENERGY CREDIT.

(a) Extension of Credit.—

(1) Solar Energy Property.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 46(a) are each amended by striking “January 1, 2009” and inserting “January 1, 2017”.

(2) Fuel Cell Property.—Subparagraph (E) of section 48(c)(1) is amended by striking “December 31, 2008” and inserting “December 31, 2016”.

(3) Microturbine Property.—Subparagraph (E) of section 48(c)(2) is amended by striking “December 31, 2008” and inserting “December 31, 2016”.

(b) Allowance of Energy Credit Against Alternative Minimum Tax.—

(1) In General.—Subparagraph (B) of section 38(c)(4), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (vi) as clause (vii), by adding at the end the following clause:

“(vii) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48,”.

(2) Technical Amendment.—Clause (vi) of section 38(c)(4)(B), as redesignated by paragraph (1), is amended by striking “or (7) to the extent applicable to” and inserting “section 46 to the extent that such credit is attributable to the rehabilitation credit under section 47, but only with respect to”.  

(c) Energy Credit for Combined Heat and Power System Property.—

(1) In General.—Section 48(a)(3)(A) is amended by striking “or” at the end of clause (ii), by inserting “or” at the end of clause (iv), and by adding at the end the following new clause:

“(v) Combined heat and power system property.”.

(2) Combined Heat and Power System Property.—Subparagraph (c) of section 48 is amended—

(A) by striking “qualified fuel cell property; qualified microturbine property” in the heading and inserting “definition”;

(B) by adding at the end the following new paragraph:
(3) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraphs (1)(B), (2)(B), and (3)(B)".

(d) LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking "$3500" and inserting "$4000".

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (B) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(3) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by this section shall apply to credit years ending after such date, under rules similar to the rules of section 48(a)(1) of the Internal Revenue Code of 1986 (as in effect on the date of the enactment of the Revenue Reconciliation Act of 1990).

(3) CONFORMING AMENDMENTS.—

(A) COMBINED HEAT AND POWER PROPERTY.—Subsection (B) of section 48(a)(3)(A), as amended by subsection (c), is amended by striking subparagraph (E) and inserting subparagraph (D) and adding a new subparagraph:

"(4) 30 percent of the qualified small wind energy property.".

(B) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking "and" at the end of subparagraph (II) and by inserting after such subparagraph "(III) the following new subparagraph:

"(III) 30 percent of the qualified small wind energy property, and".

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—

(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity against alternative minimum tax.

(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year shall not exceed $4,000.

(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which has a nameplate capacity of not more than 10 kilowatts.

(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2016.

(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditures' means—

"(A) IN GENERAL.—Section 48(d)(3) is amended by striking "and" at the end of subparagraph (A) and inserting "or" in its place.

(B) LIMITATION.—The term 'qualified small wind energy property expenditures' means—

"(A) the amount of credit determined under subsection (a) with respect to such property, and".

(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which has a nameplate capacity of not more than 10 kilowatts.

"(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2016.

(6) REMOVAL OF LIMITATION FOR SOLAR ELECTRIC PROPERTY.—

(A) IN GENERAL.—Section 25(b)(1), as amended by subsections (c) and (d), is amended—

(i) by striking paragraph (A), and

(ii) by redesignating paragraphs (B) through (D) as paragraphs (A) through (D), respectively.

(2) REMOVAL OF LIMITATION FOR SOLAR ELECTRIC PROPERTY.—

(A) IN GENERAL.—Section 25(b)(1), as amended by subsections (c) and (d), is amended—

(i) by striking clause (i), and

(ii) by redesignating clauses (ii) through (v) as clauses (i) and (iv), respectively.

(3) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(A) IN GENERAL.—Section 25D(a) is amended by striking "and" at the end of paragraph (2) and by striking the period at the end of paragraph (3) and inserting "or", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.

(B) LIMITATION.—Section 25D(b)(1) is amended by striking "and" at the end of subparagraph (B) and by striking the paragraph at the end of subparagraph (C) and inserting "or", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $1,000) of wind turbines for which qualified small wind energy property expenditures are made.

(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified
small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located on or under such premises and used as a residence by the taxpayer.'

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new paragraph:

''(1) 30 percent of the qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence, and

(C) CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.— In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the amount determined without regard to this subsection.

''(2) LIMITATION BASED ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

"(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The total new clean renewable energy bond limitation of $800,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33 percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33 percent thereof may be allocated to qualified green energy projects of governmental bodies, and

''(C) not more than 33 percent thereof may be allocated to projects of cooperative electric companies.

"(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

"(d) DEFINITIONS.—For purposes of this section:

"(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d)(1)) without regard to paragraph (3) and placed in service) owned by a public power provider, a governmental body, or a cooperative electric company.

"(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

"(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

"(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

"(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(6) QUALIFIED ISSUE.—The term 'qualified issue' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.'"
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H10010

SEC. 109. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 45I(i) is amended by inserting ``(before January 1, 2010, in the case of qualified electric utility) after January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 45I is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

``(10) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term ‘qualified electric utility’ means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—''

``(A) a transmitting utility (as defined in section 3(2)(i) of the Federal Power Act (16 U.S.C. 796(2)(i)));''

``(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL.—Subsection (i) of section 45I(1)(c)(4) is amended by striking December 31, 2007 and inserting December 1, 2009.''

SEC. 110. EXPANSION AND MODIFICATION OF ADDED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ,, and'', and by adding at the end of such subsection the following new paragraph:

``(3) TEN PERCENT OF THE QUALIFIED INVESTMENT FOR SUCH TAXABLE YEAR IN THE CASE OF PROJECTS DESCRIBED IN CLAUSE (II) OF SUBSECTION (a)(3).''

(b) EXPANSION OF AGGRADATE CREDITS.—Section 48A(d)(3)(A) is amended by striking $1,300,000,000 and inserting $2,550,000,000.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

``(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—''

``(i) $800,000,000 for integrated gasification combined cycle project application for which is submitted during the period described in subparagraph (2)(A)(i),''
“(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (A)(i) and
“(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (A)(i).”.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

“(A) February 1, 2008, and
“(B) by redesignating clause (iii) as clause (iv), and
“(C) by striking the period at the end of subparagraph (E) and inserting “and”, and by adding at the end the following new subparagraph:

“(D) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking “(E) at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting “; and”, and by adding at the end the following new subparagraph:

“(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project’s total carbon dioxide emissions.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTR CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking “and” at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(i) and inserting “; and”, and by adding at the end the following new subparagraph:

“(D) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTR.—Section 48A is amended by adding at the end the following new subsection:

“(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTR.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (a)(1).”.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(A) is amended by adding at the end of paragraph (B), by striking “and” at the end of clause (iv), and

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following clause:

“(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(c)(5)),”.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking “INTEGRATED GASIFICATION COMBINED CYCLE” in the heading thereof.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

“(A) MARKET VALUE OF THE OUTSTANDING REPAYABLE ADVANCES, PLUS ACCRUED INTEREST.—The term “market value of the outstanding repayable advances, plus accrued interest” means the present value (determined by the Secretary, as of the refinancing date and using the Treasury rate as the discount rate) of the stream of principal and interest payments derived as the present value of the repayable advances that is outstanding on the refinancing date is due on the 30th anniversary of the end of the fiscal year in which the Trust Fund is repaid to the Trust Fund, and that all such principal and interest payments are made on September 30 of the applicable fiscal year.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by inserting “30 percent in the case of credits allocated under subsection (d)(4)” after “30 percent”, and

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking “shall not exceed $350,000,000” and all that follows and inserting “shall not exceed—

“(A) $350,000,000, plus

“(B) $250,000,000 for qualifying gasification projects that are located in the United States and the projects include equipment which separates and sequesters at least 75 percent of such project’s total carbon dioxide emissions.”.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTR.—Section 48B is amended by adding at the end the following new subsection:

“(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTR.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (a)(1).”.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

“(D) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

“(1) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(c)(5)),”.

(e) ELIGIBLE PROJECTS INCLUDE TRANSPORTATION GRADE LIQUID FUELS.—Section 48B(c)(7) (defining eligible entity) is amended by striking “(E)” and inserting “(E),” and

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX, FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) EXTENSION OF TEMPORARY INCREASE.—Paragraph 39(a)(1) of title 33, United States Code, is amended by—

(1) striking “January 1, 2014” in subparagraph (A) and inserting “December 31, 2018”, and

(2) striking “January 1 after 1981” in subparagraph (B) and inserting “December 31 after 2007”.

(b) RESTRUCTURING OF TRUST FUND DEBT.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) MARKET VALUE OF THE OUTSTANDING REPAYABLE ADVANCES, PLUS ACCRUED INTEREST.—The term “market value of the outstanding repayable advances, plus accrued interest” means the present value (determined by the Secretary, as of the refinancing date and using the Treasury rate as the discount rate) of the stream of principal and interest payments derived as the present value of the repayable advances that is outstanding on the refinancing date is due on the 30th anniversary of the end of the fiscal year in which the Trust Fund is repaid to the Trust Fund, and that all such principal and interest payments are made on September 30 of the applicable fiscal year.

(B) REFINANCING.—The term “refinancing” means the date occurring 2 days after the enactment of this Act.

(C) PAYABLE ADVANCE.—The term “payable advance” means an amount that has been appropriated to the Trust Fund in order to make benefit payments and other expenditures that are authorized under section 9001 of the Internal Revenue Code of 2005.

(D) TREASURY 1-YEAR RATE.—The term “Treasury 1-year rate” means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States with a term of maturity of approximately 1 year, to have been in effect as of the close of business 1 business day prior to the date on which the Trust Fund issues obligations to the Secretary of the Treasury under paragraph (2)(B).

(2) REFINANCING OF OUSTANDING PRINCIPAL OF REPAYABLE ADVANCES AND UNPAID INTEREST ON SUCH ADVANCES.—

(A) TRANSFER TO GENERAL FUND.—On the refinancing date, the Trust Fund shall repay the market value of the outstanding repayable advances, plus accrued interest, by transferring into the general fund of the Treasury the following:

(I) The proceeds from obligations that the Trust Fund shall issue to the Secretary of the Treasury in such amounts as the Secretary of the Treasury determines and bearing interest at the Treasury rate, and that shall be in such forms and denominations and be subject to such other terms and conditions, including the use of such proceeds, as the Secretary of the Treasury shall prescribe.

(II) All, or that portion of the appropri- ations made to the Trust Fund of 1986 and to paragraph (3) that is needed to cover the difference defined in that paragraph.

(B) REPAYMENT OF OBLIGATIONS.—In the event that the Trust Fund is unable to repay the obligations that it has issued to the Secretary of the Treasury under paragraph (A)(i) and this subparagraph, or is unable to make benefit payments and other authorized expenditures, the Trust Fund shall issue obligations to the Secretary of the Treasury in such amounts as may be necessary to make benefit payments and other expenditures, with a maturity of 1 year, and bearing interest at the Treasury 1-year rate. These obligations shall be in such forms and denominations and be subject to such other terms and conditions as the Secretary of the Treasury shall prescribe.
(C) AUTHORITY TO ISSUE OBLIGATIONS.—The Trust Fund is authorized to issue obligations to the Secretary of the Treasury under subparagraphs (A)(i) and (B). The Secretary of the Treasury is authorized to purchase such obligations of the Trust Fund. For the purposes of making such purchases, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31, United States Code, and the purposes for which such securities may be issued under such chapter 31 are extended to include any purchase of such Trust Fund obligations under this subparagraph.

(2) LAWS OF THE TERRITORY.—There is hereby appropriated to the Trust Fund an amount sufficient to pay to the general fund of the Territory the difference between—

(A) the market value of the outstanding repayable advances, plus accrued interest; and

(B) the proceeds from the obligations issued by the Trust Fund to the Secretary of the Treasury under paragraph (2)(A)(i).

(4) PREPAYMENT OF TRUST FUND OBLIGATIONS.—The Trust Fund is authorized to repay any obligation issued to the Secretary of the Treasury under subparagraphs (A)(i) and (B) of paragraph (2) prior to its maturity date by paying a prepayment price that would, if the obligation being prepaid (including interest accrued through the date of prepayment) were purchased by a third party and held to the maturity date of such obligation, produce a yield to the Trust Fund substantially equal to the Treasury yield on outstanding marketable obligations of the United States having a comparable maturity to this period.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a possession of the United States, or caused such coal to be so exported, or

(ii) such coal producer files a claim for refund with the Secretary not later than the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act, then the Secretary shall pay to such coal producer an amount equal to $0.825 per ton of such coal exported or caused to be exported or shipped, or caused to be exported or shipped, by the coal producer, provided that the Secretary determines that the requirements of this section have been met.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement or other agreement with respect to such coal has been made with and accepted by the coal producer, a party related to such coal producer, or the Federal Government.

(c) SUBSEQUENT REFUND PROHIBITED.—No claim for refund under this section shall be made with respect to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ‘coal producer’ means the person in whom is vested ownership of such coal, whether prior to or after the date on which title to such coal passes to the Federal Government and to the extent that a claim for refund is filed under this section for such coal by such coal producer, or a party related to such coal producer, and

(2) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(A) in general.—If a coal producer or a party related to a coal producer has received a judgment described in clause (ii), such coal producer is entitled to be paid the amount of such judgment. If the Secretary determines that such coal producer paid any amount in excess of such judgment, the Secretary shall refund to such coal producer any amount paid in excess of such judgment.

(B) special rules for certain taxpayers.—If a judgment described in clause (i) is entitled to be paid under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (ii).

(3) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) is in favor of the coal producer or the party related to such coal producer,

(III) is related to the coal producer, or a party related to such coal producer, a party related to such coal producer to a possession of the United States, or caused such coal to be so exported or shipped, or

(IV) is what the Secretary of the Treasury determines is necessary for the satisfaction of all debts incurred in the course of making such purchases. The Secretary of the Treasury shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are not met, the claim for refund shall not be paid not later than 180 days after the Secretary makes such determination.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section and the Secretary determines whether the requirements of this section are met not later than 180 days after such claim is filed, if the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate applicable under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal producer shall not apply to any purchase of such coal by such coal producer or a party related to such coal producer, and

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(2) EXPORTERS.—With respect to exporters,

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45Q. CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

"(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

"(1) $20 per metric ton of qualified carbon dioxide which is—

(A) captured by the taxpayer at a qualified facility, and

(B) disposed of by the taxpayer in secure geological storage, and

"(2) $10 per metric ton of qualified carbon dioxide which is—

(A) captured by the taxpayer at a qualified facility, and

(B) used by the taxpayer as a tertiary recovery project."
(b) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

(1) IN GENERAL.—The term ‘qualified carbon dioxide’ means carbon dioxide captured from an industrial source which—

(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

(B) is injected at the source of capture and verified at the point of disposal or injection.

(2) RECYCLED CARBON DIOXIDE.—The term ‘qualified carbon dioxide’ includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is captured recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

(c) QUALIFIED FACILITY.—For purposes of this subsection, the term ‘qualified facility’ means any industrial facility—

(1) which is owned by the taxpayer,

(2) at which carbon capture equipment is placed in service, and

(3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year.

(d) SPECIAL RULES AND OTHER DEFINITIONS.—For purposes of this section—

(1) ONLY CARBON DIOXIDE CAPTURED AND DISPOSED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture and disposal or use of which is within the United States.

(A) the United States (within the meaning of section 638(1)), or

(B) a possession of the United States (within the meaning of section 638(2)).

(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subpart B of part K of subchapter A of chapter 1 of subtitle D of title I of the Internal Revenue Code of 1986 to prevent such carbon dioxide from escaping into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seams under such conditions as the Secretary may determine under such regulations.

(3) TERTIARY INJECTANT.—The term ‘tertiary injectant’ has the same meaning as when used in section 633(b)(1).

(4) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term ‘qualified enhanced oil or natural gas recovery project’ has the meaning that is given to such term by section 43(c)(2), by substituting ‘crude oil or natural gas’ for ‘crude oil’ in subparagraph (A)(1) thereof.

(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically transports carbon dioxide and verifies the disposal of, or use as a tertiary injectant of, the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

(6) RECAPTURE.—The Secretary shall, by regulation, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each amount contained in subsection (a) an amount equal to the product of—

(A) such dollar amount, multiplied by

(B) the inflation adjustment factor for such calendar year determined under section 48(b)(3)(B) for such calendar year, determined by substituting ‘2008’ for ‘1990’.

(e) APPLICATION OF SECTION.—The credit under this section shall apply with respect to qualified carbon dioxide before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.

(f) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended by striking ‘plus’ at the end of paragraph (2) and inserting ‘plus’, and by adding at the end of following new paragraph:

‘‘(A) the carbon dioxide sequestration credit determined under section 45Q(a).’’.

(g) CERCLICAL AMENDMENT.—The tables of sections for subpart B of part IV of subchapter A of chapter 1 (relating to other credits) are amended by adding at the end the following new section:

‘‘Sec. 45Q. Credit for carbon dioxide sequestration.’’.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

SEC. 116. CERTAIN INCOME AND GAINS RELATING TO INDUSTRIAL SOURCE CARBON DIOXIDE TREATED AS QUALIFIED INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7701(a) (relating to qualified income) is amended by inserting ‘‘or industrial source carbon dioxide’’ after ‘‘timber’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 117. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall, after consultation with the National Academy of Sciences, undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of the study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this study $1,500,000 for the period of fiscal years 2009 and 2010.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

SEC. 201. INCLUSION OF CELLULOSIC BIOFUEL IN RATES OF DEPRECIATION FOR BIO-MASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(k) is amended to read as follows:

‘‘(3) CELLULOSIC BIOFUEL.—The term ‘cellulosic biofuel’ means any liquid fuel which is produced from any lignocellulosic or hemimcellulosic matter that is available on a renewable or recurring basis.’’.

(b) CONFORMING AMENDMENTS.—Subsection (1) of section 168 is amended—

(1) by striking ‘‘cellulosic biomass ethanol’’ each place it appears and inserting ‘‘cellulosic biofuel’’;

(2) by striking ‘‘CELLULOSIC BIOFUEL ETHANOL’’ in the heading of such subsection and inserting ‘‘CELLULOSIC BIOFUEL’’;

(3) by striking ‘‘CELLULOSIC BIOFUEL ETHANOL’’ in the heading of paragraph (2) thereof and inserting ‘‘CELLULOSIC BIOFUEL’’;

(4) in the table of contents for this subchapter, the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 202. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40G(a)(2), 6226(c)(6), and 6427(e)(5)(B) are each amended by striking ‘‘December 31, 2008’’ and inserting ‘‘December 31, 2009’’.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(a) are each amended by striking ‘‘50 cents’’ and inserting ‘‘$1.00’’.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6226(c) is amended to read as follows:

‘‘(2) APPLICABLE AMOUNT.—For purposes of this paragraph, the applicable amount is $1.00.’’.

(3) CONFORMING AMENDMENTS.—

(A) Section (b) of section 40A is amended by striking paragraph (4) and redesignating paragraphs (5) and (4) respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

‘‘(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.’’.

(C) Paragraph (3) of section 40A(e) are each amended by striking ‘‘subsection (b)(5)(C)’’ and inserting ‘‘subsection (b)(4)(C)’’.

(D) Paragraph (1) of section 40A(d)(3)(C) is amended by striking ‘‘subsection (b)(5)(B)’’ and inserting ‘‘subsection (b)(4)(B)’’.

(E) Uniform Treatment of Diesel Produced from Biomass.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ‘‘diesel fuel’’ and inserting ‘‘liquid fuel’’;

(2) by striking ‘‘using a thermal depolymerization process’’, and

(3) by inserting ‘‘, or other equivalent standards approved by the Secretary’’ after ‘‘DS98’’.

(F) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLIUM FEEDSTOCK.—(A) IN GENERAL.—Paragraph (3) of section 40A(f) is amended to read as follows:

‘‘(3) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLIUM FEEDSTOCK.—Paragraph (3) of section 40A(f) is amended by adding to the end the following new sentence: ‘‘Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term ‘biomass’ has the meaning given such term by section 45S(b) and (3) of section 45S(e).’’.

(G) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ‘‘as defined in section 45S(c)(3)’’.

(H) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A relating to renewable diesel is amended by adding at the end the following new paragraph:

‘‘(4) CERTAIN AVIATION FUEL.—‘‘(A) IN GENERAL.—Except as provided in the last 3 sentences of paragraph (3), the term ‘renewable diesel’ shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

‘‘(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6246(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.’’.

(I) MODIFICATION RE: DEFINITION OF AGRI-BIODIESEL.—Paragraph (2) of section 40A(d) relating to agri-biodiesel is amended by striking ‘‘mustard seeds, and camelina’’.

(J) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLIUM FEEDSTOCK.—The amendment made by subsection (d) shall apply to
fuel produced, and sold or used, after the date of the enactment of this Act.

SEC. 203. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 6426(c) is amended by adding at the end the following new paragraph:

“(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term ‘United States’ includes any possession of the United States.”.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 6427(e)(5) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (5) the following new paragraph:

“(6) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term ‘United States’ includes any possession of the United States.”.

SEC. 204. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL CREDIT.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credits) is amended by striking “September 30, 2009” and inserting “December 31, 2009”.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.— Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended by striking “September 30, 2009” and inserting “December 31, 2009”.

(b) PAYMENTS.—Subparagraph (C) of section 6427(e)(5) (relating to termination) is amended by striking “September 30, 2009” and inserting “December 31, 2009”.

(c) ALTERNATIVE FUEL TO INCLUDE COMPRRESSED OR LIQUEFIED BIOMASS GAS.—Paragraph (2) of section 6426(d) (relating to alternative fuel credits) is amended by adding after “‘and’” at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

“(F) compressed or liquefied gas derived from biomass (as defined in section 45K(d)(3)), and

(2) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting “sold by the taxpayer for use as a fuel in aviation,” after “motorboat,”.

(c) CARBON CAPTURE REQUIREMENT FOR CREDIT ALLOWED.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and adding after paragraph (4) the following new paragraph:

“(4) CARBON CAPTURE REQUIREMENT.—

“(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility’s total carbon dioxide emissions.

“(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is:

(i) 50 percent for the first 2 calendar quarters of the phaseout period,

(ii) 25 percent for the 3rd and 4th calendar quarters of the phaseout period, and

(iii) 0 percent for each calendar quarter thereafter.

“(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is:

(i) 50 percent for the first 2 calendar quarters of the phaseout period,

(ii) 25 percent for the 3rd and 4th calendar quarters of the phaseout period, and

(iii) 0 percent for each calendar quarter thereafter.

“(D) CONFORMING AMENDMENT.—Subparagraph (B) of section 6426, as amended by subsection (a), is amended by inserting “which meets the requirements of paragraph (4) and which is” after “any liquid fuel”.

“(E) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 205. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) PLUG-IN ELECTRIC DRIVE MOTOR VEHICULAR CREDIT.—Subpart B of part IV of subchapter A of chapter 55 of subchapter I of title XIX of the Internal Revenue Code is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively, inserting after paragraph (4) the following new paragraph:

“(5) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ALLOWABLE UNDER SUBSECTION (A) SHALL BE ALLOWED UNDER THIS SUBSECTION FOR PURPOSES OF SUBSECTION (A) AND UNDER SUBSECTION (B) OF THE RECENTLY PASSED OR LIQUEFIED BIOMASS GAS .—Paragraph (2) of section 6426(d) (relating to alternative fuel mixture credit) is amended by inserting after paragraph (4) the following new subparagraph:

“(4) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—For purposes of this section, the term ‘new qualified plug-in electric drive motor vehicle’ means a motor vehicle—

(i) which draws propulsion using a traction battery with at least 4 kilowatt hours of capacity,

(ii) which uses an offboard source of energy to recharge such battery,

(iii) which, in the case of a passenger vehicle or light truck which has a gross vehicle weight rating of not more than 8,500 pounds, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 283(e)(2) of the Clean Air Act for that make and model year, and

(iv) which, in the case of a vehicle having a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 208(i) of the Clean Air Act for that make and model year vehicle, and

(v) which, in the case of a vehicle having a gross vehicle weight rating of more than 14,000 pounds, the Bin 8 Tier II emission standard which is so established.

(b) BUSINESS CREDIT TREATED AS PART OF PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (determined after applying the phaseout under section 30D(f)(4)) is treated as a credit allowable under part 24 of this subchapter and under section 38(b) for such taxable year (and not allowed under subsection (a)).

(c) PERSONAL CREDIT.—

“(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after applying the phaseout under section 30D(f)(4)) is treated as a credit allowable under part 24 of this subchapter.
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(a) In General.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph: 

"(d) Exclusion of plug-in vehicles.—Any vehicle with respect to which a credit is allowable under section 30(d) (determined without regard to subsection (d) thereof) shall not be taken into account under this section."

(b) Credit Made Part of General Business Credit.—Section 30(b), as amended by this Act, is amended by striking "plus" at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting "plus", by striking at the end the following new paragraph:

"(35) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30(d)(1)(A) applies."

(c) Conforming Amendments.—

(1)(A) Section 24(b)(3)(B), as amended by section 106, is amended by adding "and 25D" after "and 25D, and 30D".

(2) Section 1016(a) is amended by striking "and 25D" and inserting "and 25D, and 30D".

(3) Section 6501(m) is amended by inserting "30D" after "30C(e)(5)".

(d) The table of sections for subpart B of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) shall be revised by adding at the end the following new paragraph:

"(9) ELECTION TO NOT TAKE CREDIT.—No election to not take credit under this section shall apply to property placed in service after December 31, 2014.

(b) Coordination with Alternative Motor Vehicle Credit.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

"(d) Exclusion of plug-in vehicles.—Any vehicle with respect to which a credit is allowable under section 30(d) (determined without regard to subsection (d) thereof) shall not be taken into account under this section.

(c) Credit Made Part of General Business Credit.—Section 30(b), as amended by this Act, is amended by striking "plus" at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting "plus", by striking at the end the following new paragraph:

"(35) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30(d)(1)(A) applies."

(d) Conforming Amendments.—

(1) Section 24(b)(3)(B), as amended by section 106, is amended by adding "and 25D" after "and 25D, and 30D".

(2) Section 1016(a) is amended by striking "and 25D" and inserting "and 25D, and 30D".

(3) Section 6501(m) is amended by inserting "30D" after "30C(e)(5)".

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 207. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) Extension of Credit.—Paragraph (2) of section 30(c)(1) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(b) Inclusion of Electricity as a Clean-Burning Fuel.—Section 30(c)(2) is amended by adding at the end the following new subparagraph:

"(6) Electric power.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 208. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) In General.—Section 30(d)(4), as amended by this Act, is amended by striking "or industrial source carbon dioxide" and inserting ", industrial source carbon dioxide, or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6326, or any alcohol fuel defined in section 6426(b)(4) or any biodiesel fuel as defined in section 40(d)(1) after "timber"

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 209. EXTENSION AND MODIFICATION OF ELECTRICALLY EXPENSE CERTAIN REFINERIES.

(a) Extension.—Paragraph (1) of section 179(c) (relating to qualified refinery property) is amended—

(1) by striking "January 1, 2012" in subparagraph (B) and inserting "January 1, 2014", and

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 210. EXTENSION OF SUSPENSION OF TAXABLE INCOME AND DEPLETION OF OIL AND NATURAL GAS PRODUCED FROM MARGINAL AND MIDDLE PRODUCING AREAS.

(a) In General.—Subsection (d) of section 162(j) is amended by striking "(4)" after "(3)" and inserting "(5)" before "(6)"

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.
properties) is amended by striking ‘‘for any taxable year’’ and all that follows and inserting ‘‘for any taxable year—’’
(i) beginning after December 31, 1997, and before January 1, 2008; and
(ii) beginning after December 31, 2008, and before January 1, 2010.’’.

SEC. 211. TRANSPORTATION FRINGE BENEFIT TO ENHANCE QUALIFIED BICYCLE COMMUTING.
(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:
(1) ‘‘(d) Any qualified bicycle commuting reimbursement.’’.
(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ‘‘and’’ and inserting ‘‘, and’’.
(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:
(5) ‘‘(B) Any employer’s residence and place of employment as determined by paragraph (1).’’.

SEC. 301. QUALIFIED ENERGY CONSERVATION BONDS.
(a) IN GENERAL.—Subpart I of part IV of subchapter D of chapter 1 of title 26, as amended by section 107, is amended by adding at the end the following new section:

SEC. 54D. QUALIFIED ENERGY CONSERVATION BOND.
(1) IN GENERAL.—The term ‘‘qualified energy conservation bond’’ means any bond issued as part of an issue of bonds designated for purposes of—
(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(ii) implementing green community programs,
(iii) rural development involving the production of electricity from renewable energy sources, or
(iv) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

(2) Subparagraph (A) of section 54A(d)(2), as amended by this Act, is amended to read as follows:
(2) ‘‘(A) the issuer designates such bond for purposes of this section.’’.

(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

SEC. 54E. QUALIFIED CONSERVATION PURPOSE.—
(1) IN GENERAL.—The term ‘‘qualified conservation purpose’’ means any of the following:
(A) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(B) implementing green community programs,
(C) rural development involving the production of electricity from renewable energy sources,
(D) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date),
(E) public education campaigns to promote the commercialization of—
(i) green building technology,
(ii) conversion of agricultural waste for use in the production of fuel or otherwise,
(iii) advanced battery manufacturing technologies,
(iv) technologies to reduce peak use of electricity,
and
(v) technologies for the capture and sequestration of carbon dioxide emitted from burning fossil fuels in order to produce electricity.

(2) SPECIAL RULE FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term ‘‘qualified conservation purposes’’ shall not include any expenditure which is not a capital expenditure.

(3) THE ISSUE.—‘‘(v) any qualified energy conservation bond only if issued as part of an issue of bonds designated for purposes of subsection (a) and which such Indian tribal government could issue bonds to which section 107(a) applies.’’.

(b) CONFORMING AMENDMENTS.
(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:
(1) ‘‘(A) the issuer designates such bond for purposes of—
(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(ii) implementing green community programs,
(iii) rural development involving the production of electricity from renewable energy sources,
(iv) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date),
and
(v) technologies for the capture and sequestration of carbon dioxide emitted from burning fossil fuels in order to produce electricity.

(2) Subparagraph (C) of section 54A(d), as amended by this Act, is amended to read as follows:
(C) ‘‘(C) qualified conservation purpose’’ means any of the following:
(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(ii) implementing green community programs,
(iii) rural development involving the production of electricity from renewable energy sources,
(iv) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date),
and
(v) technologies for the capture and sequestration of carbon dioxide emitted from burning fossil fuels in order to produce electricity.

(3) The table of sections for subpart I of part IV of subchapter D of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

SEC. 54D. QUALIFIED ENERGY CONSERVATION BOND.
(1) IN GENERAL.—Subpart I of part IV of subchapter D of chapter 1 of title 26, as amended by section 107, is amended by adding at the end the following new subpart:

SEC. 54D. QUALIFIED ENERGY CONSERVATION BOND.
(1) IN GENERAL.—The term ‘‘qualified energy conservation bond’’ means any bond issued as part of an issue of bonds designated for purposes of—
(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(ii) implementing green community programs,
(iii) rural development involving the production of electricity from renewable energy sources,
(iv) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date),
and
(v) technologies for the capture and sequestration of carbon dioxide emitted from burning fossil fuels in order to produce electricity.

(2) SPECIAL RULE FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term ‘‘qualified conservation purposes’’ shall not include any expenditure which is not a capital expenditure.

(3) THE ISSUE.—‘‘(v) any qualified energy conservation bond only if issued as part of an issue of bonds designated for purposes of subsection (a) and which such Indian tribal government could issue bonds to which section 107(a) applies.’’.

(b) CONFORMING AMENDMENTS.
(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:
(1) ‘‘(A) the issuer designates such bond for purposes of—
(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(ii) implementing green community programs,
(iii) rural development involving the production of electricity from renewable energy sources,
(iv) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date),
and
(v) technologies for the capture and sequestration of carbon dioxide emitted from burning fossil fuels in order to produce electricity.

(2) Subparagraph (C) of section 54A(d), as amended by this Act, is amended to read as follows:
(C) ‘‘(C) qualified conservation purpose’’ means any of the following:
(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(ii) implementing green community programs,
(iii) rural development involving the production of electricity from renewable energy sources,
(iv) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date),
and
(v) technologies for the capture and sequestration of carbon dioxide emitted from burning fossil fuels in order to produce electricity.

(3) The table of sections for subpart I of part IV of subchapter D of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

SEC. 54D. QUALIFIED ENERGY CONSERVATION BOND.
(1) IN GENERAL.—The term ‘‘qualified energy conservation bond’’ means any bond issued as part of an issue of bonds designated for purposes of—
(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(ii) implementing green community programs,
(iii) rural development involving the production of electricity from renewable energy sources,
(iv) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date),
and
(v) technologies for the capture and sequestration of carbon dioxide emitted from burning fossil fuels in order to produce electricity.

(2) SPECIAL RULE FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term ‘‘qualified conservation purposes’’ shall not include any expenditure which is not a capital expenditure.

(3) THE ISSUE.—‘‘(v) any qualified energy conservation bond only if issued as part of an issue of bonds designated for purposes of subsection (a) and which such Indian tribal government could issue bonds to which section 107(a) applies.’’.

(b) CONFORMING AMENDMENTS.
(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:
(1) ‘‘(A) the issuer designates such bond for purposes of—
(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(ii) implementing green community programs,
(iii) rural development involving the production of electricity from renewable energy sources,
(iv) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date),
and
(v) technologies for the capture and sequestration of carbon dioxide emitted from burning fossil fuels in order to produce electricity.

(2) Subparagraph (C) of section 54A(d), as amended by this Act, is amended to read as follows:
(C) ‘‘(C) qualified conservation purpose’’ means any of the following:
(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,
(ii) implementing green community programs,
(iii) rural development involving the production of electricity from renewable energy sources,
(iv) any qualified facility (as determined under section 25D(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date),
and
(v) technologies for the capture and sequestration of carbon dioxide emitted from burning fossil fuels in order to produce electricity.

(3) The table of sections for subpart I of part IV of subchapter D of chapter 1, as amended by this Act, is amended by adding at the end the following new item:
a dwelling unit, and which has a thermal efficiency of at least 90 percent'' after ''0.80''.

(f) a stove which uses the burning of biomass fuel to heat a dwelling unit located in a United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.

(2) A CALENDAR YEAR.—Section 25C(d)(3) is amended by adding at the end the following new paragraph:

``(e) MODIFICATION OF WATER HEATER REQUIREMENTS.—Section 25C(d)(3)(E) is amended by inserting ''or a thermal efficiency of at least 90 percent'' after ''0.80.''

(2) COORDINATION WITH CREDIT FOR QUALIFIED RESIDENTIAL HEAT PUMP PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsections (b) and (c), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

``(C) any refrigerator described in subsection (2)(A) or (2)(B) of section 45M, as amended by paragraphs 4, 5, 6, and 7 that follows through ''the eligible''.''

(2) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M is amended to read as follows:

``(D) any clothes washer described in subsection (b)(1),''

``(E) any clothes washer described in subsection (b)(2),'' and

``(3) refrigerators described in subsection (b)(3),''.
“(9) GALLONS PER CYCLE.—The term ‘gallons per cycle’ means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher;

“(10) WATER CONSUMPTION FACTOR.—The term ‘water consumption factor’ means, with respect to a clothes washer, the quotient of the total volume of water used in a complete cycle of such washer divided by the cubic foot (or liter) capacity of the clothes washer.”.

(c) Continued Application of 150 Percent Declining Balance Method.—Paragraph (2) of section 186(b) is amended by striking “or” at the end of clause (i) and by inserting after the last clause “and by inserting after subparagraph (B) the following new subparagraph:

“(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or”.

(d) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 307. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) In General.—Paragraph (8) of section 142(i) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(b) Treatment of Current Refunding Bonds.—Paragraph (9) of section 142(i) is amended by striking “October 1, 2009” and inserting “October 1, 2012”.

(c) Accountability.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking “‘efficiency,’ and such term shall include only those projects which are covered by the implementing regulations with respect to such project.”.

SEC. 308. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED REUSE AND RECYCLING PROPERTY.

(a) In General.—In the case of any qualified reuse and recycling property—

“(A) the depreciation deduction provided by section 167(f)(1)(A) for the taxable year in which such property is placed in service shall be reduced by 30 percent of the adjusted basis of such property and recycling property, and

“(B) the depreciation deduction provided by section 167(f)(1)(A) for the taxable year in which such property is placed in service shall be reduced by 30 percent of the adjusted basis of such property and recycling property, and recycling property served in the case of property acquired before September 26, 2008, shall be reduced by 50 percent of the adjusted basis of such property and recycling property; and

“(iv) which has a useful life of at least 5 years.

“(iii) the original use of which commences with the taxpayer after August 31, 2008, and

“(iv) which is—

“(A) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after August 31, 2008, but only if no written binding contract for the acquisition was in effect before September 1, 2008, or

“(B) acquired by the taxpayer pursuant to a written binding contract which was entered into after August 31, 2008.

“(B) Exceptions.—

“(1) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—The term ‘qualified reuse and recycling property’ shall not include any property to which section 168(k) applies.

“(2) ALTERNATIVE DEPRECIATION PROPERTY UNDER SUBSECTION (g).—The term ‘qualified reuse and recycling property’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined with respect to paragraph (7) of subsection (g) (relating to election to have system apply).

“(3) ELECTION OUT.—If a taxpayer makes an election under paragraph (2) with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing or constructing property for his own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins construction of such property after August 31, 2008.

“(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

“(3) Definitions.—For purposes of this subsection—

“(A) REUSE AND RECYCLING PROPERTY.—

“(i) In General.—The term ‘reuse and recycling property’ means any machinery and equipment (including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials covered by this section—

“(ii) Exclusion.—Such term does not include any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

“(II) any central processing unit.

“(B) RECYCLING OR RECYCLE.—The term ‘recycling or recycle’ means that process (including sorting) by which worn or superfluous materials are manufactured or procured and returned to specifications, and grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including paper, plastic, and rubber.

“(B) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after August 31, 2008.

TITLE IV—REVENUE PROVISIONS

SEC. 401. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY MATERIALS THEREOF.

(a) In General.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

“(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.

“(A) IN GENERAL.—If a taxpayer has oil related qualified production activities income for any taxable year beginning after 2007, the amount of income attributable to the taxable year shall be reduced by 3 percent of the lesser of—

“(i) the oil related qualified production activities income of the taxpayer for the taxable year, or

“(ii) the qualified production activities income of the taxpayer for the taxable year, or

“(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this
paragraph, the term ‘oil related qualified production activities income’ means for any taxable year the qualified production activities income which is attributable to the production, extraction, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.

(C) PRIMARY PRODUCT.—For purposes of this paragraph, the term ‘primary product’ has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.

1. CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ‘subsection (a)(1)(B)’ and inserting ‘subsections (a)(1)(B) and (d)(9)(A)(III)’.

2. EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 402. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) In General.—Subsections (a) and (b) of section 907 (relating to special rules in case of oil and gas income) are amended to read as follows:

‘‘(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

(1) the amount of the combined foreign oil and gas income for the taxable year, and

(2) multiplied by—

(A) if the taxpayer is a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

(B) in the case of a individual, a fraction the numerator of which is the taxpayer’s entire taxable income.

(b) C OMPARED FOREIGN OIL AND GAS INCOME: FOREIGN OIL AND GAS TAXES.—For purposes of this section:

(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term ‘combined foreign oil and gas income’ means, with respect to any taxable year, the sum of—

(A) foreign oil and gas extraction income, and

(B) foreign oil related income.

(2) FOREIGN OIL AND GAS TAXES.—The term ‘foreign oil and gas taxes’ means, with respect to any taxable year, the amount of—

(A) oil and gas extraction taxes, and

(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 without regard to this section.

(c) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

‘‘(d) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED MINUS FOREIGN OIL AND GAS INCOME.—

(A) In General.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

(1) by the amount determined under subparagraph (B), and

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

‘‘(E) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

(I) In General.—(I) In general, in the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried over from such stock year beginning after December 31, 2008—

(1) by substituting ‘oil and gas extraction taxes’ for ‘foreign oil and gas taxes’ each place it appears in paragraphs (1), (2), and (3), and

(2) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (B) on the aggregate amount of such foreign oil and gas extraction income for ‘foreign oil and gas income’ in subsection (a).

(II) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Energy Improvement and Extension Act of 2008 shall be treated as being in effect for any preceding taxable years beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas extraction taxes for such years may be deemed paid or accrued in such preceding year.

B. CONFORMING AMENDMENT.—Section 6051(i) is amended by striking ‘‘oil and gas extraction taxes’’ and inserting ‘‘foreign oil and gas taxes’’.

C. EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. BROKER REPORTING OF CUSTOMER’S ADJUSTED BASIS IN SECURITIES TRANSACTIONS.

(A) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall file a return in such return the information described in paragraph (2).

(B) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—In general.—The information required under paragraph (2) on a return with respect to a covered security of a customer shall include the customer’s adjusted basis in such security and whether any gain or loss was realizable with respect to such security is long-term or short-term (within the meaning of section 1222).

(C) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A) —

(I) In General.—The customer’s adjusted basis shall be determined—

(1) in the case of any security (other than any stock for which an average basis method is permissible under section 1012) the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the stock in which he is held,

(2) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker’s default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the stock in which he is held,

(3) in the case of any stock for which an average basis method is not permissible under section 1012, the customer notifies the broker that he elects an acceptable method under section 1012 with respect to the stock in which he is held,

(II) except for wash sales.—Except as otherwise provided by the Secretary, the customer’s adjusted basis shall be determined without regard to loss from wash sales of stock or securities unless the transactions occur in the
same account with respect to identical securities.

(3) COVERED SECURITY.—For purposes of this subsection—

(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

(i) was acquired through a transaction in the account in which such security is held, or

(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

(B) SPECIFIED SECURITY.—The term 'specified security' means—

(i) any share of stock in a corporation, or

(ii) any bond, note, debenture, or other evidence of indebtedness,

(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

(C) APPLICABLE DATE.—The term 'applicable date' means—

(i) January 1, 2011, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

(ii) January 1, 2012, in the case of any stock for which an average basis method is permissible under section 1012, and

(iii) January 1, 2013, or such later date determined by the Secretary in the case of any other specified security.

(4) DETERMINATIONS BY ACCOUNT.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

(g) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(1) Application to Options on Securities.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any stock for which an average basis method is permissible under section 1012 which is acquired before January 1, 2012, shall be treated as a separate account from any stock acquired or sold after such date.

"(B) SPECIAL RULE FOR AFTERTAX REAL ESTATE TAXES.—The cost of real property, and

"(3) by adding at the end the following new subsection:

"(C) DETERMINATIONS BY ACCOUNT.—

"(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the convention shall apply to the principal payments, if any, which are made after such date and which are included in the stock's adjusted basis. Such convention shall be applied in such manner that the after-tax return of such stock is equal to the after-tax return of the amount received with respect to the grant or disposition of such stock in which the principal payments are treated as a payment of the purchase price.

"(2) APPLICATION TO CERTAIN FUNDS.—In the case of a fund described in subparagraph (A), any stock for which an average basis method is permissible under section 1012, and

"(3) other charges taken into account in connection with transfers of covered securities to brokers,"

(5) INFORMATION BY TRANSFERORS TO AID BROKERS.—(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

"SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

"(a) Furnishing of Information.—Every applicable person which issues or sells a broker (as defined in section 6045C)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enforcing such broker to meet the requirements of section 6045(g).

"(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

"(1) any broker (as defined in section 6045C)(1)), and

"(2) any other person as provided by the Secretary in regulations.

"(c) Time for Furnishing Statement.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.

(2) ASSESSABLE PENALTIES.—Subsection (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating subparagraphs (I) through (DD) as subparagraphs (J) through (EE), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) section 6045A relating to information required in connection with transfers of covered securities to brokers.

(3) CLERICAL AMENDMENT.—The table of sections for part B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new item:

"Sec. 6045A. Information required in connection with transfers of covered securities to brokers.

"(4) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045A the following new section:

"SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

"(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary,
any issuer of a specified security shall make a return setting forth—

(1) a description of any organizational action which affects the basis of such specified security;

(2) the quantitative effect on the basis of such specified security resulting from such action, and

(3) such other information as the Secretary may prescribe.

(b) Time for Filing Return.—Any return required by subsection (a) shall be filed not later than the earlier of—

(1) 45 days after the date of the action described in subsection (a), or

(2) January 15 of the year following the calendar year during which such action occurred.

(c) Statements To Be Furnished To Holders of Specified Securities or Their Nominees.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee (if there is no nominee) a written statement showing—

(1) the name, address, and phone number of the information contact of the person required to make such return,

(2) the information required to be shown on such return with respect to such security, and

(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 1 of the year following the calendar year during which the action described in subsection (a) occurred.

(d) Specified Security.—For purposes of this section, the term ‘specified security’ means—

(1) the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

(e) Public Reporting in Lieu of Return.—The Secretary may waive the requirements of subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such manner as the Secretary determines necessary to carry out the purposes of this section—

(1) the name, address, phone number, and email address of the information contact of such person, and

(2) the information described in paragraphs (1), (2), and (3) of subsection (a).

(2) Assessable Penalties.—(A) Subparagraph (B) of section 6724(d)(1), as amended by the Housing Assistance Tax Act of 2006, is amended by redesignating clause (iv) of the clauses which follow as clauses (v) through (xxvii), respectively, and by inserting after clause (iii) the following new clause:

(iv) section 6045A(a) (relating to returns relating to actions affecting basis of specified securities),

(B) Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2006 and by subsection (c)(2), is amended by redesignating subparagraphs (J) through (EE) as subparagraphs (K) through (FF), respectively, and by inserting after subparagraph (I) the following new subparagraph:

(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),

(3) Clerical Amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

‘‘Sec. 6045B. Returns relating to actions affecting basis of specified securities.’’

(e) Effective Date.—(1) In General.—Except as otherwise provided in this amendment, the amendments made by this section shall take effect on January 1, 2011.

(2) Extension of Period for Statements Sent to Custodians.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 404. PERCENT FUTA SURTAX.

(a) Increase in Rate.—(1) In General.—Section 3301 (relating to rate of tax) is amended—

(A) by inserting at the end the following sentence:

‘‘(1) 45 days after the date of the action described in paragraph (1) and inserting “through 2009”, and

(B) by striking ‘‘calendar year 2009’’ in paragraph (2) and inserting ‘‘calendar year 2010’’.

(b) Effective Date.—The amendments made by this section shall apply to wages paid after December 31, 2008.

SEC. 405. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) Increase in Rate.—(1) In General.—Section 3301 (relating to rate of tax) is amended—

(A) by inserting at the end the following sentence:

‘‘(i) in the case of crude oil received or petroleum products entered after December 31, 2016, 9 cents a barrel, and

(ii) in the case of crude oil received or petroleum products entered after December 31, 2017, 8 cents a barrel.’’;

(2) Effective Date.—The amendments made by this subsection shall apply and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) Extension.—(1) In General.—Section 3301(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

‘‘(2) Termination.—The Oil Spill Liability Trust Fund Financing Rate shall not apply after December 31, 2017.’’;

(2) Conforming Amendment.—Section 3301(f)(1) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

‘‘(2) Effective Date.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.’’

DIVISION B—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the ‘‘Tax Extenders and Alternative Minimum Tax Relief Act of 2008’’.

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this division or amendment references are expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents of this division is as follows:

DIVISION B—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 102. Extension of alternative minimum tax exemption amount.

Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS

Sec. 201. Deduction for State and local sales taxes.


Sec. 203. Deduction for certain expenses of elementary and secondary school teachers.

Sec. 204. Additional standard deduction for real property taxes for non-itemizers.

Sec. 205. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 206. Treatment of certain dividends of regulated investment companies.

Sec. 207. Stock in RIC for purposes of determining estates of nonresidents not citizens.

Sec. 208. Qualified investment entities.

TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

Sec. 301. Extension and modification of research credit.

Sec. 302. New markets tax credit.

Sec. 303. Subpart F exception for active financing income.

Sec. 304. Extension of look-thru rule for related controlled foreign corporations.

Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements; 15-year straight-line cost recovery for certain improvements to retail space.

Sec. 306. Modification of tax treatment of certain payments to controlling exempt organizations.

Sec. 307. Basis adjustment to stock of 8 corporations making charitable contributions of property.

Sec. 308. Increase in unique cover over of rum excise tax to Puerto Rico and the Virgin Islands.

Sec. 309. Extension of economic development credit for American Samoa.

Sec. 310. Extension of mine rescue team training credit.

Sec. 311. Extension of election to expense advanced mine safety equipment.

Sec. 312. Deduction allowable with respect to noncitizens attributable to domestic production activities in Puerto Rico.

Sec. 313. Qualified Zone Academy Bonds.

Sec. 314. Indian employment credit.

Sec. 315. Accelerated depreciation for business property on Indian reservations.

Sec. 316. Railroad track maintenance.

Sec. 317. Seven-year cost recovery period for motorsports racing track facilities.

Sec. 318. Expensing of environmental remediation costs.

Sec. 319. Extension of work opportunity tax credit for Hurricane Katrina employees.

Sec. 320. Extension of increased rehabilitation credit for structures in the Gulf Opportunity Zone.

Sec. 321. Enhanced deduction for qualified computer contributions.
TITLE I—ALTERNATIVE MINIMUM TAX RELIEF
SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.
(a) In General.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—
(1) by striking ‘‘or 2007’’ and inserting ‘‘2007, 2008, or 2009’’;
(2) by striking ‘‘2007’’ and inserting ‘‘2008’’;
(3) by striking ‘‘2007’’ and inserting ‘‘2008’’;
(4) by striking ‘‘2007’’ and inserting ‘‘2008’’;
(5) by striking ‘‘2007’’ and inserting ‘‘2008’’;
and
(6) by inserting ‘‘2007, 2008, or 2009’’ before ‘‘in the case of taxable years beginning in 2008’’.
(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS
SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.
(a) In General.—Subparagraph (i) of section 164(b)(5) is amended by striking ‘‘January 1, 2008’’ and inserting ‘‘January 1, 2010’’.
(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.
(a) In General.—Subparagraph (i) of section 222 (relating to terminations) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘December 31, 2009’’.
(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.
(a) In General.—Subparagraph (d) of section 21(b)(2) (relating to contributions of funds and services by qualified elementary and secondary school teachers) is amended by striking ‘‘2007, 2008, or 2009’’ and inserting ‘‘2007, 2008, or 2009’’.
(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 204. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.
(a) In General.—Subparagraph (C) of section 63(c)(1), as added by the Housing Assistance Tax Act of 2008, is amended by inserting ‘‘2009’’ after ‘‘2008’’.
(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 205. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.
(a) In General.—Section 408(d)(8) (relating to termination) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘December 31, 2009’’.
(b) Effective Date.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 206. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.
(a) Interest-Related Dividends.—Subparagraph (C) of section 871(h)(4)(A) (defining interest-related dividend) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘December 31, 2009’’.
(b) Short-Term Capital Gain Dividends.—Subparagraph (C) of section 871(h)(2) (defining short-term capital gain dividend) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘December 31, 2009’’.
(c) Effective Date.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 207. STOCK IN RIC FOR PURPOSES OF DESIGNATING ESTATES OF NONRESIDENTS NOT CITIZENS.
(a) In General.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘December 31, 2009’’.
(b) Effective Date.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 208. QUALIFIED INVESTMENT ENTITIES.
(a) In General.—Clause (ii) of section 897(b)(4)(A) (relating to termination) is
amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **Effective Date.**—The amendment made by subsection (a) shall take effect on January 1, 2008.

**TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS**

**SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.**

(a) **Extension.**—

(1) **In General.**—Section 41(h) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(2) **Conforming Amendment.**—Paragraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking “after December 31, 2007” and inserting “after December 31, 2009”.

(b) **Termination of Alternative Incremental Credit.**—Section 41(h) is amended by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

“(2) **Termination of Alternative Incremental Credit.**—No election under subsection (c)(4) shall apply to taxable years beginning after December 31, 2008.”.

(c) **Modification of Alternative Simplified Credit.**—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended by striking “12 percent” and inserting “14 percent”.

(d) **Technical Corrections.**—Paragraph (3) of section 41(h) is amended to read as follows:

“(a) **Extension.**—

(1) **In General.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) **Extension.**—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2007.

(3) **Effective Date.**—The amendments made by this subsection shall apply to property placed in service after December 31, 2008.

**SEC. 302. NEW MARKETS TAX CREDIT.**

(a) **Extension.**—Subparagraph (D) of section 45D(c)(1) (relating to national limitation on amount of investments designated) is amended by striking “2008 and 2009” and inserting “2008, 2009, and 2010”.

(b) **Effective Date.**—The amendment made by this subsection shall apply to property placed in service after December 31, 2008.

**SEC. 303. PART B EXCEPTION FOR ACTIVE FINANCING INCOME.**

(a) **Exempt Financing Income.**—Paragraph (10) of section 953(e) (relating to application) is amended by striking “January 1, 2009” and inserting “January 1, 2010”.

(b) **Effective Date.**—The amendment made by this subsection shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States persons with respect to which such taxable years of foreign corporations end.

**SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.**

(a) **In General.**—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking “January 1, 2009” and inserting “January 1, 2010”.

(b) **Effective Date.**—The amendment made by this subsection shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States persons with respect to which such taxable years of foreign corporations end.

**SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.**

(a) **Extension of Leasehold and Restaurant Improvements.**—

(1) **In General.**—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking “1, 2008” and inserting “1, 2010”.

(2) **Effective Date.**—The amendments made by this subsection shall apply to property placed in service after December 31, 2007.

(b) **Treatment to Include New Construction.**—

(1) **In General.**—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

“(7) **Qualified Restaurant Property.**—(A) in the case of a qualified restaurant property (if at all) only so long as such improvement is held by such owner, (B) such improvement is placed in service in more than 3 years after the date the building was first placed in service, and (C) certain improvements not included. Such term shall not include any improvement for which the expenditure is attributable to—

(i) the enlargement of the building,

(ii) any elevator or escalator,

(iii) any structural component benefiting a common area, or

(iv) the internal structural framework of the building.

“(B) **Exclusion from Bonus Depreciation.**—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).

“(C) **Alternative System.**—The table contained in section 167(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

“(E)(ix) ............................................................................................................................. 39”.

(2) **Effective Date.**—The amendment made by this subsection shall apply to property placed in service after December 31, 2008.

**SEC. 306. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) **In General.**—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **Effective Date.**—The amendment made by this subsection shall apply to payments received or accrued after December 31, 2007.

**SEC. 307. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) **In General.**—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **Effective Date.**—The amendment made by this subsection shall apply to contributions made in taxable years beginning after December 31, 2007.

**SEC. 308. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) **In General.**—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) **Effective Date.**—The amendment made by this subsection shall apply to distilled spirits brought into the United States after December 31, 2007.
SEC. 309. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) In General.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first two taxable years” and inserting “two taxable years”, and

(2) by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 310. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45F (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

SEC. 311. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINING SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

SEC. 312. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PERTH AMBOY.

(a) In General.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking “first 2 taxable years” and inserting “first 4 taxable years”, and

(2) by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 313. QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

SEC. 345E. QUALIFIED ZONE ACADEMY BONDS.

(1) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this section, the term ‘qualified zone academy bond’ means any bond issued as part of an issue if—

(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency;

(2) the issue is issued by a State or local government within the jurisdiction of which such academy is located, and

(3) the issuer—

(1) designates such bond for purposes of this section;

(2) certifies that it has written assurances that the private business contribution requirements of this section (including paragraph (a)(2)) will be met with respect to such academy, and

(3) certifies that it has the written approval of the eligible local education agency for such bond issuance, 2009.”

(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of such section shall be met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each State or local government within the jurisdiction of which a qualified zone academy is established. Such limitation is $400,000,000 for 2008 and 2009, and, except as provided in paragraph (4), zero thereafter.

(2) ALLOCATION LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be reduced by the State education agency to qualified zone academies within such State. Such limitation amount allocated to such academy under paragraph (2) for such calendar year.

(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) (with respect to any qualified zone academy within such State) shall be the limitation amount allocated to such academy under paragraph (2) for such calendar year.

(4) CARRYOVER OF UNUSED LIMITATION.—

(A) IN GENERAL.—If for any calendar year—

(i) the limitation amount for any State, exceeds

(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies established by such eligible local education agency, the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, the limitation amount shall be treated as used on a first-in-first-out basis.

(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 or 2009 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (A) shall be reduced by the amount of such carryover taking into account the calendar years to which such carryover relates.

(D) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED ZONE ACADEMY.—The term ‘qualified zone academy’ means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level for students in such public school or program.

(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, ‘eligible local education agency’ means any local education agency to which the Secretary allocates the limitation amount for such State under paragraph (a) (with respect to qualified zone academies established by such State).

(3) TRAINING TEACHERS.— ‘Qualified zone academy’ means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level for students in such public school or program.

(4) CARRYOVER.—‘Qualified zone academy bond’ means any bond issued as part of an issue if—

(A) designates such bond for purposes of this section;

(B) certifies that it has written assurances that the private business contribution requirements of this section (including paragraph (a)(2)) will be met with respect to such academy, and

(C) certifies that it has the written approval of the eligible local education agency for such bond issuance, 2009.”

(b) EFFECTIVE DATE.—The amendments made by this Act are effective beginning after December 31, 2007.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (a) of section 54E(d), as amended by this Act, is amended by striking “or” at the end of subparagraph (B), by inserting “, or” after the end of subparagraph (C), and by inserting after paragraph (C) the following new subparagraph:

(2) A qualified zone academy bond.”

(2) Subparagraph (C) of section 54E(d)(2), as amended by this Act, is amended—

(i) by striking “January 1, 2008” and inserting “January 1, 2010”.

(ii) by striking “January 1, 2008” and inserting “January 1, 2010”.

(iii) by striking “January 1, 2009” and inserting “January 1, 2010”.

(iv) by striking “January 1, 2010” and inserting “January 1, 2015”.

(b) AMENDMENTS TO DOMESTIC PRODUCTION ACTIVITIES IN PERTH AMBOY.

(1) Alternative Minimum Tax Relief Act of 2006 is amended—

(A) the comprehensive education plan of such academy taking into account the calendar years to which such carryover relates.

(B) the Secretary shall allocate the limitation amount to the eligible local education agency of—

(1) a school facility in which the academy is established,

(2) the respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

(i) the limitation amount for any State, exceeds

(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies established by such eligible local education agency, the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

(ii) in the case of a qualified zone academy bond, a purpose specified in section 54E(a)(1).

(2) The table of sections for part IV of chapter 1 is amended by adding at the end the following new item:


(4) Subpart I of part IV of chapter 1 is amended by adding—

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 314. INDIAN EMPLOYMENT CREDIT.

(a) In General.—Subsection (f) of section 45A (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 315. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) In General.—Paragraph (8) of section 168(g) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 316. RAILROAD TRACK MAINTENANCE.

(a) In General.—Subsection (f) of section 45G (relating to application of section) is amended by striking “January 1, 2008” and inserting “January 1, 2009”.

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section
SEC. 317. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) In General.—Subparagraph (D) of section 168(k)(4)(B) of the Internal Revenue Code of 1986 is amended by striking “2007” and inserting “2009”.

(b) Effective Date.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

SEC. 318. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) In General.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 319. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) In General.—Subsection (2)(B) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “2012” and inserting “2015”.

(b) Effective Date.—The amendment made by this section shall apply to wages paid or incurred after December 31, 2007.

SEC. 320. EXTENSION OF INCREASED REHABILITATION TAX CREDIT FOR STRUCTURES IN THE GULF OPPORTUNITY ZONE.

(a) In General.—Subsection (h) of section 42(g) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “2008” and inserting “2014”.

(b) Effective Date.—The amendment made by this section shall apply to properties placed in service after December 31, 2007.

SEC. 321. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) In General.—Subparagraph (G) of section 170(e)(6) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 322. TAX INCENTIVES FOR INVESTMENT IN THE DISTRIBUTIVE TRADES;
Wool; Wool Research Fund; Wool Suit and Textile Trade Extension Act.

(a) In General.—Subsection (2)(B), (3)(C), and (4)(A) of section 46 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking “2007” and inserting “2014”.

(b) Effective Date.—The amendment made by this section shall apply to credits determined under section 32(2) of the Trade Act of 1974, as amended by the Wool Suit and Textile Trade Extension Act of 1990, as in effect on the date of the enactment of this Act.
(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, and producers.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: “A qualified film means—(i) any film which incorporates the marks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.”

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d) is amended by striking “and all that follows and inserting “actors, personnel, directors, and producers.’’

(d) CONFORMING AMENDMENT.—Section 199(d)(2) is amended by striking “and” and all that follows and inserting “actors, personnel, directors, and producers.’’

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection, or

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which the qualified settlement income was contributed if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions there-of).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4),

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph,

and

(D) section 408(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR BOTH IRAS AND BOTH 401(k)s.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includable in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purposes of this subsection, the term “eligible retirement plan” has the meaning given such term under section 401(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SEC.A.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term “qualified taxpayer” means—

(1) any individual who is a plaintiff in the civil action In re Exxon Valdez, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) received (whether as lump sums or periodic payments) in connection with the civil action In re Exxon Valdez, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

SEC. 505. CERTAIN FARMING BUSINESS MACHINERY AND EQUIPMENT TREATED AS 5-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(B) (defining 5-year property) is amended by striking “and” at the end of clause (v) (III) and inserting “, and” and by inserting after clause (v) the following new clause:

“(vii) any machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) which is used in a farming business (as defined in section 262A(c)(4)), the original use of which commences with the taxpayer after December 31, 2008, and which is placed in service before January 1, 2010.”

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to paragraph (B)(iii) the following:

(B)(vii) 10”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008.

SEC. 506. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER’S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—

(1) OTHER TAX RETURN PREPARERS.—Section 6694 is amended to read as follows:

“(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

(1) IN GENERAL.—If a tax return preparer—

(A) prepares any return or claim of refund which—

(i) known) of the position,

(ii) was not shown to be reasonable, and

(iii) known) by the preparer to be not consistent with the rules of a court or a_child of a court or with the requirements of an administrative or Judicial rule for certain property assigned to classes is amended by inserting after the following:

(B)(vii) 10”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008.
such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by such tax return preparer with respect to the return or claim.

"(2) UNREASONABLE POSITION.—

(A) IN GENERAL.—Except as otherwise provided, a position described in this paragraph unless there is substantial authority for the position.

(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable cause for the understatement and the tax return preparer acted in good faith.

(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(c)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if the Secretary determines that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(4) AVAILABILITY OF PLAN INFORMATION.—

The criteria for medical necessity determination applicable to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contract holder under such plan requesting the information. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, in the case of any otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

"(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage providing mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.

Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

SEC. 511. SHORT TITLE.

This subtitle may be cited as the “Paul Wellstone and Pete Domenici Mental Health Parity and Addictions Equity Act of 2008”.

SEC. 512. MENTAL HEALTH PARITY.

(a) AMENDMENTS TO ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

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

"(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides coverage for medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applicable to all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost-sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

(B) DISCLOSURE.—In this paragraph:

(i) FINANCIAL REQUIREMENT.—The term ‘financial requirement’ includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2).

(ii) TREATMENT LIMITATION.—The term ‘treatment limitation’ includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or extent of such services.

(iii) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determination applicable to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contract holder under such plan requesting such information. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, in the case of any otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

(iv) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall ensure that—

(A) in paragraph (1)(B)(i), by striking ‘‘and who employs at least 100 full-time employees’’ and inserting ‘‘and who employs at least 200 full-time employees’’;

(B) in subparagraphs (A) and (B), by striking ‘‘employee or former employee’’ and inserting ‘‘participant or former participant’’;

(C) in clause (ii), by inserting ‘‘with respect to’’ before ‘‘physical therapy’’;

(D) in subclause (II), by striking ‘‘and who employs at least 500 full-time employees’’; and

(E) in subclause (I), by striking ‘‘and who employs at least 1,000 full-time employees’’ and inserting ‘‘and who employs at least 2,000 full-time employees’’.

"(B) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (G) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year (as applicable) to the extent that such an increase is allocated with respect to mental health and substance use disorder benefits under the plan.

"(C) APPLICABLE PERCENTAGE.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), the applicable percentage described in this subparagraph shall be—

(1) 1 percent in the case of the first plan year in which this section is applied; and

(2) 1 percent in the case of each subsequent plan year.

(C) NOTIFICATIONS.—

(1) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that seeks an exemption under this paragraph, determinations under subparagraphs (A) through (C) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

(2) NOTIFICATIONS.—

(A) IN GENERAL.—

(i) R EASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if the Secretary determines that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if the Secretary determines that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

(3) R EASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if the Secretary determines that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determination applicable to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contract holder under such plan requesting such information. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, in the case of any otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

(B) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall ensure that—

(A) in paragraph (1)(B)(i), by striking ‘‘and who employs at least 100 full-time employees’’ and inserting ‘‘and who employs at least 200 full-time employees’’;

(B) in subparagraphs (A) and (B), by striking ‘‘employee or former employee’’ and inserting ‘‘participant or former participant’’;

(C) in clause (ii), by inserting ‘‘with respect to’’ before ‘‘physical therapy’’;

(D) in subclause (II), by striking ‘‘and who employs at least 500 full-time employees’’; and

(E) in subclause (I), by striking ‘‘and who employs at least 1,000 full-time employees’’ and inserting ‘‘and who employs at least 2,000 full-time employees’’.

(B) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan, and

(II) for both the plan year upon which a cost-exemption under subparagraph (E) is determined and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

(III) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

(3) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall include—

(1) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

(2) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

(3) a summary of the data received under clause (i).

(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary shall obtain the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 years following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.

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(4) in subsection (e), by striking paragraph (7) and inserting the following:

"(7) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to medical and surgical benefits, and mental health and substance use disorder benefits, as defined under the terms of the plan and in accordance with applicable Federal and State law.

(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.

(6) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.

(7) by striking subsection (f); and

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

"(f) SECRETARY REPORT.—The Secretary shall, by January 1, 2012, and every two years thereafter, for each plan year, publish a report on compliance of group health plans (and health insurance coverage offered in connection with such plans) with the requirements of this section. Such report shall include the results of any surveys or audits on compliance of group health plans (and health insurance coverage offered in connection with such plans) with such requirements and an analysis of the reasons for any failures to comply.

"(g) NOTICE AND ASSISTANCE.—The Secretary, in cooperation with the Secretaries of Health and Human Services and Treasury, as appropriate, shall publish and widely disseminate information for group health plans, participants and beneficiaries, applicable State and local regulatory bodies, and the National Association of Insurance Commissioners, concerning the requirements of this section and shall provide assistance concerning such requirements and the continued operation of applicable State law. Such information and assistance shall inform participants and beneficiaries of how they may obtain assistance under this section, including, where appropriate, assistance from State consumer and insurance agencies.

"(h) ADVERSE DETERMINATIONS.—In the case of an adverse determination by a group health plan (or health insurance coverage offered in connection with such a plan) that, regardless of any increase in total costs, there is no separate treatment limitation or treatment limit and an annual limit subject to paragraphs (1) and (2).

"(i) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant where such limitation or limit and an annual limit subject to paragraphs (1) and (2).

"(j) TREATMENT LIMITATION.—The term 'treatment limitation' means limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

"(k) VARIOUS INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any review of reimbursement (or reimbursement and payment for services with respect to mental health or substance use disorder benefits) in the case of any participant or beneficiary that is considered to be otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

"(l) OUT-OF-NETWORK PROVIDERS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.

"(m) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

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

"(2) in subsection (b), by amending paragraph (2) to read as follows:

"(3) in subsection (c)—

"(A) in paragraph (1), by inserting before the period the following: "(as defined in section 2791(e)(4), except that for purposes of this paragraph such term shall include employers with 1 employee in the case of an entity that, for purposes of the order of such small groups to include a single individual)"; and

"(B) by striking paragraph (2) and inserting the following:

"(2) COST EXEMPTION.—

"(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of the provisions to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply such exemption for any subsequent year.

"(B) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

"(C) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (B) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

"(D) NOTIFICATION.—

"(1) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

"(2) EXEMPTION.—A notification to the Secretary under clause (i) shall include—

"(A) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, the costs-exemption under this paragraph for purposes of this section to such plan (or coverage); and

"(B) a statement that the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

"(C) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan.

"(1) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous (itemization of such notifications, that includes—

"(A) a breakdown of States by the size and type of employers submitting such notification; and

"(B) a summary of the data received under clause (i).

"(E) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may require books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to this subsection for the plan year involved, and for any plan year following the notification of such exemption under subparagraph (E). A State
agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.’’; 

(4) in subsection (f) by striking paragraph (4) and inserting the following:

‘‘(4) MENTAL HEALTH BENEFITS.—The term ‘mental health benefits’ means benefits with respect to mental health or substance use disorder benefits, as defined under the terms of the plan and in accordance with applicable Federal and State law.’’; 

(5) by striking subsection (f); and 

(6) by striking ‘‘mental health or substance use disorder benefits’’ each place it appears (other than in an provision amended by the previous paragraph). 

(c) AMENDMENTS TO INTERNAL REVENUE CODE.—In the case of the Internal Revenue Code of 1986 amended—

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

‘‘(3) TREATMENT LIMITATIONS.—

‘‘(A) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that—

(i) the financial requirements applicable to such medical and surgical or substance use disorder benefits are no more restrictive than the predominant financial requirements applicable to substantially all medical and surgical benefits covered by the plan and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applicable to substantially all medical and surgical benefits covered by the plan and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

‘‘(B) DEFINITIONS.—In this paragraph:

(i) ‘‘financial requirement’’ includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit or an annual limit subject to paragraph (1) and (2).

(ii) ‘‘predominant’’—A financial requirement or treatment limit is considered to be predominant if it is no more common or frequent than any applicable Federal and State law.

(iii) ‘‘treatment limitation’’—The term ‘treatment limitation’ includes limitations on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

(iv) ‘‘availability of plan information’’—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits shall be made available by the plan administrator to any person requesting or paying for such services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with subparagraph (B).

(v) ‘‘out-of-network providers’’—In the case of a plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan provides coverage for medical or surgical benefits provided by out-of-network providers, the plan shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section;

(vi) in section (D) by amending paragraph (2) to read as follows:

‘‘(2) in the case of a group health plan that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan relating to such benefits under the plan, except as provided in subsection (a);’’;

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

‘‘(1) SMALL EMPLOYER EXEMPTION.—

‘‘(A) IN GENERAL.—This section shall not apply to any plan for any plan year of a small employer.

‘‘(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term ‘small employer’ means an employer who employed an average of at least 2 or in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as 1 employer residing in a State that permits small groups to include a single individual but not more than 50 employees on business days during the preceding calendar year shall be treated as 1 employer.

‘‘(C) OUT-OF-NETWORK PROVIDERS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall—

(i) provide coverage under such plan to any current or potential participant or beneficiary in accordance with subparagraph (B) and (C) of section 4980B(d)(2) shall apply; and

(ii) by striking paragraph (2) and inserting the following:

‘‘(2) COST EXEMPTION.—

‘‘(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase in the cost of providing benefits under such plan, the plan administrator shall provide such benefits under such plan in such manner as determines the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

‘‘(B) APPLICABLE PERCENTAGE.—With respect to a plan for purposes of subparagraph (A), the term ‘applicable percentage’ means, for purposes of subparagraph (A), the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

‘‘(C) DETERMINATIONS BY ACTUARIES.—Deem determinations made under the terms of the plan in the case of a plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan.

‘‘(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this subparagraph, a determination under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

‘‘(E) NOTIFICATION.—

(i) in general.—A group health plan that, based upon a certification described under subparagraph (C), qualifies for an exemption from this paragraph, shall implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election; and

(ii) requirement.—A notification to the Secretary under clause (i) shall include—

(i) a description of the number of covered lives under the plan involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan;

(ii) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan.

(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

(A) the year in which the exemption became available by the plan administrator to the participant or beneficiary in accordance with subparagraph (B) and (C) of section 4980B(d)(2) shall apply; and

(B) by striking paragraph (2) and inserting the following:

‘‘(2) COST EXEMPTION.—

‘‘(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase in the cost of providing benefits under such plan, the plan administrator shall provide such benefits under such plan in such manner as determines the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor, Health and Human Services, ...
Services, and the Treasury shall issue regulations to carry out the amendments made by subsections (a), (b), and (c), respectively.

(c) EFFECTIVE DATE.—(1) IN GENERAL.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date of the enactment of this Act, regardless of whether regulations have been issued to carry out such amendments by such effective date, except that the amendments made by subsections (a)(5), (b)(5), and (c)(5), relating to striking of certain sunset provisions, shall take effect on January 1, 2008.

(2) PROVISIONAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any right of agreement to enter into a new agreement after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(f) ASSURING COORDINATION.—(A) The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury may ensure, through the execution or revision of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this section (and the amendments made by this section) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement policy that avoids duplication of enforcement efforts and assigns priorities in enforcement; 

(g) CONFORMING CERIAL AMENDMENTS.—(1) PHSA HEADINGS.—(A) IN GENERAL.—The heading of section 712 of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

‘‘Sec. 712. Parity in mental health and substance use disorder benefits.’’

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

‘‘Sec. 712. Parity in mental health and substance use disorder benefits.’’

(2) PHSA HEADINGS.—(A) IN GENERAL.—The heading of section 2705 of the Public Health Service Act is amended to read as follows:

‘‘Sec. 2705. Parity in mental health and substance use disorder benefits.’’

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 2705 and inserting the following new item:

‘‘Sec. 2705. Parity in mental health and substance use disorder benefits.’’

(3) IRC HEADINGS.—(A) IN GENERAL.—The heading of section 9812 of the Internal Revenue Code of 1986 is amended to read as follows:

‘‘Sec. 9812. Parity in mental health and substance use disorder benefits.’’

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

‘‘Sec. 9812. Parity in mental health and substance use disorder benefits.’’

(e) EFFECTIVE DATE.—(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the specific rates that insurers, and trends in coverage and exclusion of specific mental health and substance use disorder diagnoses by health plans and health insurance. The study shall include an analysis of—

(A) specific coverage rates for all mental health conditions and substance use disorders;

(B) which diagnoses are most commonly covered or excluded;

(C) whether implementation of this Act has affected trends in coverage or exclusion of such diagnoses; and

(D) the impact of covering or excluding specific diagnoses on participants’ and enrollees’ health, their health care coverage, and the costs of delivering health care.

(2) REPORTS.—(A) The reports required under paragraph (1) shall be submitted to Congress not later than 2 years after the date of the enactment of this Act.

(B) The Comptroller General shall submit to Congress not later than 2 years after the date of the enactment of this Act a report on the results of the study conducted under paragraph (1).

3. DEFINITIONS.

(a) IN GENERAL.—Sec. 712 of this Act, as added by section 712 of such Act, is amended by striking the item relating to section 712 and inserting the following:

‘‘Sec. 712. Parity in mental health and substance use disorder benefits.’’

(b) GAO STUDY ON COVERAGE AND EXCLUSION OF MENTAL HEALTH AND SUBSTANCE USE DISORDER DIAGNOSES.—(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of participating health plans that are qualified health plans and determine whether such health plans include and exclude specific mental health and substance use disorder diagnoses.

(2) REPORTS.—The reports required under paragraph (1) shall be submitted to Congress not later than 2 years after the date of the enactment of this Act.

4. FUNDING FOR STUDIES.—Sec. 104(b) of the Patient Protection and Affordable Care Act is amended by striking the item relating to such section and inserting the following:

‘‘The purposes of this Act are—

(i) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

(ii) to make additional investments in, and create additional employment opportunities through, projects that—

(A) improve the maintenance of existing infrastructure;

(B) improve the maintenance and safety of such infrastructure; and

(C) have objectives that may include—

(1) road, trail, and infrastructure maintenance or operations;

(2) soil productivity improvement;

(3) improvements in forest ecosystem health;

(iv) restoration, maintenance, and improvement of wildlife and fish habitat;

(v) the control of noxious and exotic weeds; and

(vi) the reestablishment of native species; and

(D) to improve cooperative relationships among—

(A) the people that use and care for Federal land; and

(B) the agencies that manage the Federal land.

3. DEFINITIONS.—In this Act—

(a) ADJUSTED SHARE.—The term ‘‘adjusted share’’ means the number equal to the quotient obtained by dividing—

(i) the base share for the eligible county; by

(ii) the income adjustment for the eligible county; or by

(B) the number equal to the sum of the quotas obtained under subparagraph (A) and paragraph (b)(A) for all eligible counties.

(2) BASE SHARE.—The term ‘‘base share’’ means the number equal to the average of—

(A) the quotient obtained by dividing—

(i) the number equal to the quotient obtained by dividing—

(i) the 50-percent base share for the eligible county; and

(ii) the income adjustment for the eligible county; or

(B) the number equal to the sum of the quotas obtained under subparagraph (A) and paragraph (b)(A) for all eligible counties.

(2) BASE SHARE.—The term ‘‘base share’’ means the number equal to the average of—

(A) the quotient obtained by dividing—

(i) the number equal to the quotient obtained by dividing—

(ii) the income adjustment for the eligible county; or

(B) the number equal to the sum of the quotas obtained under subparagraph (A) and paragraph (b)(A) for all eligible counties.

(2) BASE SHARE.—The term ‘‘base share’’ means the number equal to the average of—

(A) the quotient obtained by dividing—

(i) the number equal to the quotient obtained by dividing—

(ii) the income adjustment for the eligible county; or

(B) the number equal to the sum of the quotas obtained under subparagraph (A) and paragraph (b)(A) for all eligible counties.
"(i) the total number of acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(1) the adjusted share for each eligible county within the eligible State; by

"(2) the full funding amount for the fiscal year.

"SEC. 101. SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.

"(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State and for each of the products obtained by multiplying—

"(1) the adjusted share for each eligible county within the eligible State; by

"(2) the full funding amount for the fiscal year.

"(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

"(1) the 50-percent adjusted share for the eligible county; by

"(2) the full funding amount for the fiscal year.

"SEC. 102. PAYMENTS TO STATES AND COUNTIES.

"(a) PAYMENT AMOUNTS.—Except as provided in section 101, the Secretary of the Treasury shall pay to—

"(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

"(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

"(B) the share of the State payment of the eligible county; and

"(2) a county an amount equal to the amount elected under subsection (b) by each county for—

"(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

"(B) the county payment for the eligible county.

"(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

"(1) ELECTION; SUBMISSION OF RESULTS.—

"(A) IN GENERAL.—The election to receive a share of the 25-percent payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

"(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

"(2) DURATION OF ELECTION.—

"(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

"(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

"(C) SOURCES OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be determined by—

"(A) any amounts that are appropriated to carry out this Act;

"(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits in any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities of the Bureau of Land Management or the Forest Service on the applicable Federal land; and

"(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

"(d) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

"(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 37(a)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

"(A) the Act of May 23, 1908 (16 U.S.C. 500); and

"(B) the county payment for the eligible county.

"(2) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):—

"(i) Reserve any portion of the balance for projects in accordance with title II.

"(ii) Reserve a share of the total payment for the eligible county of the State payment or the county payment for projects in accordance with title III.

"(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

"(3) COUNTRIES WITH MOST DEBT DISTRIBUTIONS.—

"(A) NOTIFICATION.—

"(i) IN GENERAL.—An eligible county that enters a fiscal year with more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A), shall—

"(i) reserve any portion of the balance for—

"(I) carrying out projects under title II; and

"(II) carrying out projects under title III; or

"(ii) remain available until expended in accordance with title II.

"(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

"(i) do not receive a county payment otherwise for the ensuing fiscal year; or

"(ii) continue to remain available until expended in accordance with title II.

"(C) USE.—In general.—The funds in the Treasury of the United States.

"(D) IN GENERAL.—The election shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

"(E) FAILURE TO ELECT.—Except as provided in paragraph (3)(C), if an eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

"(i) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

"(A) the Act of May 23, 1908 (16 U.S.C. 500); and
(1) return the balance to the Treasury of the United States.

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for fiscal year 2006 pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds paid under section 102(a) to the extent provided in section 102(b) to receive the county ties in the State of Oregon that have elected payment for fiscal year 2010; and on September 29, 2006) for the eligible coun-

under section 102(b) to receive the county ties in the covered State that have elected payment for fiscal year 2009; and

under section 102(b) to receive the county payment for fiscal year 2008;

(B) for fiscal year 2009, 61 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible coun-
ties in the covered State that have elected under section 102(b) to receive the county payment for fiscal year 2008; and

(ii) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible coun-
ties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008; and

(C) for fiscal year 2010, 73 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible coun-
ties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

(ii) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible coun-
ties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

(2) COVERED STATE.—The term ‘covered State’ means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

(2) DISTRIBUTION OF PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) amount to the same proportion of Federal funds appropriated for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

(d) DISTRIBUTION OF PAYMENTS IN CALI-

The following payments shall be distributed among the eligible counties in the State of Oregon in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were dis-

tributed to the eligible counties for fiscal year 2006:

(1) Payments to the State of California under subsection (b).

(2) For purposes of this Act, any project undertaken using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating coun-
ties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In any proposal proposed projects to the Sec-

secretary concerned under subsection (a), a re-

source advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a de-

scription of how the project will meet the purposes of this title.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5)(A) Expected outcomes, including how the project will meet or exceed desired eco-

logical conditions, maintenance objectives, or stewardship objectives.

(B) An estimate of the amount of any tim-

ber, forage, and other commodities and other economic activity, including jobs gener-

ated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that—

(A) tracks and identifies the positive or negative impacts of the project, implementa-

tion, and provides for validation monitoring; and

(B) includes an assessment of the fol-

lowing:

(i) Whether or not the project met or ex-

ceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where ap-

propriate.

(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—Projects pro-

posed under subsection (a) shall be con-

sistent with section 2.

(3) PROJECTS FUNDED USING OTHER FUNDS.—No later than September 30 for fis-

cal year 2008 (or as soon thereafter as the Secretary determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary a description of any projects that the resource advisory committee proposes the Secretary undertake using funds from Federal land and on non-Federal land where projects would benefit the resources on Federal land.

(3) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(a) SUBMISSION.—Project proposals shall be sub-

mitted to the Secretary concerned.

(b) AUTHORIZED USES.—Project funds may be used for—

(1) the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, pri-

vate utilities, and landowners for fire protection, restoration, and enhancement of fish and wildlife habitat, and other re-

source objectives consistent with the pur-

poses of this title.

(2) the purposes of this title.

(3) The project has been approved by the Sec-

cretary concerned.

(4) The project has been approved by the Sec-

cretary concerned.

(5) The project has been approved by the Sec-

retary concerned.

(6) The project has been approved by the Sec-

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retary concerned.

(19) The project has been approved by the Sec-

retary concerned.

(20) The project has been approved by the Sec-

retary concerned.

(c) AUTHORIZED PROJECTS.—Projects pro-

posed under subsection (a) shall be con-

sistent with section 2.

(3) EVALUATION AND APPROVAL OF PRO-

JECTS BY SECRETARY CONCERNED.—

(a) CONDITIONS FOR APPROVAL OF PRO-

POSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applica-

ble Federal laws (including regulations).

(2) The project is consistent with the ap-

plicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the Sec-

retary concerned in accordance with section 205, including the procedures issued under subsection (c) of that section.

(4) A project description has been sub-

mitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the main-

tenance of existing infrastructure, implement stewardship objectives, restore ecosystems, and restore and improve land health and water quality.

(b) ENVIRONMENTAL REVIE—
``(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds for environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

``(2) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

``(3) EFFECT OF REFUSAL TO PAY.—

``(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

``(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

``(C) NOTIFICATION OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

``(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated under the provisions of section 207(c).

``(3) IMPLEMENTATION OF APPROVED PROJECTS.—

``(A) MODIFICATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

``(B) BEST VALUE CONTRACTING.—

``(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source deemed to be the sole discretion of the Secretary concerned.

``(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

``(i) the technical demands and complexity of the work to be done;

``(ii) the ecological objectives of the project; and

``(D) SOURCE AND CONDUCT OF PROJECT.—

``(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

``(i) the sale of merchantable timber; and

``(ii) the sale of the timber.

``(B) ANNUAL PERCENTAGES.—Under the pilot program the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

``(i) For fiscal year 2008, 35 percent.

``(ii) For fiscal year 2009, 45 percent.

``(iii) For each of fiscal years 2010 and 2011, 50 percent.

``(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a certain percentage of approved projects conducted under the pilot program.

``(D) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagaph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

``(2) CONDUCT OF ENVIRONMENTAL REVIEW.—

``(1) REVIEW AND REPORT.—

``(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

``(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

``(3) REQUEST FOR PROJECT FUNDS.—

``(C) CHARTER.—A charter for a committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee established under subparagraph (A) may be used to authorize funding for multiple projects.

``(D) ANNUAL PERCENTAGES.—Under the pilot program the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

``(i) For fiscal year 2008, 35 percent.

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``(i) For fiscal year 2008, 35 percent.

``(ii) For fiscal year 2009, 45 percent.

``(iii) For each of fiscal years 2010 and 2011, 50 percent.

``(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a certain percentage of approved projects conducted under the pilot program.

``(D) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagaph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.
SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned shall enter into a project agreement with the participating county concerned pursuant to section 203(a)(1) submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the agreement is reached, a decision document for the project is approved by the Secretary concerned with the resources advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may pay Federal funds only at the discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise made available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—No approved project on National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(c) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(b) TRANSFERS FOR MULTIYEAR PROJECTS.—

(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds reserved in subsection (a) for implementing, techniques in home siting, home education on, and assistance with implementation of a Firewise Communities program to provide to participating counties for search and rescue and other emergency services, including firefighting, that are—

(A) performed on Federal land after the date on which the use was approved under subsection (a); and

(B) paid for by the participating county; and

(2) to develop community wildfire protection plans in coordination with the appropriate Secretaries.

(c) PROPOSALS.—A participating county shall use county funds for a use described in this title. A participating county may decide, at the sole discretion of the Secretary concerned, to expend in the same manner as the funds reserved by the county under subsection (b) or (C)(i) of section 102(d)(1).

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each succeeding fiscal year through fiscal year 2011, the resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds under section 203(a)(2), as soon as thereafter as the Secretary concerned determines is practicable, and each succeeding fiscal year through fiscal year 2011, the resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds under section 203(a)(2), as soon as thereafter as the Secretary concerned determines is practicable.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to subsection (a), any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, if a resource advisory committee submits to the Secretary concerned a project not approved under this title, the project submission shall be treated as if it were a project submission for a fiscal year that begins after the fiscal year in which the submission was made by the participating county.

(d) EFFECT OF COURT ORDERS.—

(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

(2) EXPENDITURE OF FUNDS.—The returned funds shall be available to the participating county or counties that reserved the funds to expend in the same manner as the funds reserved by the county under paragraph (B) or (C)(i) of section 102(d)(1).

SEC. 208. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

(b) DISPOSITION IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY FUNDS

SEC. 301. DEFINITIONS.

(a) AUTHORIZED USES.—A participating county shall use county funds, in accordance with this title, only—

(1) for search and rescue and other emergency services, including firefighting, that are—

(A) performed on Federal land after the date on which the use was approved under subsection (a); and

(B) paid for by the participating county; and

(2) to develop community wildfire protection plans in coordination with the appropriate Secretaries.

(b) USE OF COUNTY FUNDS.—The term ‘county funds’ means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

(c) ELIGIBLE COUNTY.—The term ‘participating county’ means an eligible county that elects under section 102(d) to expend in the same manner as the funds reserved by the county under subsection (b) or (C)(i) of section 102(d).

SEC. 302. USE.

(a) AUTHORIZED USES.—A participating county shall use county funds for activities described in subsection (b) or (C)(i) of section 102(d) and, in addition, for a use described in this title, only—

(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

(A) performed on Federal land after the date on which the use was approved under subsection (a); and

(B) paid for by the participating county; and

(3) to develop community wildfire protection plans in coordination with the appropriate Secretaries.
“(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

“(2) submit the proposal to any resource advisory board established under section 205 for the participating county.

**SEC. 303. CERTIFICATION.**

“(a) In General.—Not later than February 1 of each year, any county funds expended by a participating county, the appropriate official of the participating county shall submit to the Secretary of the Interior and the Secretary of Agriculture and Forestry Service and the Bureau of Land Management a certification that the county funds expended by a participating county have been used for the uses authorized under section 302(a), including a description of the amounts and the uses for which the amounts were expended.

“(b) Review.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

**SEC. 304. TERMINATION OF AUTHORITY.**

“(a) In General.—The authority to initiate projects under this title terminates on September 30, 2011.

“(b) Availability.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

**TITLE IV—MISCELLANEOUS PROVISIONS**

**SEC. 401. REGULATIONS.**

“The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this title.

**SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

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

**SEC. 403. TREATMENT OF FUNDS AND REVENUES.**

“(a) Relation to Other Appropriations.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any appropriations for the Forest Service and the Bureau of Land Management.

“(b) Deposit of Revenues and Other Funds.—All revenues generated from projects pursuant to this title, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.

“(c) Forest Receipt Payments to Eligible States and Counties.—

“(1) Effective Date of May 23, 1908.—The sixth paragraph under the heading ‘‘FOREST SERVICE’’ in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ‘‘twenty-five percentum’’ and all that follows ‘‘shall be paid’’ and inserting the following: ‘‘an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid’’.

“(2) Weir Law.—Section 13 of the Act of March 1, 1911 (commonly known as the ‘‘Weir Law’’) (16 U.S.C. 500) is amended in the first sentence by striking ‘‘twenty-five percentum’’ and all that follows through ‘‘shall be paid’’ and inserting the following: ‘‘an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid’’.

“(d) Payments in Lieu of Taxes.—

“(1) General.—Section 6006 of title 31, United States Code, is amended to read as follows:

‘‘§ 6006. Funding

‘‘For each of fiscal years 2008 through 2012—

“(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

“(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.

“(2) Conforming Amendment.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

‘‘6906. Funding.’’.

“(3) Budget Scorekeeping.—

“(A) In General.—Notwithstanding the Budget Enforcement Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (sections 114 and 115) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

“(B) Effective Date.—This paragraph shall remain in effect for the fiscal years to which the entitlements under section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

**SEC. 602. TRANSFER TO ABANDONED MINE RECLAMATION FUND.**

Subparagraph (C) of section 402(1)(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1252(1)(i)) is amended by striking “$9,000,000 on October 1, 2009” and inserting “$9,000,000 on October 1, 2010”.

**TITLE VII—DISASTER RELIEF**

**SEC. 701. SHORT TITLE.**

“This subtitle may be cited as the ‘‘Heartland and Hurricane Ike Disaster Relief Title’’.

**SEC. 702. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOES, AND FLOODING.**

“(a) In General.—Subject to the modifications described in this section, the following provisions of the Internal Revenue Code of 1986 shall apply to any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:

“(1) Go Zone Benefits.—

“(A) Section 1400N (relating to tax benefits other than tax credits) (b), (d), (e), (j), (m), and (o) thereof.

“(B) Section 1400O (relating to housing tax benefits).

“(C) Section 1400P (relating to living assistance for use of retirement funds).

“(D) Section 1400Q (relating to employee retention credit for employers).

“(E) Section 1400S (relating to additional tax relief other than subsection (d) thereof).

“(F) Section 1401 (relating to special rules for mortgage revenue bonds).

“(2) Other Benefits Included in Katrina Emergency Tax Relief Act of 2005.—

“(A) Sections 302, 303, 304, and 305 of the Katrina Emergency Tax Relief Act of 2005.

“(B) Midwestern Disaster Area.

“(1) In General.—For purposes of this section and any other provisions of this title, the term ‘Midwestern disaster area’ means an area—

“(A) with respect to which a major disaster has been declared by the President on or after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornadoes, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin; and

“(B) determined by the President to warrant individual or individual and public assistance under the Federal Government under such Act with respect to damages attributable to such severe storms, tornadoes, or flooding.

“(2) Certain Benefits Available to Areas Eligible Only for Public Assistance.—For purposes of applying this section to benefits under paragraphs (1) and (2) of subsection (a), such paragraph (1) shall be applied without regard to subparagraph (B):

“(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.

“(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

**REFERENCE.—**

“(1) APPLICABLE DISASTER AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to any Midwestern disaster areas within the State.

“(2) Items Attributable to Disaster.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornadoes, or flooding giving rise to the Presidential declaration described in subsection (b)(1)(A).

**SUBTITLE A—Heartland and Hurricane Ike Disaster Relief**

**SEC. 703. AREA.**

“Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to any Midwestern disaster areas within the State.

**SEC. 704. TERMS AND DEFINITIONS.**

“(A) by substituting ‘‘qualified Midwestern disaster area bond’’ for ‘‘qualified Gulf Opportunity Zone bond’’ each place it appears, except that in determining whether a bond is a qualified Midwestern disaster area bond—

“(i) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

“(I) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss, damage, or other item attributable to the severe storms, tornadoes, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A) or is a person designated for purposes of this section by the Governor of the State in which the property is located as a person carrying on a trade or business replacing a trade or business by which another person suffered such a loss, and

“(II) in the case of a project relating to public utility property, the project involves replacement of property damaged by such severe storms, tornadoes, or flooding, and

“(ii) paragraph (2)(A)(ii) shall be applied by treating an issue only if 95 percent or more of the net proceeds of the issue are attributable to losses described in subsection (a)(3) of
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the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to such severe storms, tornados, or flooding. (B) by substituting “any State in which a Midwestern disaster area is located” for “the State of Alabama, Louisiana, or Mississippi” in paragraph (2)(B), (C) by treating as qualified disaster assistance “designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)” for “designated for purposes of this section” in paragraph (2)(C), (D) by substituting “January 1, 2013” for “January 1, 2011” in paragraph (2)(D), (E) in paragraph (3)(A)— (i) by substituting “$1,000” for “$2,500”, and (ii) by substituting “before the earliest applicable disaster date for Midwestern disaster areas within the State” for “before August 28, 2005”, (F) by substituting “qualified Midwestern disaster area repair or construction” for “qualified GO Zone repair or construction” each place it appears, (G) by substituting “after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013” for “each place it appears,” (H) by disregarding paragraph (8) thereof. (2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)— (A) only with respect to calendar years 2008, 2009, and 2010. (B) by substituting “Disaster Recovery Assistance housing amount” for “Gulf Opportunity housing amount” each place it appears, (C) in paragraph (1)(B)— (i) by substituting “$8.00” for “$18.00”, and (ii) by substituting “before the earliest applicable disaster date for Midwestern disaster areas within the State” for “before August 28, 2005”, and (D) determined without regard to paragraph (2), (3), (4), (5), and (6) thereof. (3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)— (A) by substituting “qualified Disaster Recovery Assistance clean-up cost” for “qualified Gulf Opportunity Zone clean-up cost” each place it appears, (B) by substituting “beginning on the applicable disaster date and on December 31, 2010” for “beginning on August 28, 2005, and on December 31, 2007” in paragraph (2), and (C) by treating costs as qualified Disaster Recovery Assistance clean-up costs only if the removal of debris or demolition of any structure was necessary due to damage attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A). (4) EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)— (A) by substituting “the applicable disaster date” for “August 28, 2005” each place it appears, (B) by substituting “January 1, 2011” for “January 1, 2008” in paragraph (1), (C) by substituting “December 31, 2010” for “December 31, 2007” in paragraph (1), and (D) by treating a site as a qualified contaminated site only if the release (or threat of release) of a hazardous substance at the site was attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A). (5) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h), as amended by this Act— (A) by substituting “the applicable disaster date” for “August 28, 2005”, (B) by substituting “December 31, 2011” for “December 31, 2009” in paragraph (1), and (C) by substituting “before the applicable disaster date, and before subsection to qualified rehabilitation expenditures with respect to any building or structure which was damaged or destroyed as a result of the applicable disaster date” for “for after the applicable disaster date” for “after February 28, 2005, and before August 29, 2005” in subsection (b)(2)(B)(ii). (6) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)— (A) by substituting “qualified Disaster Recovery Assistance area” for “qualified Gulf Opportunity Zone area” each place it appears, (B) by substituting “before the applicable disaster date, and before January 1, 2011” for “after August 27, 2005, and before January 1, 2008” each place it appears, (C) by substituting the applicable disaster date for “August 28, 2005” in paragraph (2)(B)(iii)(I), (D) by substituting “qualified Disaster Recovery Assistance property” for “qualified Gulf Opportunity Zone property” in paragraph (2)(B)(iv), and (E) by substituting “qualified Disaster Recovery Assistance casualty loss” for “qualified Gulf Opportunity Zone casualty loss” each place it appears. (7) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400P— (A) by substituting “Midwestern tax credit bond” for “Gulf tax credit bond” each place it appears, (B) by substituting “any State in which a Midwestern disaster area is located or any instrumentality of the State” for “the State of Alabama, Louisiana, or Mississippi” in paragraph (4)(A)(i), (C) by substituting “December 31, 2008 and before January 1, 2010” for “after December 31, 2005, and before January 1, 2007”, (D) by substituting “shall not exceed $100,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 2,000,000, $50,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 200,000, $10,000,000 for any State with a population located in any other State. The population of a State within any area shall be determined on the basis of the most recent Census before the earliest applicable disaster date for Midwestern disaster areas within the State,” for “shall not exceed” and all that follows in paragraph (4)(C), and (E) by substituting “the earliest applicable disaster date for Midwestern disaster areas within the State” for “August 28, 2005” in paragraph (5)(A). (8) EDUCATION TAX BENEFITS.—Section 1400Q, by substituting “2008 or 2009” for “2005 or 2006”. (9) HOUSING TAX BENEFITS.—Section 1400P, by substituting “the applicable disaster date” for “August 28, 2005” in subsection (c)(1). (10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q— (A) by substituting “qualified Disaster Recovery Assistance distribution” for “qualified hurricane distribution” each place it appears, (B) by substituting “on or after the applicable disaster date and before January 1, 2010” for “on or after August 25, 2005, and before January 1, 2007” in subsection (a)(4)(A)(i), (C) by substituting the applicable disaster date” for “August 28, 2005” in subsections (a)(4)(A)(i) and (c)(3)(B), (D) by disregarding clauses (i) and (ii) of subsection (a)(4)(A) thereof, (E) by substituting “qualified storm damage distribution” for “qualified Katrina distribution” each place it appears, (F) by substituting “after the date which is 6 months before the applicable disaster date and before the date which is the after February 28, 2005, and February 29, 2005” in subsection (b)(2)(B)(ii), (G) by substituting “the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of an area as a Midwestern disaster area, but not so purchased or constructed on account of Hurricane Katrina” in subsection (b)(2)(B)(iii), (H) by substituting “beginning on the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008” for “beginning on August 28, 2005, and ending on February 28, 2006” in subsection (b)(3)(A), (I) by substituting “qualified storm damage individual” for “Hurricane Katrina individual” each place it appears, (J) by substituting “December 31, 2009” for “December 31, 2006” in subsection (c)(2)(A), (K) by substituting “disregarding paragraphs (C) and (D) of subsection (c)(3) thereof, (L) by substituting “beginning on the date of enactment of the Heartland Disaster Tax Relief Act of 2008 and ending on December 31, 2009” for “beginning on September 24, 2005, and ending on December 31, 2006” in subsection (c)(4)(A)(i), (M) by substituting “the applicable disaster date” for “August 25, 2005” in subsection (c)(4)(A)(ii), and (N) by substituting “January 1, 2010” for “January 1, 2007” in subsection (d)(2)(A)(ii). (11) EMPLOYER RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400E(a)— (A) by substituting “the applicable disaster date” for “August 28, 2005” each place it appears, (B) by substituting “January 1, 2009” for “January 1, 2006” both places it appears, and (C) only with respect to eligible employers who employed an average of not more than 20 employees in the taxable year before the applicable disaster date. (12) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section 1400S(a), by substituting the following paragraph for paragraph (4) thereof— (4) QUALIFIED CHARITABLE CONTRIBUTIONS.— (A) IN GENERAL.—For purposes of this subsection, the term ‘qualified contribution’ means any charitable contribution (as defined in section 170(b)(1)(A), if— (i) such contribution— (I) is paid during the period beginning on the earliest applicable disaster date for all Midwestern disaster areas, and (II) made for relief efforts in 1 or more Midwestern disaster areas, (ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and (iii) the taxpayer has elected the application of this subsection with respect to such contribution. (B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is— (i) to an organization described in section 509(a)(3), or
“(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

“(C) APPLICATION OF ELECTION TO PARTNERSHIPS (GO ZONES).—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.”.

“(13) MODIFICATIONS TO MIDWESTERN DISASTER AREAS.—Section 1400S(b)(1), by substituting “the applicable disaster date” for “August 25, 2005”.

“(14) DETERMINING EARNED INCOME.—Section 1400S(c)—

(A) by treating an individual as a qualified individual if such individual’s principal place of abode during the applicable disaster date was located in a Midwestern disaster area,

(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and

(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(15) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 14000(e), by substituting “2008 or 2009” for “2005 or 2006”.

(e) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting “2008 or 2009” for “2005 or 2006”.

(B) by substituting “Midwestern displaced individual” for “Hurricane Katrina displaced individual” each place it appears, and

(C) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting “beginning on the applicable disaster date and ending on December 31, 2008” for “beginning on August 25, 2005, and ending on December 31, 2006”.

(3) MILEAGE REMUNERATIONS FOR CHARITABLE ORGANIZATIONS.—Section 304—

(A) by substituting “beginning on the applicable disaster date and ending on December 31, 2008” for “beginning on August 25, 2005, and ending on December 31, 2006” in subsection (a), and

(B) by substituting “the applicable disaster date” for “August 25, 2005” in subsection (a).

(4) DESTRUCTION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting “the applicable disaster date” for “August 28, 2005” both places it appears.

(C) by substituting “January 1, 2010” for “January 1, 2007” in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNIZED GAIN.—Section 405, by substituting “or after the applicable disaster date” for “or after August 25, 2005”.

SEC. 703. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.

(a) IN GENERAL.—Section 6033(b)(relating to returns of certain organizations described in section 501(c)(3)) is amended by striking “and” at the end of paragraph (13), by redesignating paragraphs (14) through (16) as paragraphs (13) through (15), and by adding after paragraph (13) the following new paragraph:

“(14) such organization as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns due on or before December 31, 2008.

SEC. 704. TEMPORARY TAX-EXEMPT BOND FINANCING AND low-income housing tax relief for areas damaged by hurricane ike.

(a) TAX-EXEMPT BOND FINANCING.—Section 1400N(a) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referred to in such section, but with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting “2008 or 2009” for “2005 or 2006”.

(B) by substituting “Midwestern displaced individual” for “Hurricane Katrina displaced individual” each place it appears, and

(C) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting “beginning on the applicable disaster date and ending on December 31, 2008” for “beginning on August 25, 2005, and ending on December 31, 2006”.

(3) MILEAGE REMUNERATIONS FOR CHARITABLE ORGANIZATIONS.—Section 304—

(A) by substituting “beginning on the applicable disaster date and ending on December 31, 2008” for “beginning on August 25, 2005, and ending on December 31, 2006” in subsection (a), and

(B) by substituting “the applicable disaster date” for “August 25, 2005” in subsection (a).

(4) DESTRUCTION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating any individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting “the applicable disaster date” for “August 28, 2005” both places it appears.

(C) by substituting “January 1, 2010” for “January 1, 2007” in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNIZED GAIN.—Section 405, by substituting “or after the applicable disaster date” for “or after August 25, 2005”.

SEC. 705. LOW-INCOME HOUSING TAX CREDIT.

(a) GENERAL.—Section 42, by substituting the following for subparagraph (A)(ii) shall be made by this section:

“(ii) such net disaster loss, and

(5) Determined without regard to paragraphs (2), (3), (4), and (6) thereof.

(b) HURRICANE IYE DISASTER AREA.—For purposes of the term “Hurricane Ike disaster area” means an area in the State of Texas or Louisiana—

(1) with respect to which a major disaster has been declared by the President on September 13, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Ike, and

(2) determined by the President to warrant individual or institutional and public assistance from the Federal Government under such Act with respect to damages attributable to Hurricane Ike.

Subtitle B—National Disaster Relief

SEC. 706. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) WAIVER OF ADJUSTED GROSS INCOME LIMITATION.—

(I) IN GENERAL.—Subsection (b) of section 165 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

“(5) SPECIAL RULE FOR LOSSES IN FEDERALLY DECLARED DISASTERS.—

(A) IN GENERAL.—If an individual has a net disaster loss for any taxable year, the amount determined under paragraph (2)(A)(ii) shall be the sum of—

(i) such net disaster loss, and

(ii) in the case of hurricanes Katrina or Rita, in each case as referred to in the previous clause for the applicable disaster area, in each case as computed under section 165(d)(2).
this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual.

"(B) Net disaster loss.—For purposes of subparagraph (A), the term ‘net disaster loss’ means

"(1) the personal casualty losses—

"(i) attributable to a federally declared disaster occurring before January 1, 2010, and

"(ii) personal casualty gains.

"(C) Federally declared disaster.—For purposes of this paragraph:

"(1) ‘Federally declared disaster’—The term ‘federally declared disaster’ means any disaster subsequently determined by the President of the United States or to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(2) ‘The term ‘disaster area’ means the area so determined to warrant such assistance.’.

(2) CONFORMING AMENDMENTS.—

(A) Section 165(h)(4)(B) (as so redesignated) is amended by striking ‘paragraph (2)’ and inserting ‘paragraphs (2) and (3)’.

(B) Section 165(h)(1) is amended by striking ‘loss’ and all that follows through ‘Act’ and inserting ‘loss occurring in a disaster area (as defined by clause (i) of subsection (h)(3)(C)) and attributable to a federally declared disaster (as defined by clause (i) of such subsection)’.

(C) Section 165(h)(4) is amended by striking ‘Presidentially declared disaster (as defined by section 165(h)(3)(B))’ and inserting ‘federally declared disaster (as defined by subsection (h)(3)(C)(i))’.

(2) Boils over the subsection (b) of section 165B subsection (A) of paragraph (1) thereof is amended to read as follows:

‘(b) Special Rules for Property Damaged by Federally Declared Disasters.—

‘(1) Principal residences.—If the taxpayer’s principal residence or any of its contents is located in a disaster area and is compulsorily or involuntarily converted as a result of a federally declared disaster—

‘(i) Paragraph (2) of section 165B(b) is amended by striking ‘loss’ and all that follows through ‘disaster area’ and inserting ‘investment located in a disaster area and compulsorily or involuntarily converted as a result of a federally declared disaster’;

‘(ii) Paragraph (3) of section 165B(b) is amended to read as follows:

‘(3) Federally declared disaster; disasters—

‘(A) the deduction allowed by this section shall apply to amounts which are treated as an expenditure—

‘(a) in connection with a trade or business or with business-related property,

‘(b) which is—

‘(I) attributable to a federal declared disaster (as defined in section 165(h)(3)(B))’.

(4) Section 163(c)(2) is amended as follows:

‘(2) Federally declared disaster (as defined by section 165(h)(3)(B))’.

(5) Subparagraph (II) of section 172(b)(1)(F)(ii) is amended by striking ‘Presidentially declared disaster’ and inserting ‘federally declared disaster’.

(6) Subsection (E) of section 170(b)(1)(C)(ii) is amended by striking ‘federally declared disaster’ and inserting ‘disaster (as defined in section 165(h)(3)(C)(i)).

(7) Subsection (E) of section 170(b)(1)(C)(ii) is amended by striking ‘federally declared disaster’ and inserting ‘disaster area shall have the meaning given such term by section 165(h)(3)(C)(i).’

(8) Section 165B(c) is amended in the case of a qualified disaster expense to which section 1245 applies in the case of a qualified disaster expense the meaning of such term shall be treated for purposes of this section—

‘(1) the deduction allowed by this section for such disaster expenses shall be treated as a deduction for depreciation,

‘(2) such property (if not otherwise section 1245 property) shall be treated as section 1245 property solely for purposes of applying section 1245 to such dedication.

‘(e) Coordination With Other Provisions.—Sections 198, 263B, and 468 shall not apply to amounts which are treated as expenses under this section.

‘(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.”

(b) Clerical Amendment.—The table of sections for part VI of chapter 1 of the list relating to section 198 the following new item:

‘Sec. 198A. Expensing of Qualified Disaster Expenses.”

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007 in connection with disaster declared after such date.

SEC. 708. Net Operating Losses attributable to Federally Declared Disasters.

(a) In General.—(1) PRINCIPAL RESIDENCES.—If the taxpayer’s principal residence or any of its contents is located in a disaster area and is compulsorily or involuntarily converted as a result of a federally declared disaster—

‘(i) attributable to a federal declared disaster (as defined in section 165(h)(3)(B))’.

(b) Qualifying Disaster Losses.—Section 172 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (k) the following new subsection:

‘(l) RULES RELATING TO QUALIFIED DISASTER LOSSES.—For purposes of this section—

‘(1) ‘Qualifying disaster losses’ means the lesser of—

‘(A) the sum of—

‘(i) the losses allowable under section 165 for the taxable year,

‘(ii) attributable to a federally declared disaster (as defined in section 165(h)(3)(C)(i)) occurring before January 1, 2010, and

‘(ii) occurring in a disaster area (as defined in section 165(h)(3)(C)(ii)), and

‘(iii) which is otherwise chargeable to capital account.

‘(2) ‘Other Definitions.—For purposes of this section—

‘(i) ‘Business-related property’—The term ‘business-related property’ means property—

‘(A) held by the taxpayer for use in a trade or business or for the production of income, or

‘(B) described in section 1221(a)(1) in the hands of the taxpayer.

‘(ii) ‘Federally Declared Disaster.—The term ‘federally declared disaster’ has the meaning given such term by section 165(h)(3)(B), and

‘(iii) ‘Deduction Recaptured as Ordinary Income on Sale, etc.—Soles for purposes of this section 1245, in the case of property to which a qualified disaster expense would have been capitalized but for this section—

‘(1) the deduction allowed by this section for such disaster expenses shall be treated as a deduction for depreciation,

‘(2) such property (if not otherwise section 1245 property) shall be treated as section 1245 property solely for purposes of applying section 1245 to such deduction.

‘(e) Coordination With Other Provisions.—Sections 198, 263B, and 468 shall not apply to amounts which are treated as expenses under this section.

‘(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.”

(b) Clerical Amendment.—The table of sections for part VI of chapter 1 of the list relating to section 198 the following new item:

‘Sec. 198A. Expensing of Qualified Disaster Expenses.”

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007 in connection with disaster declared after such date.
“(4) EXCLUSION.—The term ‘qualified disaster loss’ shall not include any loss with respect to any property described in section 1650N(p)(3).

(5) APPLICATION OF ALTERNATIVE MINIMUM TAX.—Subsection (d) of section 56 is amended by adding at the end the following new paragraph:

“(3) Nontaxing operating loss attributable to federally declared disasters.—In the case of a taxpayer which has a qualified disaster loss described in subsection (b)(3)(B) for the taxable year, paragraph (1) shall be applied by increasing the amount determined under subparagraph (A)(i) thereof by the sum of the carrybacks and carryovers of such loss.”.

(d) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 172(h)(1)(F) is amended by inserting “or qualified disaster loss (as defined in subsection (j))” before the period at the end of the last sentence.

(2) Section 172(h)(1)(F)(ii) is amended by adding at the end the following new flush sentence:

“Such term shall not include any qualified disaster loss described in subsection (j).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2007, in connection with disasters declared after such date.

SEC. 709. WAIVER OF CERTAIN MORTGAGE REFINANCING BOND REQUIREMENTS FOLLOWING FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subsection (k) of section 143 is amended by adding at the end the following new paragraph:

“(12) SPECIAL RULES FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—

“(A) PRINCIPAL RESIDENCE DESTROYED.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer is—

“(i) rendered unsafe for use as a residence by reason of a federally declared disaster occurring before such date, then, for the 2-year period beginning on the date of the disaster declaration, subsection (d)(1) shall not apply with respect to such taxpayer and subsection (e) shall be applied by substituting ‘110’ for ‘90’ in paragraph (1) thereof.

“(B) PRINCIPAL RESIDENCE DAMAGED.—

“(i) IN GENERAL.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer was damaged as the result of a federally declared disaster occurring before January 1, 2010, any owner-financing provided in connection with the repair or reconstruction of such residence may be treated as a qualified rehabilitation loan.

“(ii) LIMITATION.—The aggregate owner-financing to which clause (i) applies shall not exceed the lesser of—

“(I) the cost of such repair or reconstruction, or

“(II) $150,000.

“(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph, the term ‘federally declared disaster’ has the meaning given such term by section 165(h)(3)(C)(i).

“(D) ELECTION; DENIAL OF DOUBLE BENEFIT.—

“(i) ELECTION.—An election under this paragraph may not be revoked except with the consent of the Commissioner.

“(ii) DENIAL OF DOUBLE BENEFIT.—If a taxpayer elects the application of this paragraph, paragraph (11) shall not apply with respect to the purchase or financing of any residence by such taxpayer.”.

(f) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2007.

SEC. 710. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Section 168, as amended by this Act, is amended by adding at the end the following new subsection:

“(ii) SPECIAL ALLOWANCE FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

“(I) IN GENERAL.—Any property to which the alternative depreciation property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified disaster assistance property’ means any property—

“(i) which is described in subsection (k)(2)(A)(i), or

“(ii) which is nonresidential real property or residential rental property;

“(iii) substantially all of the use of which is—

“(I) in a disaster area with respect to a federally declared disaster occurring before January 1, 2010, and

“(II) in the active conduct of a trade or business by the taxpayer in such disaster area,

“(iv) which—

“(I) rehabilitates property damaged or replaced property destroyed or condemned, as a result of such federally declared disaster, except that, for purposes of this clause, property shall be treated as replacing property destroyed or condemned if, as part of an integrated package of property improvements, property which is included in a continuous area which includes property destroyed or condemned, and

“(II) is located in nature to, and located in the same county as, the property being rehabilitated or replaced,

“(v) the original use of which in such disaster area commenced with an eligible taxpayer on or after the applicable disaster date,

“(vi) which is acquired by such eligible taxpayer in such disaster area on or after the applicable disaster date,

“(vii) which is placed in service by such eligible taxpayer on or before the date which is the last day of the third calendar year following the applicable disaster date (the fourth calendar year in the case of nonresidential real property and residential rental property).

“(B) EXCEPTIONS.—

“(i) OTHER BONUS DEPRECIATION PROPERTY.—The term ‘qualified disaster assistance property’ shall not include—

“(I) any property to which subsection (k) (determined without regard to paragraph (4), (i), or (m) applies,

“(II) any property to which section 1400N(d) applies,

“(III) any property described in section 1400N(p)(3).

“(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified disaster assistance property’ shall not include any property to which the alternative depreciation property shall be applied under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

“(3) ALTERNATIVE BOND FINANCED PROPERTY.—Such term shall not include any property portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103(b).

“(4) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any property described in section 172(h)(1)(F) if the property to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I.

“(g) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(H) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subsection (e) of section 172(h)(1)(F) shall apply, except that such subparagraph shall be—

“(i) without regard to ‘and before January 1, 2009’ in clause (i) thereof, and

“(ii) by substituting ‘qualified disaster assistance property’ for ‘qualified property’ in clause (iv) thereof.

“(D) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

“(E) OTHER DEFINITIONS.—For purposes of this subsection—

“(A) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.

“(B) FEDERALLY DECLARED DISASTER.—The term ‘federally declared disaster’ has the meaning given such term under section 165(h)(3)(C)(i).

“(C) DISASTER AREA.—The term ‘disaster area’ has the meaning given such term under section 165(h)(3)(C)(ii).

“(D) ELIGIBLE TAXPAYER.—The term ‘eligible taxpayer’ means a taxpayer who has suffered an economic loss attributable to a federally declared disaster.

“(E) RECAPTURE.—For purposes of this subsection, rules similar to the rules of section 179(d)(10) shall apply with respect to any qualified disaster assistance property which ceases to be qualified disaster assistance property.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

SEC. 711. INCREASED EXPENSING FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.

(a) IN GENERAL.—Section 179 is amended by adding at the end the following new subsection:

“(c) SPECIFIC RULES FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

“(1) IN GENERAL.—For purposes of this section—

“(A) the dollar amount in effect under section 179(d)(10) applies to property placed in service after December 31, 2007, and

“(B) the amount in effect under section 179(b)(5) applies for purposes of this section.”.
‘(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year, and

(B) the dollar amount in effect under subsection (d) of section 179 for the taxable year shall be increased by the lesser of—

‘(i) $600,000, or

‘(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year.

‘(2) QUALIFIED SECTION 179 DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection, the term ‘qualified section 179 disaster assistance property’ means section 179 property (as defined in subsection (d)) which is qualified disaster assistance property (as defined in section 179C).

‘(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 disaster assistance property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 disaster assistance property into account for purposes of this subsection.

‘(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under subsection (d) of section 179 apply with respect to any qualified section 179 disaster assistance property which ceases to be qualified section 179 disaster assistance property.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

SEC. 712. COORDINATION WITH HEARTLAND DISASTER RELIEF.

The amendments made by this subtitle, other than the amendments made by sections 706(a)(2), 710, and 711, shall not apply to any disaster described in section 702(c)(1)(A), or to any expenditure or loss resulting from such disaster.

TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY

SEC. 801. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

‘SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

‘(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

‘(b) NONQUALIFIED ENTITY.—For purposes of this section, the term ‘nonqualified entity’ means—

‘(1) any foreign corporation unless substantially all of its income is allocable to persons other than—

‘(A) effectively connected with the conduct of a trade or business in the United States, or

‘(B) subject to a comprehensive foreign income tax, and

‘(2) any partnership unless substantially all of its income is allocated to persons other than—

‘(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

‘(B) distributions which are exempt from tax under this title.

‘(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

‘(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

‘(A) such amount shall be so includible in gross income when determinable, and

‘(B) the plan shall be treated as not having failed under section 4975 for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

‘(i) the amount equal to 20 percent of the amount of such compensation, and

‘(ii) the lesser of the interest determined under paragraph (2), and

‘(ii) an amount equal to 20 percent of the amount of such compensation.

‘(2) INTEREST.—The interest under paragraph (1)(B)(i) of section 4975, the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income—

‘(A) in gross income in the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture,

‘(B) EXCLUSION FOR REASONS BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

‘(1) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

‘(2) INVESTMENT ASSET.—For purposes of clause (1), the term ‘investment asset’ means any single asset (other than an investment fund or similar entity), any single asset (other than an investment fund or similar entity) which is deferred under a nonqualified deferred compensation plan to which this section does not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

‘(A) the last taxable year beginning before 2018, or

‘(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

‘(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance, in the case of any amount deferred to which this section applies, including regulations prescribing such requirements.

‘(4) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

‘(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations prescribing—

‘(A) the amounts which are attributable to services performed after December 31, 2008.

‘(B) the application of section 409A(d) to the extent such amount is not includible in gross income in a taxable year beginning before 2018.

‘(1) IN GENERAL.—Except as otherwise provided in this subpart, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

‘(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which this section applies, such amounts shall be treated solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

‘(A) the last taxable year beginning before 2018, or

‘(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

‘(3) ACCELERATED PAYMENTS.—In the case of any amount deferred to which this section applies which is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

‘(A) the last taxable year beginning before 2018, or

‘(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

‘(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case of a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which had such compensation been paid in cash on the date that such compensation would be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

‘(b) CONFORMING AMENDMENT.—Section 26(b)(2), as amended by the Housing Assistance Tax Act of 2008, is amended by striking “and” and inserting “and”, and by adding at the end the following new subparagraph:

‘(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation),’.

‘(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

‘Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.’.

‘(d) EFFECTIVE DATE.—

‘(1) IN GENERAL.—Except as otherwise provided in this subpart, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

‘(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which this section applies, such amounts shall be treated solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

‘(A) the last taxable year beginning before 2018, or

‘(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

‘(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

‘(e) REGULATIONS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service recipients under which an amount is attributable to services performed on or before December 31, 2008, the guidance issued under
paragraph (4) shall permit such arrange-
ments to be amended to conform the dates of
distribution under such arrangement to the
date amounts are required to be included in
the income of such taxpayer under this sub-
section.
(5) ACCELERATED PAYMENT NOT TREATED AS
MATERIAL MODIFICATION.—Any amendment to a
qualified deferred compensation arrange-
manship made pursuant to paragraph (4)
or (5) shall not be treated as a material
modification of the arrangement for pur-
poses of section 409A of the Internal Revenue
Mr. CAMP of Michigan (during the reading).
Mr. Speaker, I ask unanimous consent that the motion be considered
as read.
The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from Michigan?
There was no objection.
☐ 1115

POINT OF ORDER
Mr. NEAL of Massachusetts. I make
a point of order.
Mr. CAMP of Michigan. The SPEAKER pro tempore. The
gentleman will state his point of order.
Mr. NEAL of Massachusetts. I make
a point of order that the gentleman’s
motion to recommit includes provi-
dions within the jurisdiction of other
committees, and, as such, is a violation of
clause 7 of rule XVI, the germane-
ness rule.
The SPEAKER pro tempore. Does any other Member wish to be heard on
the point of order?
Mr. CAMP of Michigan. Yes, Mr.
Speaker.
The SPEAKER pro tempore. The
gentleman from Michigan is recognized.
Mr. CAMP of Michigan. Mr. Speaker,
this is really a very simple debate here.
What we’d like to do is replace the text
of the bill before us with the bill that
the Senate passed this week by an
overwhelming vote of 92-3, and there are
three main reasons for this.
First, that bill provides more tax re-
lief. It includes fewer tax increases,
and it can become law.
Mr. NEAL of Massachusetts. I make
a point of order that the motion to
recommit offered by the gentleman
from Michigan proposes an amendment
that is not germane to the bill.
Clause 7 of rule XVI, the germane-
ness rule, provides that no proposition
on a subject different from that under
consideration shall be admitted under
color of amendment.
Mr. CAMP of Michigan. The SPEAKER pro tempore.
The Chair is prepared to rule.
The gentleman from Massachusetts
makes a point of order that the motion
to recommit offered by the gentleman
from Michigan proposes an amendment
that is not germane to the bill.
Mr. NEAL of Massachusetts. Mr. Speaker, I insist on my point of order.
The SPEAKER pro tempore. The
Chair is prepared to rule.
Mr. CAMP of Michigan. Mr. Speaker,
I ask unanimous consent that the motion
be reconsidered.
Mr. Speaker, I ask unanimous consent that the motion
be considered laid on the table.
Mr. NEAL of Massachusetts. Mr.
Speaker, I move to table the motion to
recommit, and I would urge my col-
leagues to support it.
Mr. CAMP of Michigan. Mr. Speaker,
I ask unanimous consent that the motion
be considered laid on the table.
The SPEAKER pro tempore. The
Chair is prepared to rule.
Mr. NEAL of Massachusetts. Mr.
Speaker, I move to table the motion to
recommit, and I would urge my col-
leagues to support it.
Mr. CAMP of Michigan. Mr. Speaker,
I ask unanimous consent that the motion
be considered laid on the table.

MOTION TO TABLE
Mr. NEAL of Massachusetts. Mr.
Speaker, I move to table the motion to
appeal the ruling of the Chair.
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NEAL of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

So the motion to table was agreed to.

Mr. NEAL of Massachusetts. Mr. Speaker, the ayes appeared to have it.

So the bill was passed.
The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLOONE) that the House suspend the rules and pass the Senate bill, S. 1382. The question was taken.

The SPEAKER pro tempore. In the affirmative, the ayes have it.

The result of the vote was announced as follows:

ayes—415, noes 2, not voting 16, as follows:

(Roll No. 650)

AYES—415

Abercrombie (HI) Butler (NY) Pascrell (NJ) Polis (CO)
Acker (NY) Cleaver (MO) Pastor (AZ) Pommer (ND)
Ackerman (NY) Clyburn (SC) Payne (OH) Polikoff (NJ)
Akin (GA) Clayton (GA) Pelosi (CA) Pombo (CA)
Allen (AL) Clyburn (SC) Peterson (MN) Polis (CO)
Allred (TX) Clay (AL) Peterson (RI) Poling (OH)
Anderson (SC) Claytor (VA) Petri (WI) Pope (GA)
Andrews (SC) Cleaver (MO) Pickering (TN) Poe (IN)
Andrews (AL) Coble (NC) Pickering (MS) Polk (DE)
Andrews (WI) Cole (TX) Pingree (ME) Poliquin (ME)
Andrews (MD) Collins (GA) Pomeroy (WY) Pope (GA)
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and I yield myself such time as I may consume.

Mr. Speaker, this rule, which is a framework under which legislation is brought to the floor, if passed, will allow the House to consider legislation under suspension of the rules until Sunday.

Suspension of the rules is a procedure by which the House of Representatives generally acts to approve legislation promptly. Legislation considered under suspension of the rules is usually non-controversial. It usually has bipartisan support, by virtue of the fact that in order for bills to pass under that procedure known as suspension of the rules bills have to pass with at least two-thirds of the votes of the House.

Yesterday I came to the floor to manage for the minority a similar rule. I did not ask for a vote in opposition regarding that rule yesterday. But today I must rise and oppose this rule, because unlike yesterday’s rule, today’s legislation does not specify which bills the House of Representatives will consider. Instead, this rule, this framework that we are going to vote on now, in a few minutes, this rule provides blanket or blind authority to the majority.

Now, yesterday we received a list of 44 bills that the House was being authorized to consider. But today we received nothing, just a request in effect for absolute power to bring legislation to the floor. Mr. Speaker, I want to remark that technique was used a total of three times in the prior two Congresses.

Yesterday I came to the floor to address the controversy that is afflicting our economy, and that’s incredibly serious, requires us to stay as long as it takes to address that issue.

But many of us are not involved in the minute-to-minute negotiations, as our committee chairs are, as our leadership is. We are still on the clock, Mr. Speaker, this process of allowing the House to act in a very particular way, constructs a very particular kind of Congress.

Mr. Speaker, I believe it is quite unfortunate that the majority has opted to pursue this path. In reality, this is the sixth time that the majority is bringing forth a rule like this during this Congress. I know the majority will claim that is the same number, the same amount of times that the 109th Congress used this procedure, but I would remind our friends on the other side of the aisle that in every other record for limiting debate legislation from the House, they have exceeded the 109th Congress, and that is so even though on the opening day of the 110th Congress the distinguished chairwoman of the Rules Committee, Ms. SLAUGHTER, came to the floor and said that the new majority would begin to return the number to its rightful place as the home of democracy and deliberation in our great Nation.”

So, let us take a look at their record-breaking performance, Mr. Speaker. First let us begin with closed rules.

There can be few, if any, parliamentary procedures that are more offensive to the spirit of representative democracy than the closed rule. Those rules, closed rules, block Members from both sides of the aisle from offering amendments to legislation, no matter their party affiliation. When the House of Representatives is operating under a closed rule, all Members are shut out from the legislative process on the floor. Even though the majority promised a more open Congress, they silenced the voice of every Member and of all the constituents of every Member a record 64 times, Mr. Speaker. Sixty-four times.

No other Congress in the history of the Republic has ever brought forth so many closed rules. No other Congress in the history of the Republic has brought forth 64 pieces of legislation during one Congress under the parliamentary procedure known as the closed rule, that shuts out all amendments, all possibility of Members, from both sides of the aisle from introducing amendments.

The consistent use of closed rules by the majority is most unfortunate. It is really, I believe, quite offensive to the democratic spirit, and really obviously a contradiction with regard to the promises made by the majority.

They have also systematically bypassed the conference process, the process by which the House and Senate reconcile differences on legislation before voting on a final version, an identical, final version of legislation before sending it to the President. They have systematically bypassed this conference process, effectively shutting out the minority from having a say on legislation that makes its way to the President’s desk.

They also have used a technique known as ping-pong 14 times to subvert the rights of the minority to offer motions to recommit and amendments.

Now, in comparison, in the 108th and 109th Congresses combined, that technique, ping-pong, that the majority has used three times in this Congress, that technique was used a total of three times in the prior two Congresses.

So, again, the tendency can be seen time and time again, in contradiction, direct contradiction to the promises to go in the other direction, to go in the direction of transparency and fairness and openness. So with ping-pong we also see the tendency of the majority not fail.

They also considered 45 bills outside the regular order. They blocked minority substitute amendments, allowing only 10 minority substitute amendments, again, even though they promised a procedure that, “grants the minority the right to offer its alternatives, including a substitute.” Again, the majority contradicted its own promise, directly, directly contradicted its own agreement.

Now, these records that I have alluded to, do not etch them in stone yet. We still have a few days left in the 110th Congress. I would bet that the majority will break their own records yet again and, once again, their promises for a fair and open Congress.

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

Mr. WELCH of Vermont. I want to respond to some of the points made by my friend from Florida.

Mr. Speaker, this process of allowing for suspensions on days late in the week, particularly towards the end of the session, is something that we have done quite a bit. Generally on a cooperative basis, and there is a self-policing mechanism that applies.

The self-policing mechanism, of course, is the fact that to pass a suspension bill requires a two-thirds vote, and the majority does not have a two-thirds majority, so anything that’s going to pass is going to require a substantial positive vote, a “yes” vote, from Members on both sides of the aisle.

It is also kind of a practical thing to do. Our session is getting extended a bit because we are trying to come to some resolution to ease the credit crisis that is afflicting our economy, and that’s incredibly serious, requires us to stay as long as it takes to address that issue.

But many of us are not involved in the minute-to-minute negotiations, as our committee chairs are, as our leadership is. We are still on the clock, Mr. Speaker. We are still on the clock.

Also, just a little bit of history here, the Republicans, of course, were in the minority from 1994 until 2006. In the last session of Congress, the 109th session of Congress, they found themselves in similar circumstances at the end of the session. They had time that could be utilized and did, by bringing up some suspension bills. Then, as now, it did require a two-thirds vote before any suspension bill could pass.

I will just go through a few things. My friend probably knows all this, but I will remind him, anyway, a little education here. He was not here. December 5.

I am told that on June 30, 2005, H. Res. 345 provided for a blanket suspension day on June 30, and that was pending the July adjournment of that year. The House took up a number of bills under that suspension authority.

Similarly, on July 28, 2005, there was a blanket suspension for suspension day. Again, the House took advantage of that. September 8, 2005, provided another day for a blanket suspension.

There are others. H. Res. 629 provided for a suspension day on December 17. That applied to a number of pending House bills, H.R. 4519, H.R. 2520, H.R. 4568, H.R. 3402, H.R. 4579, H.R. 4525;
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Senate bill, S. 1231. There was a conference on Senate 467. It was a joint resolution providing for a fiscal year 2006 continuing resolution.

That was pretty important business. It all passed with that two-thirds majority vote because of the fact that many people from both sides of the aisle, who were not involved in what was the end of the session, intense negotiations on other legislation, they could use their time productively.

There were a couple of situations of cooperation and working and middle class Americans. It certainly allows our body to be able to participate in a conference.

So what we find ourselves, often-times, is confronted with a situation where the negotiating gets done at leadership level or at the chair of committee level of the number of Members out of those final and often very critical negotiations about the final points of legislation that’s in contention.

So maybe the Member from Florida and I can work together to try to persuade our friends in the other body to return to the tradition of House-Senate conferences.

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

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend for his presentation.

Mr. Speaker, it’s important to point out, that we make distinct and analyze a number of the matters that we have brought forth.

With regard to the ability of the House to consider suspension bills, it’s evident that that is a process that has much tradition. My objection, and I know that in the last Congress it was done six times, and six times in this Congress, but I think it’s unfair, really, in an exceptional way to the membership, for them, for Members not to know even the title of legislation that is being brought forth so that, along with their staffs, they can study it. It’s an essential to have that openness, we are going to have fairness. That was the promise.

Then when you see that promise and you juxtapose it to the reality of performance, and the reality of performance is much worse, is much more unfair, it really becomes dramatic, the contrast between promise and performance. That’s what I was alluding to.

With regard to some points made by my friend, it’s almost inevitable for my friend from Vermont not to make appropriate and quite defendable statements, because he is one of the most respected Members of this House, and in the short period of time that he has already spoken, he has already spoken that respect on both sides of the aisle.

But I think it’s appropriate to analyze, without passion, the points that I brought forth with regard to the great contrast between promise and performance of this majority. It’s a dramatic contrast and an unfortunate contrast.

I would ask at this time, my friend, if he has any other speakers.

Mr. WELCH of Vermont. Mr. Speaker, I have no further speakers.

Mr. LINCOLN DIAZ-BALART of Florida. That being the case, Mr. Speaker, “man is man plus his circumstances.” That is one, I think, of the wisest sayings I have ever heard by one of the great philosophers of the 20th century, Jose Ortega y Gasset, who was a professor in many universities in Spain, actually dabbled in politics, was a member of the parliament during the Second Republic in the 1930s in Spain, and then was a long-time exile.

Toward the end of his life, I think he returned to Spain but just for a short period of time because he did not outlive the Franco dictatorship and Ortega y Gasset never wanted to live nor, quite frankly, visit his country under dictatorship.

But that phrase, “man is man plus his circumstances,” I think, summarizes so much of life. And so we today, while not engaged, because this is a procedural debate and I would expect my friend on the other side of the aisle to agree that perhaps it is not one of the most popular to watch if a guest were here in the galleries because it is procedural, this debate. And yet process really is key to the functioning of representative democracy, Mr. Speaker.

Why do I say that: because the rights of the minority are just as important
as the right of the majority to rule. You can’t have a functioning, a genuine, representative democracy unless, along with the right of the majority to rule, the minority has the right to be heard. And the opposition, the minority, has the right to play a significant role. It is what makes that process possible. Without process, guaranteeing the rights of the majority to rule and the minority to be heard and to have all of the procedural rights followed by the majority, without that process, democracy does not represent democracy. And so even though this debate may seem somewhat technical, process is important. I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I want to respond to some of the comments made by my friend from Florida. But first of all, I thank my friend. He is very generous in his comments about me. The feelings are mutual. I have enjoyed working with you on the Rules Committee, and I love hearing you speak and argue, and I know the affection people have for you here in this body. And for you to be here with your brother, what a wonderful family story, to have brothers serving together keeping an eye on each other. And you need to have an eye kept on you.

I missed the name of the philosopher from Spain.

I yield.

Mr. LINCOLN DIAZ-BALART of Florida. Ortega y Gasset. In Spain, you often have compound names or long names. Ortega y Gasset. An extraordinary philosopher, really a liberal in the best sense of the word and an open man, a man open to realize, my distinguished friends, that good ideas often come from not only both but all political viewpoints. And Ortega y Gasset was one such thinker. I highly recommend him to such an erudite, stodious, not only here Member of the House but generally a man of the law as my friend.

Mr. WELCH of Vermont. Well, thank you. I am going to take you up on that because you are probably more familiar with that history of Spain during the internal revolution and during the period of the republic.

That phrase you used, man and his circumstances, is very, very powerful.

I yield.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend.

"Man is man plus his circumstances."

Mr. WELCH of Vermont. And he had to contend with that, as did all Spaniards during the period of the republic in the revolution with just this wrenching upheaval in their own society where brothers were fighting brothers and the worst of all things were happening, as they were here during our “War of Unification” and another country were pitted one against another, and people were forced to deal with circumstances that were just beyond what they ever could have imagined. And then the struggle in those circumstances for people of conscience to make a decision about what was right to do when the implication of following through and doing that right could be frightening, physiologically, psychologically, the person who was making the decision to act, but it was equally frightening about a decision not to act and what the consequences would be for other people. So I look forward to reading that down.

But Graham Greene is one of my favorite authors. And the reason I like Graham Greene, he writes articles about flawed human beings. The protagonists in his novels are all deeply flawed people, like all of us. They have real limitations. Some of them are alcoholics. They can’t control certain parts of their behavior. But what he writes about is individuals who find themselves in circumstances where they have to make decisions that require them to act. It is very likely that ultimately may be physically dangerous to them, but where they have a capacity to respond, to see, what the moral imperative is. And then they are able, despite their flaws and weaknesses, to summon the internal courage to do the right thing. They don’t do it to be a hero. They are reluctant heroes. They end up being heroes. And in some cases they sacrifice their lives. It is not that they wanted to do it or anything that they thought about as an image of themselves. In fact, they oftentimes took refuge in their weakness, by alcohol, frequently, in the Graham Greene novels.

But when they were confronted with a situation where they had an opportunity, by circumstance beyond their control, accidental almost, where their action could save a fellow human being or turn the tide of events in a way that would make the greater good where more people would be spared suffering, despite their weakness, despite not wanting to do it, despite their resistance, there was something deeply moral embedded in who they were where the decision they made was for other people for themselves.

Your comments about the Spanish philosopher brought to mind the reaction I have had from reading so many Graham Greene novels.

Mr. LINCOLN DIAZ-BALART of Florida. Repeat the name of the author.

Mr. WELCH of Vermont. Graham Greene. I just really appreciate your remarks.

And I want to talk about a second topic you mentioned, the importance in a democracy about procedure. The gentleman is right. One of the things that I have admired about our majority leader Mr. HOYER, is that I believe he does his best, it is always debatable, but I think he does his best to scrupulously abide by the procedural rights.

We have battles about the rule we are bringing forward and whether it is the right thing to do or not, but I agree, procedure is important. Procedure is often substance. How you design it and allow something to be taken up really and truly make the outcomes possible. One of the constant decisions that we have to make, you had to make when you were in the majority and we have to make while we are in the majority, is how to get a specific question to this body for an up-or-down vote. It requires the Rules Committee, and you know better than I do, you are much more experienced on the Rules Committee than I am, it requires the Rules Committee to decide what the question is going to be, what amendments will be allowed. There is always an ongoing tension between the majority and the minority, and that flips as the voters decide to change the majority here.

So your aggression, and that is not the right word, your defense of procedure is well taken by me.

Before I came here I served for a period of time in the State Senate in Vermont. It was a very valuable experience. We had 30 members, very small, very intimate. No staff. Literally no staff. The one member of the Senate who had one staff person was the President pro tempore, and I served in that job for the 4 years before I came here. But nobody else had a staff. I have gotten to like staff, don’t get me wrong, but there was something quite wonderful about the fact that the members had to do all of their own work. What it meant to that we were talking to one another constantly. And the problems that were being developed couldn’t be mitigated or muted by having staff talk to staff for another member.

That very intense, immediate interaction I actually thought was very helpful. I know there are a number of Members on both sides of the aisle who talk, and we have this opportunity when we are on the floor voting to try to understand what is coming from and what ways we may be able to find a path to getting “yes.”

But as Senate President, I had a lot of responsibility about procedures. So I did two things that were kind of unusual, and we can’t do them around here, but in the small circumstances of the Vermont Senate we could. We had 21-9 majority, and I had the cooperative power of appointment. And I appointed three members of the Republican Party to serve as chairs of important committees.

The reason that I did that, two reasons, it just so happened that the three people who got appointed were the best people for the job at the time.

The second reason was it allowed us to find ways to work together because we all had a stake in the future.

So any time that we can work together, I want to do it. I appreciate your openness and willingness to do that as well.

But getting back to the question before us, mainly this question of the
suspension authority and your concern about it being “blanket.” I understand that. But the self-correcting mechanism here is the requirement under suspension that there be a two-thirds vote. That by definition means that there has to be a good deal of support on the Republican side for this suspension authority to allow consideration and for a bill considered to be passed.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my distinguished colleague for his remarks, and for this opportunity of being able to bring forward the points that we both brought forward today.

Mr. Speaker, let me say at this point that Americans are really upset with regard to spending more and more of their paycheck for energy needs. For months they have been calling on Congress to consider legislation to help lower the price of gasoline.

Just as more people, the minority has been calling for legislation that will help the American consumer with the skyrocketing price of energy. Yet every time the minority has tried to debate comprehensive energy legislation, the majority has blocked and stymied our efforts.

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In August, the majority decided to close shop, head back to their districts, instead of really seeking to solve, in a comprehensive manner, this extraordinary issue facing our constituents, which is the rising price of gasoline.

So I would imagine the majority heard quite a bit from their constituents in August, because when they returned in September they decided that they would finally, at least, debate energy legislation.

Last week the majority brought to the floor the so-called Comprehensive American Energy Security and Consumer Protection Act, which really, ironically, did nothing to produce energy or provide Americans with energy security since really it only, that legislation, increased our dependence on unstable foreign sources of energy. So that bill is most unfortunate. Also, it won’t be enacted into law, and it was only put together to provide the majority with a kind of political cover to say that they actually passed energy legislation, when, in reality, they did nothing.

Now, the majority is set to end this Congress and, really, any chance to actually pass a comprehensive energy bill, comprehensive energy legislation will also end with this Congress for now. Our point is that this is not appropriate. We think that the energy issue is of extraordinary importance, and that we should not leave without comprehensive energy legislation.

Mr. Speaker, I will be urging my colleagues to vote with me to defeat the previous question so that the House can finally consider comprehensive solutions to rising energy costs. If the previous question is defeated, I will move to amend this rule to prohibit the consideration of a concurrent resolution providing for an adjournment until comprehensive energy legislation has been enacted into law.

Mr. Speaker, I ask unanimous consent to amend the rule on the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting “no” on the previous question, Members can assure their constituents that they are committed to enacting legislation to help their constituents with rising energy prices.

I also remind Members that the previous question in no way would prevent consideration of any of the suspension bills.

I urge a “no” vote on the previous question.

I yield back the balance of my time.

Mr. WELCH of Vermont. I yield back the balance of my time.

Mr. Speaker, I yield to him for an amendment, is entitled to the first recognition.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment to the pending business.

I urge Members to accept those amendments. That would be to approve the previous question and a member of the majority Floor Manager who then manages an hour of debate and may offer a germane amendment to the pending business.

Mr. Speaker, on that I demand the yeas and nays.

This vote, the vote on whether to order the previous question, is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon’s Precedents of the House of Representatives, (VI, 308–311) defines the previous question as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the panel of the House has the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition.

Speaker Joseph G. Cannon (R–Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzpatrick, said that he had asked him to yield to him for an amendment, is entitled to the first recognition.” Because the vote today may look bad for the Democratic majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate debate. A vote against the previous question is the vote against a germane amendment.” Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule (a special rule reported from the Committee on Rules) opens the resolution to amendments and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.

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

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

Mr. Speaker, I ask unanimous consent that the yeas and nays be ordered. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.
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The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX,
this 15-minute vote on ordering the
previous question will be followed by 5minute votes on adoption of the resolution, if ordered, and the motion to suspend with regard to S. 2932, if ordered.
The vote was taken by electronic device, and there were—yeas 225, nays
192, not voting 16, as follows:
[Roll No. 651]

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YEAS—225
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Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
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Emanuel
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Frank (MA)
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Green, Al
Green, Gene
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Gutierrez
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Hastings (FL)
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Hooley
Hoyer
Inslee
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Jackson (IL)
Jackson-Lee
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Michaud
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Mitchell
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Murphy (CT)
Murphy, Patrick
Murtha

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Akin
Alexander
Bachmann
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Barton (TX)
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05:35 Sep 27, 2008

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Miller, Gary
Moran (KS)
Murphy, Tim
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Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16
Bachus
Conyers
Costa
Cubin
English (PA)
Lofgren, Zoe

Payne
Peterson (PA)
Pickering
Rangel
Tierney
Udall (CO)

Waters
Watson
Weller
Wexler

b 1313
Messrs. REHBERG, HALL of Texas,
PRICE of Georgia, and CHILDERS
changed their vote from ‘‘yea’’ to
‘‘nay.’’
Mr. JOHNSON of Illinois changed his
vote from ‘‘nay’’ to ‘‘yea.’’
So the previous question was ordered.
The result of the vote was announced
as above recorded.
The SPEAKER pro tempore (Mr.
HOLDEN). The question is on the resolution.
The question was taken; and the
Speaker pro tempore announced that
the ayes appeared to have it.
Mr. LINCOLN DIAZ-BALART. Mr.
Speaker, on that I demand the yeas
and nays.
The yeas and nays were ordered.
The SPEAKER pro tempore. This
will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 222, nays
196, not voting 15, as follows:

PO 00000

Frm 00072

Fmt 4634

Sfmt 0634

[Roll No. 652]
YEAS—222
Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Giffords
Gillibrand
Gonzalez

Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)

Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers

Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—196

E:\CR\FM\K26SE7.047

H26SEPT1

Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett


A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—a yes, aye, 403, noes 6, not voting 24, as follows:

[Roll No. 653]

H10049

POISON CENTER SUPPORT, EN-
REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7110, JOB CREATION AND UNEMPLOYMENT RELIEF ACT OF 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110-89) on the resolution (H. Res. 1507) providing for consideration of the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1503

Resolved. That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 26, 2008, providing for consideration or disposition of a measure making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for purposes of debate only.

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

Mr. DREIER. Mr. Speaker, I would like to inquire of my colleague: I understand that the customary 30 minutes was yielded to my friend from Pasco, Washington. And I would just like to state for the record that I will be managing the rule on this side, and so I would hope very much that my friend from Tampa might consider yielding to me.

Ms. CASTOR. Mr. Speaker, I will correct that. I will yield the customary 30 minutes to my colleague and good friend from California, the ranking member on the Rules Committee, Mr. DREIER.

GENERAL LEAVE

Ms. CASTOR. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1503.

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

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 1503 waives clause 6(a) of rule XIII, which requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This was reported on the legislative day of September 26, 2008 that provides for consideration or disposition of a measure making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009.

Mr. Speaker, I rise today as a humble Representative who represents hundreds of thousands of hard-working families and seniors who are caught in the center of an economic storm. For them, the economic squeeze did not arise last week or last month, but it has been ongoing for well over a year.

I also rise as the daughter of parents who worked hard all of their lives and saved for retirement and, like millions of Americans, they are watching their savings dwindle and decline. And I rise as a parent, who, along with my husband, is saving for our children’s college education.

For students and families across America, the cost of attending college has risen. And as we look out to future years, like other parents, our college savings accounts for our kids feel a little less tangible now, and I fear that college for students may be a little less attainable unless we act in a bipartisan way this week.

Many middle class American families are unable to even save now for retirement or their children’s college fund because they’ve lost a job, or if they do have a job, the raise did not come, or the raise came, and it was not enough to meet the rising cost of living in America today.

So at this time, as our country’s leaders join together to develop a rescue plan—which has been dramatically altered from the beginning of the week when it was proposed in a two-and-a-half page proposal to spend $700 billion—we must join together, Mr. Speaker, in a bipartisan way to provide a lifeline to families as well.

Mr. Speaker, we must stand up for everyday Americans. While stabilizing financial markets on the day of the largest Wall Street bailout in history is vitally important, correspondingly, stabilizing families and taxpayers is just as important. American families need a little breathing room, and they need a job if they’re out of work. So it is our moral imperative, at this moment in history, to examine this modest stimulus proposal, create jobs back home through an infusion of cash for infrastructure projects, for unemployment benefits, and for health care dollars for Americans who have no other place to turn.

This stimulus package will jump-start America’s economy. And here’s our action plan:

First; jobs, jobs, jobs through infrastructure investments. We’re talking about highways, transit capital grants, Amtrak, airport improvements. Do you know how many thousands of construction jobs have been let go and we have lost across America? This will put American back to work.

We’re also going to provide resources to our local communities to help them with clean water projects, sewer projects, the Corps of Engineers, Mississippi River and tributaries, and also water and sewer lines for schools. For example, the House Committee on Rules has proposed two young daughters—school construction dollars.

We also provide, as part of our action plan, energy development dollars for energy efficiency and renewable energy, electricity delivery, and reliability programs. That is the major portion of our economic stimulus proposal for American families.

We will also provide unemployment compensation and job training dollars, which seems so modest because it totals merely $6 billion. It’s modest in the face of a proposal this week to spend $700 billion, unfettered, at the beginning of the week.

We will also respond to the least among us, Medicaid dollars. Now, that’s a term that gets thrown around a lot, but I want the American people to understand that when we talk Medicaid—and you will hear the discussion here today will be FMAP, Federal Medicaid Contribution Percentage in Medicaid. What Medicaid is largely health care dollars for children from poor families. Now, many middle class families are now slipping into that lower socioeconomic level today. Their parents don’t have health insurance. If they’re working, they’re working maybe at a small business or part-time, and there is no other place to turn during this dire economic downturn.

As the least we can do, when we’re discussing a bailout for Wall Street and for banks and financial markets, is to also consider, at the same time, a very modest proposal of $60 billion for America’s families, for jobs, for health care for kids, seniors who have no other place to turn, and unemployment compensation.

First, on jobs. You know, today’s wages are stagnate; they’re at the most stagnant point that they have been since the World War II. As the economy household income was .6 percent lower in 2007 than it was at the end of the 1990s. And even more troubling are the rising inequities of incomes among families in different communities. Data released from the Joint Economic Committee reports that over the past decade, median incomes for the richest households have risen while middle and low-income families have seen their income fall.

Mr. Speaker, the U.S. unemployment rate has gone to 9.4 million Americans—a 61.1 percent increase—in August, the highest it has been since 2003. This continues the unfortunate job loss for the
eight consecutive month, with over 600,000 American jobs lost this year.

Unemployment benefits under our action plan will be extended for merely another 7 weeks, a very modest proposal. It extended in every State an additional 13 weeks, and an additional 13 weeks in States with unemployment rates higher than 6 percent, like my home State of Florida.

Florida families have been especially hard hit by the economic downturn. In the past year, Florida has lost over 100,000 jobs and the unemployment rate continues to rise. The housing crisis has dragged down job opportunities in construction and other related fields, and we keep seeing continued joblessness and layoffs. At the same time, in Florida we have seen a 21 percent increase in families receiving food stamps over the past year, which is one of the highest increases in the Nation.

But fortunately, under this stimulus plan, we’re going to immediately take action to do jobs through infrastructure projects. See, investing in infrastructure can rapidly move people from unemployment rolls to payrolls. Just this week, we heard our Republican Governor, Charlie Christ, sent his DOT to the Hill to meet with the bipartisan Florida delegation. She advised that there are projects ready to go, have been permitted, are ready to go. So this action plan will take those projects off the shelf and put people to work building roads, building bridges, sewer lines across America.

For hundreds of thousands of Floridians who are unemployed, and other Americans, they’re still looking for work, and this package will help them find a job. It’s that simple.

Mr. Speaker, on health care, on the Medicaid portion which remember largely goes to health care for children, they can get to the doctors’ office, seniors in nursing homes and pregnant women, this stimulus package will improve and bolster that health care safety net at this critical time in our Nation’s history. Unlike the hope of trickle-down, this action plan and economic stimulus project is a rapid and effective way to support those hard-working families.

During the last economic downturn, the Congress approved $10 billion to temporarily enhance the health care safety net of Medicaid. This similar increase today will again provide vital, basic health services to families that need it most as quickly as possible. And at the same time, an increase in health care funding will help families who are not served by Medicaid but are taking up the slack in this economy, that are paying higher premiums and co-pays because the charity care in the emergency room, someone has to pay for that. And that usually is tacked on to the typical family’s employer-provided health care cost. Higher co-pays and higher premiums are a direct result of many families in this country not having anyone else to turn for health care.

In fact, the Kaiser Family Foundation and the Center for Studying Health System Change released a report yesterday that says that employers are paying more of the expenses now out of their own pockets. They’re having a harder time coming up with money to pay their bills. The study displayed the mounting additional strain that medical care is placing on working Americans. It is estimated that 57 million Americans live in families struggling with medical bills, and 43 million of those have health insurance coverage.

Mr. Speaker, it is no secret across America that with stagnant wages and a higher cost of living, be it health care, be it higher gas prices, be it home heating oil, be it in Florida, property insurance, that we have got to take action for them. And it cannot simply be a trickle-down rescue package. It also needs to be put in the hands of those who will spend it at the same time meaningful, support for families.

When we are able to provide additional moneys to States for health care and for infrastructure and jobs, what we are going to be able to do is push all of this money into the hands of those who will spend it and provide a bridge for the future. Other programs that are funded by our State and local governments, including education. In my State of Florida, they have had to cut billions and billions of dollars out of our State budget. Unbelievably, for the first time in many decades, this year the State of Florida ratcheted back the amount of money provided per student in our public school system. The State university chancellor of the State of Florida announced yesterday that there is a freeze on new students being allowed into the Florida college system because they simply do not have the resources during this economic downturn to provide a seat for new freshmen in our colleges and universities.

Mr. Speaker, economists agree that any stimulus package must put money in the hands of those who will spend it right away in order to stimulate the economy. This package will do just that by focusing funding where it is needed most, creating jobs, jobs through infrastructure, enhancing the health care safety net for our children and our seniors and providing a lifeline to American families who are struggling during this economic downturn.

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

Mr. DREIER. Mr. Speaker, I thank my distinguished Rules Committee colleague, my friend from Tampa, for yielding me the customary 30 minutes, even though we went through that little bump with my colleague from Pasco temporarily handling it. And I have to say that this is obviously a very solemn, serious and difficult time for our Nation as we are in the midst of facing the type of challenges we have not faced in the last century. And as a Member of this House has seen, probably even our oldest Members have not witnessed. Maybe we have a couple of people. Maybe RALPH HALL lived during the Depression. But it is something that most of us clearly have never witnessed before.

People are likening this to the economic challenges that we faced following the Second World War and we are attempting, as we all know, in a bipartisan way to deal with this issue. Our distinguished Republican whip, Mr. BLUNT, is involved in these bipartisan negotiations so that we will be able to produce a package emerge from this institution in a bipartisan way that will be able to stabilize the markets, respect the American taxpayer and ensure the kind of stability when people are seeking to keep their homes, run their small businesses and engage in the normal activities that exist in the United States of America.

And it’s with that as a backdrop, Mr. Speaker, that I have to paraphrase the statement of the former running mate of Ross Perot, the late Admiral James Stockdale, who, in the famous oft-quoted Vice Presidential debate in 1992, said: “Who am I and why am I here?” I would ask that somewhat rhetorically, Mr. Speaker, because we are here dealing with a very important issue. Of course, we are all subject to the motion to proceed. One. Making sure that we can stimulate our economy is a very, very important issue. But this is not the way to do it. And 1 hour ago, the United States Senate made that decision by defeating the motion to proceed in the Senate. So this is dead.

The President of the United States put out a statement of administration policy in which he said that this measure would be vetoed if it were to get to the President. And it’s not going to. And so that is why I ask. Who are we and why are we here? Because there is absolutely nothing but political posturing taking place.

Mr. Speaker, it is being done in the most outrageous ways in that we regularly show here something that was touted 2 years ago, but we never hear the majority Members talk about any longer, and that is a document called “A New Direction for America.” This document was designed to talk about the very important degree of openness and transparency that would exist if in fact the Democrats were to take control of the United States Congress. And unfortunately with where we are now completely deviated that entire concept of “A New Direction for America.”

Now, Mr. Speaker, we are all accustomed to hectic, get-out-of-town weeks. The heaviest lifting typically falls to weeks prior to district work periods, when we’re all anxious to return home to hear from our constituents. But even under the circumstances, this week’s proceedings are absolutely unprecedented. The emergency negotiations, as I mentioned, on a financial institution in a bipartisan way that they are very challenging. And we want to see it done in an appropriate way. But they have been made all the
more frantic because they’re set against a backdrop of a year’s worth of unfinished business right here in the House of Representatives.

The Democratic majority has unfortunately shirked virtually every one of its core duties and obligations as legislators. Our most basic and fundamental job is the responsible and efficient spending of the taxpayers’ dollars. That is the single most important thing that we do here, is responsibly, with the power of the purse, spending these funds. That is done through the passage of 12 appropriations bills as we all know.

Now, Mr. Speaker, how many of these 12 bills has the House passed as we began this very difficult week? One. Only one of the 12 appropriations bills was passed. And how many have become law? Zero. Not a one. So we arrived at this last week of session for the fiscal year without enacting a single appropriations bill.

The House leadership had long since abandoned any plan for attempting to make progress on our constitutional power of the purse. Their solution? Write a bill to put off their duties for another 6 months. They can’t bother with a real job now or after the election. They want to wait until the fiscal year is half over before finally getting to work.

So we started this week after what amounted to a 9-month vacation from responsible legislating. The Democratic majority decided to take three of the 12 appropriations bills, one of which never even went through committee, and slap them together. They tacked on $55 billion in extra funding for various causes, extended their fiscal deadline for 6 months and sent it up to the Rules Committee barely an hour before we reported it out.

The entire body of their appropriations work for the entire year was put together in the hulk of which was delayed by half a year. They were kind enough to give us an hour before meeting on the rule at nearly 11 o’clock at night. It was on the floor the next morning. And voila. They put the entire Federal budget to bed as far as they were concerned.

But that was Tuesday. What did we do yesterday? The Democratic majority’s flawed tax extenders bill, and a $100 million mistake. In their rush to pump out bad legislation, the Rules Committee ended up passing out a rule and bringing it to the floor for a bill that no longer existed. Democrats and Republicans were actually voting on two different bills. The discrepancy, as I said, was over $100 million in tax increases.

Now to many in this institution on the other side of the aisle who have this sort of tax-and-spend mentality, $100 million in taxes may seem to be very insignificant. But not to the American people. Not to the American taxpayer, Mr. Speaker, and certainly not at times like these. Fortunately this mistake was caught, and we returned to the Rules Committee to fix it. What other mistakes have gone unnoticed? We may never know until it’s too late. But this is the very real risk when you jam through a flawed agenda in a frantic and haphazard way.

And this bill is a perfect example of that.

Having punted on appropriations and jamming through the tax extenders bill after two tries, now the Democratic majority is working on something else they meant to do this year. How do you do a year’s worth of work in 1 week? For starters, you don’t, Mr. Speaker. You just don’t.

There are a host of very critical issues that simply won’t be addressed this week, such as our Nation’s energy crisis. But you can certainly move things along by shutting down due process entirely. We did their hodgepodge appropriations bill without a single amendment either. We did their tax extenders bill without a single amendment either.

Now we are considering a rule to waive the rules to allow the underlying bill to be expedited. Then we will consider a rule to bring up the underlying bill. Again, this is a bill that the President has said he would veto and a bill that is similar to it is not even going to get through the United States Senate. So once again, under a closed process, there is no opportunity whatsoever for Members to participate in any kind of real debate.

What is the result of this haphazard way of legislating? First and foremost, there is no meaningful debate. Now say what you want about this place, but the American people do send us here to think about, to discuss, to ponder and to try and work out a compromise in a bipartisan way as we proceed with what it is that we are trying to do. So no deliberation at all. I mean, there is no means for amendment. There is no means for open debate. Second, as we have just seen again from that tax extenders bill, mistakes are inevitable.

This clearly goes beyond poor policy. And shirking our duties for another 6 months is clearly very, very poor policy. As yesterday’s proceedings demonstrate, Mr. Speaker, we are also talking about the sloppy mistakes that are an inevitable result of shoddy work.

The Democrats roundly criticized us for moving our agenda too quickly in the past few Congresses. They were particularly critical of not giving Members or the American people enough time to review legislation so this deliberative process could proceed.

Now on this document which I pointed to this morning, the hodgepodge bill I mentioned above entitled “A New Direction for America,” this document, by the way, I would say to our colleagues, is still available on the Speaker’s Web site. So if anyone would like to read a copy of “A New Direction for America,” I commend it to them.

In this document, they promised this new direction, as I said. And it reads as follows: “Members should have at least 24 hours to examine bill and conference report text prior to floor consideration.”

Now, Mr. Speaker, I have no idea how “2 hours” equals “at least 24 hours,” which is what was promised in this New Direction for America by Speaker Pelosi. It is that kind of math, long on promises, short on results, that got us into our current financial crisis.

Mr. Speaker, as we consider today’s underlying bill, amusingly called a stimulus bill by the Democratic majority, the American people should know it was written through the night and sent to us at 9:43 this morning. Not even Republican appropriators had seen it, so not even members of the Appropriations Committee have seen it.

I just had a chance to look through it, and we have some unbelievable things we have found in this. Members should know the Democratic majority is rushing to cover up 9 months of doing nothing with its flurry of activity in these waning hours of the 110th Congress. They are resorting to draconian measures and shutting out all meaningful debate in this charade. They are pushing off the real work for another 6 months. And they are producing such shoddy work that a $100 million tax increase is “a mistake,” and that kind of thing is appearing here.

Mr. Speaker, this is one sorry week for the House of Representatives. I don’t believe that the American people will be fooled.

Now, of course, as my colleague from Florida talked about the importance of infrastructure construction, building schools, making sure that we provide relief to those who are truly in need and have suffered from the economic downturn that we all know is there, to do it in the way that is being done is, I think, a very, very sad commentary on this great deliberative institution.

So I urge my colleagues to oppose this rule. It is a martial law rule which is very, very unfair. We do need to, at the very least, give our Members an opportunity to have a chance to read this bill.

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

Ms. CASTOR. Mr. Speaker, I think it is very important at this critical time in our Nation’s economic history, in the history of what is going on in people’s lives today, that we really try to rise above the economic downturn that we all know is there, to do it in the way that is being done is, I think, a very, very sad commentary on this great deliberative institution.

So I urge my colleagues to oppose this rule. It is a martial law rule which is very, very unfair. We do need to, at the very least, give our Members an opportunity to have a chance to read this bill.

Ms. CASTOR. I would be happy to yield for a moment.
Mr. WALDEN of Oregon. I appreciate that, because I appreciate her comment about rising above partisanship. I guess what troubles us on this side of the aisle is we are being denied any opportunity to even offer a bipartisan amendment to this bill, for example on the cuts to Medicaid.

I wonder, I would like to ask the gentlewoman, would she be willing to allow us on the Republican side to offer a single amendment, any amendment to this bill that was just provided to us at 9:43 this morning? That would sort of go a long way toward bridging the gap that seems to be down the center aisle.

Would the gentlewoman be willing to work with us on allowing us any opportunity to amend this bill?

Ms. CASTOR. I thank the gentleman, and reclaiming my time, Mr. Speaker, we did consider the amendment in the Rules Committee on a couple of occasions. It was not accepted.

What is important right now is our leadership on the economic condition of this country and that we do not get bogged down in the process. The American people cannot wait for these costly, time-consuming debates. They are out of work, they need to get their cash-strapped States in order, and we will stay and work here for as long as it takes to provide that additional relief to the American people.

Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I want to thank the gentlewoman from Florida, and I certainly associate myself with her remarks with regard to this very important stimulus bill.

I want to rise in strong support of the rule allowing for H.R. 7110 to be considered, but I would particularly like to focus on the FMAP, or the Medicaid provisions of the bill, which would provide important financial assistance to cash-strapped States in order to maintain their Medicaid programs.

Medicaid provides over 61 million Americans with access to medical care and specialized support and services. It protects our most vulnerable populations, our poor and disabled.

Unfortunately, as State economies face growing fiscal pressures, the Medicaid programs in many States are threatened and millions of American citizens are in danger of losing access to the coverage that they so desperately need. These cuts affect not only those already on Medicaid, but also those who will come to need it as the economy continues to plummet. As people lose their jobs, they also lose access to employer-sponsored health care coverage, forcing more people to turn to Medicaid for their health care needs.

A study conducted by the Kaiser Family Foundation found that increasing the national unemployment rate by 1 percentage point increases Medicaid and SCHIP enrollment by 1 million. At a time when States are already struggling to balance their budgets, this type of change in unemployment rates would increase State spending by approximately $1.4 billion.

H.R. 7110 will provide a temporary FMAP increase to help avert cuts to State Medicaid programs. In effect, we are increasing the Federal share. This is a proven strategy for stimulating the economy. A similar provision was passed in 2003 by the Republican Congress and signed into law by President Bush as part of the Jobs and Growth Tax Relief Reconciliation Act. So I essentially consider this a bipartisan effort. And the temporary increase then provided the funding needed to successfully avert or limit cuts to State Medicaid programs and helped stimulate the economies of the States back in 2003.

Mr. Speaker, the FMAP provision included in H.R. 7110 is an important measure that will help provide much-needed fiscal relief to our States and help protect access to health care services for some of our most vulnerable citizens. It basically means that more money would be available to the States to cover more people, and that means more jobs. It means the actual delivery of health care services serves as a major stimulus.

I urge Members on both sides of the aisle to support the rule, as well as the underlying bill.

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

I would like to engage in a colloquy with my good friend from Hood River, Oregon, who has long been a great champion of something known as the Secure Rural Schools Program, something that has enjoyed very strong bipartisan support. In fact, five Democratic members the Rules Committee are cosponsors of legislation designed to address that.

I will say that obviously we know that as we deal with this economic downturn, we have acknowledged it, there are many things that do need to be addressed. And we know that FMAP is one of them, dealing with Medicaid reimbursement to our States, infrastructure construction, as I said, working to do what we can to stimulate economic growth.

We happen to believe very strongly that it is also essential for us to do all that we can to stimulate private sector economic growth. Now, I know that some oftentimes some in this institution to comprehend, but we do have a $14 trillion, that is with a T, a $14 trillion economy in the United States of America. We are the world's only complete superpower. And we are going through extraordinarily challenging economic times. But we need to remember that our goal with the package that we put together in dealing with this financial crisis will be one that is designed to create stability, security and confidence in our credit markets and in the overall financial system. No doubt about that.

My State of California, the West and other parts of the country are dealing with the fact that the Washington Mutual Bank was just taken over, and I have to say having spoken with top leaders at J.P. Morgan, I am very grateful that all of those deposits are in fact secure with J.P. Morgan's acquisition having taken place there. But in other areas there is a lot of uncertainty.

So, Mr. Speaker, I want to say that we want to do what we can to put into place policies that will encourage private sector economic growth. Fortunately, this so-called stimulus package that has been presented to us is one that is focused on public sector economic growth.

Again, many parts of it we support. It is very key for us to have an infrastructure system in this country if we are going to encourage the private sector movement of goods in the country and for people to be able to move around. We know that these are very important items. But the truth is, many other things that we need to do to deal with private economic growth.

Now, I talked about the procedural problem that we have and the fact that the New Direction for Education, which has been eviscerated by the actions that we are taking here, and that has been the case for the entire Congress, tragically. But we just now had, as my friend from Hood River said very well, received this this morning, so a number of us are having a chance to look at this.

My friend just pointed to me on page 12, the fact that we have something in this bill known as the 21st Century Green High Performing School Facilities for the Department of Education, which would allow for the construction of so-called green schools, putting roughly $3 billion, $3 billion in this, to build schools in the Mariana Islands, Micronesia and other spots. And I know that the package that my friend from Hood River, Oregon, has been championing, working with our Rules Committee colleague Mr. HASTINGS on for secure rural schools, has a cost of about $3.1 billion over a 4-year period.

So we are just finding these things out in this measure. To me, it is beyond the pale that they would come forward without allowing a single opportunity to work in a bipartisan way.

I congratulate my friend from Tampa for talking about the need for us to work in a bipartisan way. She is absolutely right, I totally concur with that. Unfortunately, this legislation is doing anything but that.

I would like to now yield to my friend from Hood River, Oregon, a great champion of the Secure Rural Schools Program.

Mr. HASTINGS. Mr. Speaker, I thank my friend from California for his leadership in the Rules Committee and his steadfast support for rural community schools. Even though you don't necessarily represent a rural district, you have certainly shown your interest in my State and in helping out.

I guess one of the issues that arise today, it is sort of hard to figure this
floor anymore and the Democrat majority, because the Democrat major lectured us in the Rules Committee last night and down here on the floor all day, saying we are not going to put rural schools reauthorization funding in the $80 billion tax extenders bill because they are going to do that and we are not going to do that. So they raised $60 billion in taxes to cut $60 billion in taxes. So that was the reason then, not paid for.

Now we have dropped upon us a bill that most of us are just getting to see for the first time that is at least 46 pages long that spends $60 billion. $60 billion. I guess we will borrow more money from China to do it. And I don’t see a single offset in here.

I would ask if the gentlewoman for Tampa would yield to a question. Is there a single offset in here to offset any of this $60 billion?

Mr. DREIER. Mr. Speaker, reclaiming my time, I would be happy to yield to my friend from Tampa if she would like to explain exactly how this is going to be paid for.

Ms. CASTOR. Mr. Speaker, similar to the administration’s $700 billion emergency economic rescue package, this emergency stimulus package, to provide jobs to the American people, to enhance the health care safety net, this is an emergency situation.

Mr. DREIER. If I could reclaim my time, Mr. Speaker, I began my remarks by talking about the fact that we are dealing with a very serious economic downturn and a financial crisis in this country, and very serious attempts are being made to work in a bipartisan way. We have Republican representation, I know Speaker PELOSI and those at the White House are working on this.

Now, to liken this $60 billion package that was just dropped on us, which is designed to dramatically increase public spending, with the effort that Democrats and Republicans alike are pursuing to try and deal with the economic challenges that we face as a country when it comes to the confidence level of markets and people who are losing their homes, is just preposterous.

I would be happy to further yield to my friend from Hood River.

Mr. WALDEN of Oregon. I thank the gentleman, because clearly we weren’t going to get the answer, and I will give it to you. There are no offsets here. There are no offsets here. It’s $60 billion in spending, which apparently is okay for the Democrat majority to do after 2:15 in the afternoon in Washington, D.C., but earlier we were told we couldn’t fund a 100-year-old commitment to rural counties and school districts because there wasn’t an offset. That was this morning when they said they needed.

Mr. DREIER. If I could reclaim my time, it was not only this morning, but it was last night. It has been day in, day out in the Rules Committee. We have repeatedly offered an amendment that five Democratic Members of the Rules Committee have cosponsored as legislation that the gentleman has. Yet they have refused vote after vote upstairs in the Rules Committee to allow us to consider an important issue of secure rural schools.

I am happy to further yield to my friend.

Mr. WALDEN of Oregon. I will tell you what I hear at home. Why does the Federal Government make promises it can’t keep? Why does it start new programs when it doesn’t take care of the programs it has in place?

This is a real-time perfect example. This program, identified on page 12 of this bill, would allocate $3 billion for this green school program. Now, I am actually one of the cochairs of the Renewable Energy Caucus. I believe firmly in renewable energy. I am a fan of it. The Federal Government is the energy in my district than anywhere in the State of Oregon, and the State of Oregon is about to be leader in the country in wind energy. All of that is good. Conservation is good. I believe in it fully.

But what happens here is you are starting a new program for $3 billion, and you are throwing over the cliff the people in rural America, the 4,400 counties, 600 school districts in 42 States who had a commitment with this Federal Government, dating back 100 years, where there are forested lands, that revenues would be shared, and that the Federal Government would be a good partner, a good neighbor. That’s why Theodore Roosevelt, when he created the great forest reserves, said the only way they will continue to survive and thrive is if the local communities are brought into the process. For my colleagues who may be from the east coast, understand this is a map of the United States. It shows Federal landownership.

Look at how much is owned by the Federal Government in the western States versus the eastern States. If you had 55 percent of your State owned by the Federal Government, and it was in forests that you, the Congress, are refusing to allow proper management of, this is what you end up with. This is after the Egil fire in 2007. These children are smoldering. In short, 150,000 acres of land that is 25 years to the southern part of my district today, there’s 500,000 acres that are ready to do this, because they are dead, in our Federal forests.

The legislation that I had hoped to get a bipartisan opportunity to offer a bipartisan amendment in a House that should be bipartisan would restore the county Secure Rural Schools and Community Self-Determination Act, a part of which allows for collaborative organizations, including environmental groups, to work with local communities to develop plans to get in and manage the forests so we don’t burn them all up. If you care about green-

house gas emissions, as I know many on that side of the aisle does, stop allowing your forests to burn up.

I would have, if given the opportunity, substituted the $3 billion that you are going to send out to every State in the country, and especially to my State, that I have been used to lobby for, the Mariana Islands and everywhere else, I would have substituted that $3 billion and put it in place to keep a pledge and promise and commitment to the rural communities in my State and their teachers and their sheriffs’ departments and their search and rescue departments, and their teachers.

Because, you see, we have got to quit in this Congress starting new programs and not taking care of the old ones. We have got to stop breaking promises and commitments to the people of this country. It could have started here. When I hear, oh, gee, I wish this were all bipartisan, and I wish that, you know, the process didn’t matter, I’ve just got to call it the way I see it.

Mr. DREIER. If I could reclaim my time, I would like to thank my friend for his very thoughtful contribution.

Here we are dealing with these very, very serious economic and innovative challenges that exist all over the country. The gentleman has come forward with Democratic and Republican support for his effort, and it’s being denied, once again, under a process that really undercuts the deliberative nature of the institution.

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

Ms. CASTOR. Mr. Speaker, may I inquire, please, how much time is left on both sides.

The SPEAKER pro tempore. The gentlewoman from Florida has 12½ minutes remaining. The gentleman from California has 5 minutes remaining.

Ms. CASTOR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the gentlelady very much.

Mr. Speaker, I think it’s important for the American people and my colleagues here to understand just what we are discussing. I am delighted that the gentlelady from Florida indicated, she used the word, the appropriate word, it is the economic emergency stimulus package. What we are doing right here is to insist that we are able to move that package forward as quickly as possible.

To my good friend from Oregon, I think it’s important to note that we do care about rural schools. In fact, we had a bill by PETE DeFazio to fund those rural schools. Of course, it was not responded to warmly by our friends on the other side of the aisle.

To my good friend from Oregon, I think it’s important to note that we do care about rural schools. In fact, we had a bill by PETE DeFazio to fund those rural schools. Of course, it was not responded to warmly by our friends on the other side of the aisle.
is the public-private partnership that this economic stimulus package addresses.

Now I stand here wearing several hats. One, my whole area now in the gulf region has been impacted by Hurricanes Ike. Hurricane Gustav came through and a number of other hurricanes.

We need this emergency economic stimulus package. Let me tell you why, very briefly, and I think it's important for us to understand, whatever the government does, it has impact in the private sector. If we put $3.6 billion to purchase buses and equipment to the American people, it is the private sector that will provide that for us. This is an emergency economic engine.

As a chairperson of the Transportation Security and Infrastructure Protection Subcommittee, I can tell you that airport improvement grants are crucial in determining major safety and security. That is the private sector that will implement to work. Now some 84,000 Americans have lost their jobs.

It is important to have an extension of unemployment benefits to help these people restart their lives to pay their rent or mortgage. It is equally important to fund back and public borrowing, then, of course, to break down this thing called highway infrastructure, crumbling, that is, by its very nature, a partnership with the private sector.

Thousands upon jobs of contractors, of engineers, architects and designers will be working to put the Nation's crumbling infrastructure back to work, and fixing crumbling schools. I have 180 schools out because the power is down. That's an infrastructure issue that needs to be fixed and rebuilt.

What we are doing here is responding to the emergency needs of America. This is an economic stimulus package that is thoughtful, that is sound, and it addresses the concerns of the American people.

My people, or these people in the gulf region, are strong, they are resilient, they are rebuilding. But I must say to you this economic is something that we need. It is crucial that we begin to put America back together again. I am supporting this legislation because it balances the needs of America, but, yet, yields to the concept of public and private partnership. It helps a broken system with Medicaid assistance because it recognizes that people who are unemployed cannot provide for themselves.

Pass this same-day rule and pass the stimulus package.

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

Ms. CASTOR. Mr. Speaker, I yield the gentlelady an additional 10 seconds.

Ms. JACKSON-LEE of Texas. Pass this stimulus package, because on behalf of the gulf region and all of those, the gulf region, who suffered horrific devastation by Mother Nature's devastation, this economic stimulus package is needed today, not yet today, not tomorrow, but needed today.

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

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the gentleman from New York.

Mr. HALL of New York. I thank the gentlelady.

Mr. Speaker, I stand here in strong support of this economic stimulus package, which will have an immediate effect on our economy by creating investments in infrastructure projects that can start fast, meet existing needs and create jobs. These projects provide short-term benefits by putting people to work, buying goods, and leave behind long-term infrastructure assets that will benefit Americans for years to come.

Outside of the crumbling schools that will be repaired, the water projects, the transit, the advanced battery technologies, et cetera, I just mention the one that I am thinking right now about the most, highway infrastructure, $12.8 billion for our Nation's crumbling, aging, highways and bridges, to improve our safety and reduce traffic congestion. In my district, there are 13 bridges on the deficient list that was released after the I-35 bridge collapse in Minnesota. If we can spend $12 billion a month in Iraq, certainly we can come up with this $12.8 billion to repair the bridges that our school buses, our trucks carrying commerce, and our family vehicles are going across every day. This will be a job-creation program whose jobs cannot be outsourced. We would be rebalancing the value of our own country, nation building here at home, and creating jobs for our people that cannot be sent abroad.

Mr. DREIER. Mr. Speaker, I would like to inquire of my friend from Tampa how many speakers she has remarshaled.

Ms. CASTOR. Mr. Speaker, we are done with speakers on our side.

I would like to submit for the RECORD a copy of a letter from the Republican Governor of the State of Florida, Charlie Crist, who writes: 'I am writing to you in the last days of the 110th Congress to reiterate my support for congressional action regarding the Federal Medical Assistance Percentage,' the Medicaid portion of this bill.

OFFICE OF THE GOVERNOR,
Tallahassee, FL, September 25, 2008.

HON. ALCEE HASTINGS,
House of Representatives, 235 Rayburn House Office Building, Washington, DC.

HON. LINCOLN DIAZ-BALART,
House of Representatives, 224 Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMEN HASTINGS AND DIAZ-BALART: I am writing to you in the last days of the 110th Congress to reiterate my support for congressional action regarding the Federal Medical Assistance Percentage (FMAP).

As you will recall, the impact of seven hurricanes in 2004 and 2005 and subsequent reconstruction has resulted in approximately $100 million and makes it increasingly more difficult to serve residents who need care. This reduction in the federal share of Medicaid funding has placed additional pressure on the state during these economic times.

Our goal is to continue to provide quality services to those currently receiving benefits, and those who just now find themselves in need of assistance. Florida continues to seek a temporary increase in its FMAP and hopes to work with you on a longer term solution to address natural disaster implications to the FMAP allotment. As Congress considers providing relief for states, I ask for your support in ensuring FMAP relief in a manner that will best enable Florida to serve the most residents in need.

I appreciate your willingness to work on this issue as well as other matters impacting our great state.

Sincerely,

CHARLIE CRIST.

Mr. Speaker, I reserve until my colleague from the Rules Committee has made his closing statement.

Mr. DREIER. Mr. Speaker, in light of the fact that my friend is going to provide her closing statement, I would inquire, how much time do I have remaining.

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining.

Mr. DREIER. Mr. Speaker, let me simply say that we are, as I pointed out at the beginning of our debate today, the appropriation of billions to address natural disaster implications to this issue, faced with a very serious economic downturn. A crisis of confidence exists in our financial markets. An attempt is being made in a bipartisan way to deal with that at this very moment. We all hope that there can be a resolution that ensures that taxpayers are not going to be unfairly saddled with a responsibility, and that the government is not going to expand its reach any further. As we look at those bipartisan negotiations going on right now between the two bodies, including the White House, Democrats and Republicans alike, it seems to me that we need to recognize that what we are engaging in here is little more than posturing. Yes, we all acknowledge that there are things in this measure that are very important that we need to address, but this is not the way to do it—in an overnight package that was presented at 9 a.m. this morning, rammed through the Rules Committee with a partisan vote, and already terminated in the United States Senate, and with the President of the United States stating that if he were to get this measure, he would, in fact, veto it. So I wonder why it is that we are here.

The distinguished chairman of the Appropriations Committee has twice this week, before the Rules Committee, said that the most famous line from Franklin Delano Roosevelt’s famous speech was, “We have nothing to fear but fear itself,” but, he said, the line that got the greatest ovation was, “We must take action.”
It is very clear that we do need to take action. But action should not be taken in a way that completely undermines the deliberative process. There were mistakes that were made in the past Congresses, and I will acknowledge that. Some of those mistakes that were made led to the establishment of this document called “A New Direction for America.”

This “A New Direction for America” has just been obliterated. It is absolutely worthless, because it has been through the process of the commitment made that has been ignored. I want to say that I hope that we can defeat this rule. We are going to try to defeat the previous question. Recognizing that this Nation needs to use more of its natural resources while looking to the future with renewable sources of energy, Republicans are advocating an all-of-above approach. We believe that this legislation will lower the price of gasoline, which is what fuels America’s cars today.

If the previous question is defeated, I will move to amend the rule to allow a resolution to prevent Congress from skipping town until we pass comprehensive legislation that will bring down the high cost of energy for American consumers. My colleagues will have the opportunity to support giving States the opportunity to explore and extract energy resources right off their own coasts, opening America’s Arctic energy slope, extending renewal energy incentives, supporting research for alternative clean fuels, and minimizing unnecessary litigation that delays or prevents American energy production.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous materials inserted into the RECORD prior to the vote on the previous question.

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

There was no objection. 

Mr. DREIER. Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, the economic crisis for many American families did not begin this week. The economic squeeze has been ongoing for a long time. For example, just this summer in my district in the Tampa Bay area, I have the privilege to represent, we held foreclosure workshops for families facing foreclosure, maybe they had just gotten their first notice. I was shocked, hundreds of families showed up at the workshop where we sat through a day with a lender, one on one, to try to begin that workout period. It was great. They could get a little grace period, they could get a little breathing room. I heard numerous stories about a lost job in a family, something that was completely unanticipated.

Mr. Speaker, at this time when our Nation’s leaders are meeting in a bipartisan way with the White House, the leaders here in the Congress, the folks at Treasury, listening to experts from all around the country and listening to everyday, average Americans weigh in on this emergency situation, I think it is very important that all of our colleagues have a little breathing room. If you vote for this rule and the underlying bill, I think everyone here can prove that they are listening and hear the American people and understand their struggles today, understand that they have lost jobs. And that’s what this is about: jobs, jobs, jobs. We are going to expedite infrastructure projects across the country, bridge building, road building, put a lot of these folks that have been put out of work in the construction sector back to work.

Health care, health care services for our children and for our seniors that do not have any place else to turn. Hear the American people, hear their voices. It is not just health care for those children and those who are the closest, it is not nowhere else to turn, but it takes the burden off all the rest who are paying higher copays and higher premiums. They won’t have to pick up that tab that is being put upon them unfairly because everyone is going to the emergency room for primary care. Hear the American people.

I think that most of the Nation’s leaders are taking this very seriously. They are meeting right now to address the emergency here. The emergency response must be carving a modest sliver directly for people at home.

At the beginning of the week, the administration came with a 2 ¹/₂ page proposal for $700 billion. People got to work. Everyone understood that was unreasonable. You can’t give a blank check. So they went back to the drawing board and ratcheted it back, and they keep working on it. But think about it, $700 billion that a lot of expertise, that a lot of foresight put into Wall Street, largely; and what we are asking for here is $60 billion for families, for jobs, for health care for kids and our seniors, to give breathing room for unemployment compensation for a few more weeks to, hopefully, get them through this emergency.

I really do appreciate the White House’s response to this because yesterday after their meeting, they did not rule out this stimulus package. They say, Senator Reid. They say, the Senate is doing. It is a little different than there, but this is serious business. Do you hear the American people?

It is our moral imperative at this time of emergency to hear the American people. Now, most of us weren’t around during the Great Depression, but I know there are many people who are students of history and love to read about FDR and how he handled that crisis. Hopefully we are not there yet. Hopefully these times are not as dire as the times that our country went through from my parents and grandparents.

But let’s act now to ensure that we do not face such hard times.

Mr. Speaker, do you hear the American people? Do you hear what they are saying about their retirement accounts? Do you hear what they are saying about their saving for college for their kids? Do you hear? All of our colleagues hear the American people, support this rule, support this job creation and infrastructure investment package. I urge a “yes” vote on the previous question and on the rule.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 1503 Offered by Mr. DREIER OF CALIFORNIA

At the end of the resolution add the following section:

SIC. 2. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

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

The VOTE ON THE PREVIOUS QUESTION; WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on the special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the current status quo for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon’s Precedents of the House describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon describes the Speaker’s ruling of January 13, 1929, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question was refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for amendment, is entitled to third recognition.”

Because the vote today may look bad for the Democratic majority they will say “the
vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever . . . But that is not what they have always said . . . Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 100th Congress . . . If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages hours of debate and may offer a germane amendment to the pending business . . . Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate . . .” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control of debate shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon . . . Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan . . . Ms. CASTOR. I yield back the balance of my time, and I move the previous question on the amendment . . . The SPEAKER pro tempore. The question is on ordering the previous question . . . The vote was taken by electronic device, and there were—yeas 222, nays 198, not voting 13, as follows: (Roll No. 664) YEAS—222


H10058
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich

Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
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September 26, 2008

CONGRESSIONAL RECORD — HOUSE

Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre

04:00 Sep 27, 2008

Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
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Reynolds
Rogers (AL)
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Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg

Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi

Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14
Cannon
Costa
Cubin
Gingrey
Pence

Peterson (PA)
Pickering
Richardson
Scott (VA)
Thompson (MS)

Tierney
Waters
Weller
Wexler

b 1511
So the resolution was agreed to.
The result of the vote was announced
as above recorded.
A motion to reconsider was laid on
the table.
f

FURTHER MESSAGE FROM THE
SENATE
A further message from the Senate
by Ms. Curtis, one of its clerks, announced that the Senate has passed
with an amendment in which the concurrence of the House is requested,
bills of the House of the following titles:
H.R. 3068. An act to prohibit the award of
contracts to provide guard services under the
contract security guard program of the Federal Protective Service to a business concern
that is owned, controlled, or operated by an
individual who has been convicted of a felony.
H.R. 5571. An act to extend for 5 years the
program relating to waiver of the foreign
country residence requirement with respect
to international medical graduates, and for
other purposes.

The message also announced that the
Senate has passed bills of the following
titles in which the concurrence of the
House is requested:
S. 3605. An act to extend the pilot program
for volunteer groups to obtain criminal history background checks.
S. 3606. An act to extend the special immigrant nonminister religious worker program
and for other purposes.
f

EFFECTIVE CHILD PORNOGRAPHY
PROSECUTION ACT OF 2007
The SPEAKER pro tempore. The unfinished business is the question on
suspending the rules and concurring in
the Senate amendment to the bill, H.R.
4120.
The Clerk read the title of the bill.
The SPEAKER pro tempore. The
question is on the motion offered by
the gentlewoman from California (Ms.
ZOE LOFGREN) that the House suspend
the rules and concur in the Senate
amendment to the bill, H.R. 4120.
The question was taken.
The SPEAKER pro tempore. In the
opinion of the Chair, two-thirds being
in the affirmative, the ayes have it.
Mr. HASTINGS of Washington. Mr.
Speaker, on that I demand the yeas
and nays.

PO 00000

Frm 00082

Fmt 4634

Sfmt 0634

The yeas and nays were ordered.
The SPEAKER pro tempore. This
will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 418, nays 0,
not voting 15, as follows:
[Roll No. 656]
YEAS—418
Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw

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H26SEPT1

Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson

Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty


Mr. McGovern. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1507.

Mr. Speaker, House Resolution 1507 provides for the consideration of H.R. 7110, the Job Creation and Unemployment Relief Act of 2008. After 1 hour of debate on the motion to recommit, the bill is then considered in accordance with the terms of H.R. 7110.

Providing for consideration of H.R. 7110, the Job Creation and Unemployment Relief Act of 2008

Mr. McGovern. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1507 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved. That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

All points of order against consideration of the bill are waived.

Mr. Speaker, House Resolution 1507 provides for the consideration of the bill to such time as may be designated by the Speaker.

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

There was no objection.

The Speaker pro tempore. Mr. McGovern. Mr. Speaker, I call up House Resolution 1507 and ask for its immediate consideration.

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The Speaker pro tempore. The gentleman from Massachusetts?
Over the past 8 years, more people have been forced into poverty. Over the past 8 years, student loans have become even harder to get, denying access to a college education. Over the past 8 years, more people have trouble putting food on their table. Over the past 8 years, more people have trouble finding work to support their families. Over the past 8 years, our infrastructure, our roads and our bridges and levees have deteriorated, and in some cases have collapsed. I hope that the American public sees a pattern here.

And these problems didn’t just magically happen. We’re in this mess today because of the way the Republican party has turned their backs on anyone not fortunate to make millions of dollars, because of President Bush’s insistence on tax cuts for the wealthy, and because of the reckless spending originating from the then Republican-controlled Congress.

My friends, we are in this mess today because of the reckless fiscal and financial mismanagement proposed by this President and rubber-stamped by the Republicans in Congress. And now that the past 8 years has led us to the biggest and most desperate financial crisis since the Great Depression, the Republicans in the House are saying more tax breaks for their rich friends on Wall Street. Their answer to a frozen market is more tax cuts for the rich on Wall Street. Their answer to a frozen market is more tax cuts for the rich on Wall Street. Their answer to a frozen market is more tax cuts for the rich on Wall Street.

When the times get tough, the Republicans try to cut taxes for the rich.

That’s not leadership, Mr. Speaker; that’s just more of the same bad policies that got us here. There is a different way, a way that looks out for Main Street.

We recognize, those of us in the Democratic Caucus, we recognize that everyday Americans, not the Donald Trumps of the world or the big oil companies, are the ones helping us in these very tough times. We know that rising food prices are causing people to cut back on the food that they’re putting on their tables. We know that jobs are increasingly hard to find, and that unemployed Americans are exhausting the unemployment benefits that are helping them scrimp by as they look for new jobs. We know that the crumbling infrastructure in our Nation must be fixed, that we cannot risk another bridge collapse like the one that took place in Minnesota last year. And we know that investments in infrastructure will create new jobs and make our people safer.

The people who are calling our offices angry about the bailout for Wall Street are saying, “Wait a minute. What about us? What about us?” And that is exactly the question we are here to answer today. Today, Democrats are saying to the American people, to the people of Massachusetts, “We hear you.” That’s why we have an economic stimulus bill that will provide a $60 billion jump to start the economy.

In this bill, Democrats will provide almost $7 billion in infrastructure development. That means more highway construction, funding for passenger rail improvements, increases in clean water and flood control. There is funding for school modernization and public housing improvements in our infrastructure— which are badly needed after years of neglect by this President and his allies in this Congress, these are jobs programs. More funding for infrastructure programs means more people being hired to build roads and bridges, to repair schools, and to improve our waterways.

Mr. Speaker, I am particularly pleased that we are providing funding for communities like those in my district that are struggling with complying with clean water requirements and are looking to the Federal Government for just a little bit of help.

As a Member of Congress who represents a district that I know how important airport improvement grants really are. In this bill, Democrats provide $600 million for AIG grants to help regional airports alleviate the massive congestion at our major hubs.

In this bill, Democrats provide $1.6 billion for development of energy efficiency and renewable energy technologies. In particular, $1 billion will be dedicated to an advanced battery loan program, which will allow for U.S. companies to develop technology for plug-in hybrid electric vehicles.

In this bill, Democrats provide an increase in the Medicaid matching rate to prevent cuts in health insurance and health care services for low-income children and families.

And in this bill, Democrats provided an additional 7 weeks of extended benefits for workers who have exhausted regular unemployment compensation.

Extended benefits is one of the quickest, most cost-effective forms of economic stimulus because workers who have lost their paychecks spend benefits quickly.

And very importantly, Mr. Speaker, in this bill, Democrats provide $2.6 billion to address rising food costs for seniors, people with disabilities, and very poor families with children. We know that millions of our fellow citizens are struggling to put food on the table. Seniors are being forced to choose between eating and taking their medications. And we know food stamp will provide a targeted stimulus to the economy. We know that every Federal food dollar generates twice that in economic activity. Experts at CBO and Moody’s, as well as economists from across the political spectrum, agree that increasing money for food stamps is a powerful economic stimulus that can reach the low-income families who may not have benefited from the first stimulus package.

Mr. Speaker, I am extremely grateful to Chairman Obey for including this provision in this bill. I am also grateful for the leadership of Congressman Jesse Jackson, Jr. and Congresswoman Rosa DeLauro for their advocacy on behalf of food and nutrition programs.

Now, Mr. Speaker, I expect many of my friends on the other side of the aisle to oppose this package. I expect them to say that it’s too much money and that it’s unnecessary. Well, if I’m right, then it will show the American people just how out of touch they really are.

Mr. Speaker, we need a stimulus package today, not just for Wall Street, but for Main Street. People are struggling, and they need and deserve our help. They don’t need your empathy, they don’t need your sympathy, they don’t want you to feel their pain, what they want is your vote, your vote on a stimulus package that will help them, that will benefit every American, every American.

So I hope the Republicans, Mr. Speaker, will finally join us in meeting the real needs of the working families of this Nation.

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

Mr. HASTINGS of Washington, Mr. Speaker, I want to thank my friend from Massachusetts (Mr. McGovern) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.

Mr. HASTINGS of Washington, Mr. Speaker, this morning, our Democrat colleagues spoke about the need to “pay as you go” as that relates to government spending. They insisted that if we are going to extend existing tax relief to protect Americans from big tax increases, that those tax extenders must be paid for. So that is, to put it another way, to have tax relief, they insist on having massive tax increases. That’s the recipe the House Democrats are staying away from passing a bipartisan compromise tax relief bill that passed the Senate by a vote of 93-2 and which President Bush said he would sign into law.

Now, Mr. Speaker, let me repeat again; these are tax extenders, meaning that tax relief currently exists for the people I’m going to mention here, and without action, taxes will go up; tuition deductions for students. That means that tuition will go up for students trying to improve themselves. State and local sales tax deductions for States that don’t have an income tax. There are seven States; my State of Washington, Florida, Texas, and others are involved in that. There is a research and development credit to enhance and help businesses innovate to help the economy move. That would go away. And also, for our teachers that are teaching our schoolchildren, we don’t want our teachers to pay an expense deduction when they have to go out and buy other materials in order to teach the students that they are teaching.
Also just another example, there are many more examples, Mr. Speaker, is more standard deduction for real property taxes, when they are feeling the crunch right now, that should stay. These are current tax reduction principles.

But in order to put them in place, the Democrats would increase taxes in another way. Now that was what they were talking about this morning. It is now 3:45 this afternoon. And the tune of the remarks now that they were making as relates to PAYGO has changed, because now they are proposing to increase government spending by billions and billions of dollars.

But it, Mr. Speaker, is not paid for. So when it comes to lower taxes and preventing tax increases, Democrats insist on raising taxes. But when it comes to government spending, they just spend and spend and spend with no concern on how it's going to be paid for. It is a closed rule. And it has set an example like that. Yet House Democrats won't even let this House, the people's House, have a vote on a Senate bill that is focused on lowering taxes and ensuring the extension of the tax relief that I was talking about in just those small examples. But it is the House Democrats who are refusing to allow the House to vote on a bipartisan tax bill that passed the Senate by a vote of 93-2.

Tax increases would hurt our economy and our jobs. History is full of examples like that. Yet House Democrats won't even let this House, the people's House, have a vote on a Senate bill that is focused on lowering taxes and not raising them. So House Democrats are the only ones that are standing in the way of tax relief and tax fairness from becoming law. And again, Mr. Speaker, this is existing tax law.

Just this morning, I spoke with the junior Democrat Senator from Washington State, Maria Cantwell, who, by the way, is a member of the Senate Finance Committee. And she helped put this tax relief package together in the Senate. She called me because of her deep concern that the House's action or refusing to act might put this bill in jeopardy. I fully agree with her. And I told her that I am committed in a bipartisan way of supporting her work in voting on the Senate bill, and I said that yesterday. If of course the House Democrats would quit blocking this bill.

So here we are. Rather than voting on the Senate tax relief bill to help our economy, the House chooses to consider this cobbled-together appropriations bill. Now I have talked about this before. And it's probably well known. But the House Appropriations Committee unfortunately has failed to pass into law even one of the 12 annual appropriation bills to date. This government does not believe the fact that the fiscal year ends in only 4 days. That committee has failed to do its job of passing these bills unfortunately. I might say, and this is also well known, in the middle of a committee markup last summer we just traveled the meeting to a close, and they got up and walked out.

So now the House is considering this appropriation bill that was first unveiled to us around 9:30 this morning. And of course it was revealed without any consultation from House Republicans. So it would have to have been written in total secret if that is the case. And with this rule that we are considering, the House Democrats are setting a new rule for Members from offering any amendment to improve, to add, or even to subtract if one would desire, or to offer their own ideas on this spending bill.

It is a closed rule. And it has set another record in this Congress for having closed rules. I don't believe, Mr. Speaker, that this is a serious effort to stimulate the economy and create jobs because the Senate has defeated even considering a stimulus package in that body. So now the House is going to go off track where. And frankly I think we all know that.

Now, Mr. Speaker, let me address another issue that we have had a great deal of discussion on in the past 2 days, and that is the issue of the Secure Rural Schools Act. This program affects hundreds of rural counties and thousands of school districts across the country. And these school districts and counties are running out of money. As a result, they are laying off teachers and closing lunchrooms. And frankly they are in deep pain. But this bill does nothing to help us. We were told this week by House Democrats that Rural Schools was left out of the tax bill because it's not paid for. But now they bring an unpaid-for appropriation bill to the floor and they left out Rural Schools in this bill.

House Democrats say Rural Schools isn't a tax bill because it's not a tax issue. I guess I can concede that. Then why then have an appropriations and spending bill, why then would you leave out Rural Schools because clearly it's a spending bill?

Mr. Speaker, I think this House needs to stop with the excuses, to stop with the nonsense, and to stop paying lip service to these rural communities and the thousands of kids that attend schools in these communities.

In the Senate tax bill there is a provision to extend the Rural Schools Act for 4 years, 4 years, to help them. But the House apparently won't let us even vote on that proposition. So, Mr. Speaker, I would urge my colleagues on the other side of the aisle to stop standing in the way. Let's get on with this business as this Congress winds down.

And with that I reserve the balance of my time.
Mr. OBEY. Would the gentleman yield?

Mr. FLAKE. I yield the gentleman for 15 seconds.

Mr. OBEY. Let me simply point out the Senate package failed because they loaded it up with 32 additional items. We tried to keep this thin and so that it’s fiscally responsible and has a chance of getting the President’s support.

Mr. FLAKE. I thank the gentleman. And if somebody can call a $61 billion bill “slim,” then let them try. But this one, you can try to call it “sticker.” But sticker to me, and I didn’t like the last stimulus bill I passed back in Congress. And I didn’t vote for it. But to call this “sticker” is a real stretch. People at home want to keep more of their own money and not send

Mr. McGovern. I appreciate the gentleman’s comments, but again I disagree with him. What I am talking about is investing in infrastructure to make our bridges safer, to create more jobs, to help stimulate this economy. So we have a very different approach.

We need to do something. We are in a fiscal emergency. The President is asking for $700 billion. Don’t pay for it. $700 billion to bail out Wall Street, and what we are saying is, look, we have to do a little something for Main Street, in the area of infrastructure, education, health care.

I don’t think that is too much to ask.
same consideration that the President of the United States is now asking that we give to big companies on Wall Street.

Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Education and Labor Committee.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, because our country urgently needs to create new jobs and provide vital relief for struggling families to get our economy moving forward again, I rise in strong support of our economic stimulus package, H.R. 7110.

Our economy needs two things right now to help workers and families. First, we must restore the confidence in the credit markets, confidence that was destroyed by the reckless lending and risk-taking by banks and Wall Street institutions and the failure of the Bush administration to properly police and regulate those financial markets on behalf of the taxpayers.

We must revive the credit markets to help the economy grow again and create jobs so that Americans can borrow at a reasonable rate to make payments and small businesses, invest in new equipment and inventory, borrow for college education, start a new business, buy an automobile or protect their pensions.

Wall Street and Main Street are joined at the hip. We all share an interest in helping to restore the confidence in these markets that have been so battered by the lack of regulation over the last several years.

Secondly, we must invest directly in new infrastructure, roads, bridges, mass transit, clean water and new schools to get America working together, to create good, well-paying, good-paying, middle-class jobs for Americans all across this country.

Thousands, hundreds of thousands of Americans have lost their jobs so far this year. The unemployment rate continues to go up month after month as people are looking for jobs to support their families.

Our economic recovery package will yield immediate results, helping to get more Americans back to work. It provides for long overdue investment of $3 billion to repair crumbling schools and help children, while also creating construction jobs so desperately needed for millions of unemployed Americans through extending the unemployment insurance benefits to help cover the basic living expenses of them and their families, a $500 million investment in job training programs to prepare workers for new jobs; to create new recycling projects that are so desperately needed in the parts of our country that are now in persistent drought conditions, and we need to use water more efficiently so that we can continue to have economic growth and the growth of jobs.

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

Mr. McGOVERN. I yield 1 additional minute to the gentleman.

Mr. GEORGE MILLER of California. That is what this legislation is about. It is about putting Americans to work here at home by making the basic investments that our transportation systems become more efficient, our water systems become cleaner, our recycling of water makes more efficient use of that water, and so that people and goods and services can move across this nation more efficiently so that we can continue to have economic growth and the growth of jobs.

We are not only falling behind the competition in terms of intellectual property, in terms of intellectual capital and science and engineering, we are falling behind in the basic infrastructure that is needed for this country to compete with the rest of the world in the movement of goods, in the education of our children and the improvement in our water systems and the infrastructure that is needed for this country to compete with the rest of the world.

This is an urgent piece of legislation, and I would encourage all of my colleagues to support it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Oregon (Mr. WALDEN), who probably knows more about the Secure Rural Schools Act than anybody in this country, and it is probably because his district is the second most impacted of any district in the country.

Mr. WALDEN of Oregon. I thank my good friend and colleague from Washington State’s Fourth District, who has been a real partner in this effort to try and real truth and not only our Secure Rural Schools and Community Self-Determination Act, but also to support additional funding for payment in lieu of taxes, because, you see, both of those are commitments that this Federal Government has had to rural communities across its land for upwards of 100 years.

I know the gentleman on the other side of the aisle who is presenting this closed rule, a record, another time the leadership’s decision to strip county payments included, but would sign the bill, since it has no offsets, since it is being rushed to floor to deal with the Secure Rural Schools Act, and you rejected even allowing that amendment to be voted on here.

Yesterday, I held up a page in this bill on page 12 you fund a new program, a program for green schools. Now, I am all for conservation and energy efficiency and all those things. But it is $3 billion, $3 billion with a B dollars, for a program? Don’t you worry about those jobs? Don’t you care about those people and those services?

If the libraries in Jackson County closed last year. This is the biggest county in my district. We have got counties in southern Oregon, in the Fourth District, that are contemplating bankruptcy. That means going out of business altogether. There will be no nighttime patrols.

Why do you spend on a new program $3 billion, and not reauthorize and keep the commitment of an existing Federal program? Don’t you care about those jobs? Don’t you care about those people and those services?

Let me tell you what the Portland Oregonian wrote today. “Help for rural counties simply is not a priority in the Bush White House,” as you have heard now, “but the Bush administration on Thursday issued a clear statement that it would sign the Senate bill if it has the county payments included, but would not sign the bill the House Democrats favored. House Democrats also tried to pose as fiscal conservatives in denying county payments, but that was unconvinced too.

They go on to write, "It is Speaker NANCY PELOSI and Democratic leaders who decided to break the Nation’s promise to help support rural counties who host vast areas of Federal timberland."

It is the Democratic leadership. Not the President, not some Wall Street
bailout. It is the Democratic leadership in this House who have told us they will help us, and then every vehicle that comes along, the door is slammed just as we reach for the handle, and it drives off, speeds off to somewhere else and runs over our feet.

That is what has happened here. You can talk all you want about a bailout of Wall Street. I don’t favor a $700 billion bailout of Wall Street, but I do support my local communities. Further, I do believe this government would have lost credibility in this Congress, higher than a 9 percent approval rating, if it simply kept its word. If you kept your word that the rules would be open and we would be allowed to have alternatives brought to this floor, then your talk about bipartisanship might hold some validity.

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

Mr. HASTINGS of Washington. I yield 1 additional minute to the gentleman.

Mr. WALDEN of Oregon. Why won’t you allow us to have this amendment on the floor? I would ask the gentleman from Massachusetts, why won’t you allow us to at least have an amendment on the floor?

Mr. OBEY. I yield to the gentleman.

Mr. MCGOVERN. I would just remind the gentleman that on June 5, we brought to the House floor H.R. 3058, which would have reauthorized the very program he talked about, and he and Mr. Hastings both voted against it. Thank you very much.

Mr. WALDEN of Oregon. Reclaiming my time, I would explain to you why. Why would you refuse not to bring that back under a rule? Why?

Mr. MCGOVERN. Why didn’t the gentleman vote for it when he had a chance to?

Mr. WALDEN of Oregon. I will get to that. I will reclaim my time. You refused to bring any under a rule to the House because you wanted no alternative by the minority to be considered. You brought it under suspension.

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

Mr. HASTINGS of Washington. I yield 30 additional seconds to the gentleman.

Mr. WALDEN of Oregon. And under the suspension of the rules, you denied the minority the opportunity to offer an amendment, you could have counted on many other bills and have, you could have brought H.R. 3058 back yesterday, the day before, any day since it went down. You had 218 votes on the House floor and you could pass it.

I voted against it because it violates contracts. It was a placeholder. And you did not keep your word coming out of the Resources Committee that it would include payment in lieu of taxes when it came to the floor and it would have a different pay-for. That was another broken commitment.

So bring it to the floor. Bring it tomorrow. You are on the Rules Committee, you could do that, and you refuse. So stop the rhetoric, and let’s get to the facts.

[From the Oregonian, Sept. 25, 2008]

FOR HOUSE DEMOCRATIC LEADERS, RURAL COUNTIES ARE NOT A PRIORITY

Help for rural counties simply is not a priority in the U.S. House of Representatives. The leadership here has decided to strip county payments from a popular tax bill just hours after the Senate voted 90-2 for a bill that would have provided $185 million a year to 33 Oregon counties.

We don’t blame Oregon’s congressional delegation. By all accounts, Reps. Peter DeFazio and Earl Blumenauer, both Democrats, and Rep. Greg Walden, R-Ore., argued strongly for inclusion of funding for county payments. This was not a matter of their will—it was a matter of the inability of Oregon Democrats to persuade their own party leaders to support the aid to counties.

House Democrats first tried to blame the White House, but the Bush administration on Thursday issued a clear statement that it would not sign any legislation that included county payments, but would not sign the bill that House Democrats favored. House Democrats also tried to pose as fiscal conservatives in opposing county payments, but that was unconvincing, too.

The House Democrats are only the latest leaders in Washington to turn their back on rural America. The White House has consistently been lukewarm to hostile on the payment program. And many of the Republicans who formerly controlled the Congress did not lift a finger to get county payments extended.

But this time, it is Speaker Nancy Pelosi and Democratic leaders who decided to break the nation’s support for rural counties who host vast areas of federal timberland. The Senate, encouraged by Oregon’s Ron Wyden and Gordon Smith, provided strong backing for including the county payments in the popular tax bill.

Now that the White House has signaled its clear preference for the Senate version of the tax bill, Senate President Harry Reid of Nevada and other Senate Democratic leaders should stand firm and send their bill right back to the House, with the county payments intact.

While all this goes on, rural Oregon counties are preparing for wholesale layoffs of their staffs and shutdowns of libraries and other local services. They are also watching the federal government rush to the financial aid, it seems, of everyone and anyone but the timber communities of Oregon and the West.

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

Again, I think I responded to the gentleman. I would just say two other things that I think are important to make note of.

The gentleman, while his party was in control for 12 years, consistently voted for budgets that underfunded the very programs that we are talking about. Secondly, when he talks about a closed process, I don’t recall a single instance when the gentleman ever voted against his party on a closed rule when in fact his party was in control.

So let’s get back to the point of this bill, which is to protect everyday people, who have been neglected by this President and by his allies in the Republican Congress for too long, this is to provide a little relief, to try to stim-
So what I would simply say is this: I gave the gentleman a year. I took money out of the appropriations portion of the pot to give the gentleman a year’s grace. Now, if the gentleman voted against a freestanding authorization bill, as I understand, I think from the clerk that this gentleman apparently did, if the gentleman voted against that free-standing suspension bill, it is not the fault of my committee, and I don’t have to step in and make up for somebody else’s mistakes.

Mr. WALDEN of Oregon. Would the gentleman yield?

Mr. OBEY. It would seem to me, if the gentleman wants that program funded, he needs to find an offset and take it to the proper committee of jurisdiction, because I am tired of having Members of this House combat us from both directions at the same time.

Mr. WALDEN of Oregon. Would the gentleman yield?

Mr. OBEY. I would be happy to yield.

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

Mr. MCGRORY. I will yield the gentleman an additional minute.

Mr. WALDEN of Oregon. I appreciate the gentleman’s courtesy in yielding.

Mr. WELCH. I am never intended for the gentleman. I respect the fact that the gentleman helped us with a 1-year extension. In prior debates on this floor and in the last week and before, I have thanked the gentleman and credited him with this extension.

I also have legislation before the House Resources Committee that would not only extend this program but fully fund it.

Mr. OBEY. With all due respect, taking back my time, if the gentleman did, indeed, vote against the free-standing bill that would have corrected the problem, then, as far as I am concerned, he has no complaint with this committee. We are in the middle of serious economic problems. We are trying, as best we can, to find ways to counter the recession.

With all due respect, I don’t want to get this committee into any more authorization fights than I have to, because I have got a long list of authorization issues that people have objected to when we have included authorization issues on appropriation matters, and you can bet that today there will be some squawks about the fact that we have done.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

Sometimes getting between the dog and a fire hydrant has its problems right now, and let me kind of sort this out. Let me try to sort this out.

The question here, the question here is on a suspension bill. Now, there has been several times this year where there have been suspension bills that have not gotten the two-thirds votes, because it takes two-thirds. It’s suspension bills, it’s not open to amendment.

After the bill, therefore, has been defeated, the bill has gone back to the Rules Committee for a rule to be brought to the floor. The point the gentleman from Oregon was simply saying was that could have happened on that bill aforementioned earlier this year, but it has not gone back to the Rules Committee point of order.

Point number two, and this is very, very important on this particular bill: if we had gone through the normal order of open, open amendment process on appropriation bills, which has historically been the case, then I suspect that my friend from Oregon.

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

Mr. HASTINGS of Washington. I yield myself one additional minute. I suspect my friend from Oregon or others would have had an amendment to put the Secure Rural Schools bill in this bill and offset it with the green initiative that was mentioned that’s also on schools. But we haven’t had the opportunity to even do that because of this process.

Mr. OBEY. Would the gentleman yield?

Mr. HASTINGS of Washington. I will yield.

Mr. OBEY. If we had done that, the bill would not have been in compliance with the rules of the House. You could not have offered that amendment, because it would not have been in order. I would suggest if you have got a problem under an authorization bill, take it to the committee that’s supposed to handle it. Don’t dump every dog and cat in an appropriation bill.

Mr. HASTINGS of Washington. Reclaiming my time, and I wasn’t suggesting that. As a matter of fact, I made the argument in the Rules Committee. I am a member of the Rules Committee.

I made the argument in the Rules Committee that we could waive the rules, which, of course, would have made it in order. It would have made it in order.

Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 8½ minutes, and the gentleman from Massachusetts has 8 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Utah, a former member of the Rules Committee, and a member of the Natural Resources Committee.

Mr. BISHOP of Utah. Mr. Speaker, I guess I stand as someone who also voted against that infamous bill, happily so, because it did not solve the problem.

One of the things we should be here to do is try to solve the problem, regardless of whether there is some archaic rule that prohibits that solution from taking place, which is exactly what happened on that particular piece of legislation.

There are two numbers that I want to once again reiterate, talking about what Mr. WALDEN from Oregon was saying, 52 and 4.

This chart, everything that is blue in this chart is the amount of land owned by the Federal Government in each State. The 52 refers to those of us who live west of the Rocky Mountains. Fifty-two percent of everything west of the Rocky Mountains, the Speaker understands this very clearly, is owned by the Federal Government. You will notice that Montana and California don’t have a whole lot, so the rest of us pick up that slack, my State about 80 percent, Nevada about 90 percent.

Those of you who live east of the Rocky Mountains have 4 percent of your land owned and controlled by an absentee landlord known as the Federal Government. It becomes more insidious. If you were to take the 13 States that have the most difficult time in funding their State education programs, the slowest growth in their State education programs, you will find 11 of those 13 States also are in this infamous blue block found in the West.

The East, in all due respect, does not get this situation, they don’t face it, and neither does the Democratic Party. The two solutions that we have right now, the best solutions, give the land back, but the best solutions we have are PILT, Payment in Lieu of Taxes, for county governments and Secure Rural Schools for the school sections of these particular areas.

This program, Payment in Lieu of Taxes, was started when Nixon was president and was flat-lined in payments of 100 grand a year until 1994 when the Republicans took over. Every year since that time, the Payment in Lieu of Taxes Program has increased its percentage and increased its actual amount of funding, not ever reaching the full authorized amount, which it should have been, but it increased every year until this year.

Secure Rural Schools has found the same source of problems. This year, there has finally been the problem of facing it.

Now, this is essential to us. Schools are running in the West because of this money. Counties are functioning in the West because of this money. A gentleman from New England took recreation in my State, went down kayaking in Black Box, which was a mistake.

Three weeks later the county was able to recover his body. In this tragedy, unfortunately, it also consumed every dime they had set aside that year for their emergency funding processes.

Now, the problem for those in the West when it comes to our schools and our counties, is we don’t have a tax base to get this money back. It is controlled by the Federal Government, which is why PILT and Secure Rural Schools are essential for those of us who are in the West.

That’s where the frustration of yesterday comes in. The Senate passed a tax extender, I think it was 93-2 was the vote, which does fund Secure Rural
Mr. BLUMENAUER. Yesterday on the floor we had the tax extender bill, and my Republican friends attempted to attach this despite the fact it is not germane. It was a tax bill, not an authorizing bill.

Yet during that debate, we heard the Chair of the Ways and Means Committee say that he would work with us in conference because he understands it is important if it came back from the Senate in the bill. Mr. RANGEL said he would accept it in conference where the germaneness would not apply. We heard the majority leader sympathize and say he would work with us.

I would suggest that rather than go down a path that is a dead end and unfairly attack people for things that aren’t in their control, that people get laid off or worse. The unemployment benefits give me more time to secure a job so that I and others like me are not a burden to the system.”

We should stand up for those people and pass this bill.

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

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman his time.

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent to have the text of the amendment sent to have the text of the amendment sent to the Senate in the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman his time.

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman his time.

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Mr. MCGOVERN. Mr. Speaker, I yield the gentleman his time.
and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There being none, the request is agreed to.

Mr. HASTINGS of Washington. Mr. Speaker, let me repeat one more time. There are 90 Democrats who are co-sponsors of Rural Schools. The PAYGO issue is not an issue anymore because this bill doesn't comply with PAYGO, at least in the spirit. Germaneness is not an issue because that was an issue on a tax bill. So the germaneness issue is gone. I don't know what other thing could stand in the way of defeating the previous question so we can amend this rule to have an opportunity to debate and vote this issue of Rural Schools.

Mr. Speaker, I am excited. I think as we close this process down, we are finally going to get an opportunity. This is the opportunity I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me say with regard to the rural school issue, I was very proud to be able to vote for the Rural Schools when the gentleman voted against it. I'm sorry he did that. But what we are talking about here today is an economic stimulus package to help everyday people. This is to help working people who have lost their jobs, to help people afford their health care, to help communities rebuild their roads and bridges and put people back to work. This is to help rebuild our schools. This is a bill to provide much-needed resources to our communities who have been neglected for far too long by this President and his Republican allies in this Congress.

This country, this economy, is in trouble. That is no secret to anyone here. Read the newspapers, tune in to the news. We need to do something. What we need to do is just bail out Wall Street, we need to help people on Main Street. People are tired. They are sick and tired of the rhetoric, the expressions of sympathy and the speeches by politicians who say "I get it." "I know things are bad in your community, I feel your pain." What they want us to do is to take action, to actually vote on something that means something in their lives.

This economic stimulus package invests in highway infrastructure. It invests to help rebuild our crumbling schools. It invests in clean water projects and in transit and Amtrak. It invests in public housing. It invests in energy development to help create green-collar jobs to get this economy moving in the right direction. It extends unemployment benefits. The gentleman from Michigan talked about the plight of so many workers who, because of this lousy economy, have lost their jobs and have exhausted their unemployment benefits. We are all talking about bailing out Wall Street, but we can't extend unemployment benefits to these workers? I mean, shame on us if you can't vote for that.

Medicaid assistance is in this bill. Food assistance is in this bill. There is not a community in the United States of America, I am sad to say, that is hunger free. Go to any grocery store in your district and people will complain about the high cost of food. There are people in poverty and there are people who are working families who cannot afford their groceries. They need help. That is what this bill is all about.

So for the life of me, with all that is going on in this country, with all that is happening to this economy, for the life of me I can't understand why anyone would vote against this stimulus package.

This is a good bill. Chairman Obey deserves great credit for putting this together the way he did. It is not perfect. It doesn't include everything, but it is help. It is real help to real people, to everyday people, to working people, to people who have lost their jobs. This is absolutely necessary that we pass it. And we need to work with the President to make this part of the package.

The material previously referred by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1507 OFFERED BY R.P. HASTINGS OF WASHINGTON

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution, it shall be in order to consider in the House the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 10 of rule X X I. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided among those entitled to control by ranking minority member of the Committee on Ways and Means; (2) the amendment relating to the reauthorization of the Secure Rural Schools and Community Self-Determination Act printed in section 3 of this resolution, if offered by Representative Walden of Oregon or his designee, which shall be in order with the intent of adopting an amendment to the amendment, that upon adoption of the amendment, the amendment shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent, and an opponent, and (3) an amendment to recommit with or without instructions.

SEC. 2. During consideration of H.R. 7110 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The amendment referred to in section 1 is as follows:

At the end of the bill add the following new section:

SEC. 5005. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROVISIONS

(a) Reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended by striking sections 1 through 403 and inserting the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to stabilize and transition payments to counties for providing funds for schools and roads that supplements other available funds;

(2) to make additional investments in, and create additional employment opportunities through, projects that—

(A) improve the maintenance of existing infrastructure;

(B) implement stewardship objectives that enhance forest ecosystems; and

(C) restore and improve land health and water quality;

(B) enjoy broad-based support; and

(C) have objectives that may include—

(i) road, trail, and infrastructure maintenance or obliteration;

(ii) soil productivity improvement;

(iii) improvements in forest ecosystem health;

(iv) watershed restoration and maintenance;

(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

(vi) the control of noxious and exotic weeds; and

(vii) the reestablishment of native species; and

(3) to improve cooperative relationships among—

(A) the people that use and care for Federal land; and

(B) the agencies that manage the Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

(A) the number equal to the quotient obtained by dividing—

(i) the base share for the eligible county; by

(ii) the income adjustment for the eligible county; by

(iii) the Federal payments made to each eligible State for the three highest 25-percent payments and safety net payments made to each eligible State for all eligible counties in all eligible States; and

(B) the quotient obtained by dividing—

(i) the number of acres of Federal land described in paragraphs (7)(A) in each eligible county; by

(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

(B) the quotient obtained by dividing—

(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

(B) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period;

(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

(A) contains Federal land (as defined in paragraph (7)); and

(B) elects to receive a share of the State payment or the county payment under section 102(b).
“(5) Eligibility Period.—The term ‘eligibility period’ means fiscal year 1996 through fiscal year 1999.

“(6) Eligible State.—The term ‘eligible State’ means each of the States that have been eligible to receive payments for the Federal lands and resources described in paragraph (3) for any relevant trust fund, special account, or combination thereof during the obligation period.

“(7) Federal land.—The term ‘Federal land’ means—

“(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), except that the lands of the States of Oregon and California that have been returned to States not otherwise appropriated under Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have herebefore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1911 (36 Stat. 963; 16 U.S.C. 500), and for permanent forest production;

“(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have herebefore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1911 (36 Stat. 963; 16 U.S.C. 500), and for permanent forest production;

“(8) 50–Percent Adjusted Share.—The term ‘50–percent adjusted share’ means the number equal to the quotient obtained by dividing—

“(A) the number of acres of Federal land described in paragraph (7)(A); and

“(B) the number equal to the sum of the products obtained by multiplying—

“(i) the adjusted share for each eligible county within the eligible State; by

“(ii) the income adjustment for the eligible county; and

“(iii) the full funding amount for the fiscal year.

“(9) County payment.—The term ‘county payment’ means the payment that shall be derived from—

“(A) the State payment or the county payment, the election to receive a share of the State payment and the county payment, or the election to receive a share of the State payment, the county payment, or the revenue from the county payment, as applicable.

“(B) the square of the income adjustment for the eligible county.

“(C) the amount among the appropriate counties in the State calculated under section 101(a).

“(10) Adjusted share.—The term ‘adjusted share’ means the number equal to the quotient obtained by dividing—

“(A) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

“(B) the number equal to the sum of the products obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

“(11) Full funding amount.—The term ‘full funding amount’ means—

“(A) $100,000,000 for fiscal year 2008; and

“(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

“(12) Income adjustment.—The term ‘income adjustment’ means the square of the quotient obtained by dividing—

“(A) the per capita personal income for each eligible county; by

“(B) the median per capita personal income of all eligible counties.

“(13) Per capita personal income.—The term ‘per capita personal income’ means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

“(14) Safety net payments.—The term ‘safety net payments’ means the special payments described in paragraph (7)(A); and

“(15) Secretary concerned.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

“(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

“(16) State payment.—The term ‘State payment’ means the payment for an eligible State calculated under section 101(a).

“(17) 25–Percent payment.—The term ‘25-percent payment’ means the payment to States required by the sixth paragraph under the heading of ‘FOREST SERVICE’ in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

“(18) TITLE I—SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

“SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

“(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

“(1) the adjusted share for each eligible county within the eligible State; by

“(2) the full funding amount for the fiscal year.

“(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

“(1) the 50-percent adjusted share for the eligible county; by

“(2) the full funding amount for the fiscal year.

“SEC. 102. PAYMENTS TO STATES AND COUNTIES CONTAINING FEDERAL LAND.

“(a) Payment Amounts.—Except as provided in section 101, the Secretary of the Treasury shall—

“(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

“(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

“(B) the share of the State payment of the eligible county; and

“(2) a county an amount equal to the amount elected under subsection (b) by each county for—

“(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

“(B) the county payment for the eligible county.

“(b) Election To Receive Payment Amount.—

“(1) Election; Submission of Results.—

“(A) In General.—The election to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable, shall be made in accordance with section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500). (as or soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

“(B) Failure to Transmit.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified in subsection (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

“(2) Duration of Election.—

“(A) in General.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

“(B) Full Funding Amount.—If a county elected to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

“(C) Source of Payment Amounts.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

“(1) amounts that are appropriated to carry out this Act;

“(2) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent forest operating fund, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service under the applicable Forestry law.

“(3) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

“(3) Distribution and Expenditure of Payments.—

“(1) Distribution Method.—A State that receives a payment under subsection (a) for Federal land described in section 101(a) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

“(A) the Act of May 23, 1908 (16 U.S.C. 500); and


“(2) Expenditure Purposes.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties under subsection (c) shall be expended as required by the laws referred to in paragraph (1).

“(3) Expenditure Rules for Eligible Counties.—

“(1) Allocations.—

“(A) use of portion in same manner as 25-percent payment or 50-percent payment, as applicable.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, or less than 80 percent, but not more than 95 percent, of the funds not expended pursuant to subparagraph (A):—

“(i) Reserve any portion of the balance for the 25-percent payment or the 50-percent payment; or

“(ii) Reserve not more than 7 percent of the total share for the eligible county for the State payment or the county payment for the fiscal year.

“(B) Election as to use of balance.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):—

“(i) Reserve any portion of the balance for the 25-percent payment or the 50-percent payment, as applicable.

“(ii) Reserve not more than 7 percent of the total share for the eligible county for the State payment or the county payment for the fiscal year.

“(C) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

“(4) Additional Distress Payments.—In the case of each eligible county to which more than $100,000, but less than...
$350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds that exceed the amount described in subparagraph (A) for that fiscal year, shall—

(i) reserve any portion of the balance for—

(1) carrying out projects under title II; or

(2) a combination of the purposes described in subclauses (I) and (II); or

(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

(2) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Funds reserved under an eligible county under subparagraph (B)(i) or (C)(i) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

(B) AVAILABLE.—Amounts deposited under subparagraph (A) shall—

(i) be available for expenditure by the Secretary concerned, without further appropriation, throughout the fiscal year;

(ii) remain available until expended in accordance with title II;

(iii) be available for expenditure by the Secretary concerned, without further appropriation, throughout the fiscal year.

(C) NOTIFICATION.—

(1) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election to receive a share of the funds described in subsection (b) as soon as practicable after the end of that fiscal year.

(2) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (1), the eligible county shall—

(i) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

(ii) return the balance to the Treasury of the United States.

(D) COUNTIES WITH MINOR DISTRIBUTIONS.—

In the case of any eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25 percent payment is made under subsection (b), as applicable, are required to be expended.

(E) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

SEC. 103. TRANSITION PAYMENTS TO STATES.

(A) DEFINITIONS.—In this section:

(1) ADJUSTED AMOUNT.—The term ‘adjusted amount’ means, with respect to a covered State—

(A) for fiscal year 2008, 90 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2006; and

(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive the county payment for fiscal year 2006; and

(B) for fiscal year 2010, 73 percent of—

(i) the sum of the amounts paid for fiscal year 2008 (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

(ii) the sum of the amounts paid for fiscal year 2006 (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive the county payment for fiscal year 2006.

(B) DEDUCTION.—The term ‘covered State’ means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

(3) ELECTION.—

(A) NOTIFICATION.—

(i) IN GENERAL .—An eligible county shall notify the Secretary concerned to meet the requirements of this section not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year.

(ii) FAILURE TO ELECT.—Except as provided in subsection (d), if the eligible county fails to make an election by the date specified in clause (1), the eligible county shall—

(i) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

(ii) return the balance to the Treasury of the United States.

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—

In the case of an eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25 percent payment is made under subsection (b), as applicable, are required to be expended.

(C) NOTIFICATION.—

(1) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election to receive a share of the funds described in subsection (b) as soon as practicable after the end of that fiscal year.

(2) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (1), the eligible county shall—

(i) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

(ii) return the balance to the Treasury of the United States.

(D) COUNTIES WITH MINOR DISTRIBUTIONS.—

In the case of any eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25 percent payment is made under subsection (b), as applicable, are required to be expended.

(E) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

SEC. 104. PROJECTS FUNDED USING PROJECT FUNDS.

(A) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under subparagraphs (B)(i) and (C)(i) of section 102(a) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008, and each September 30 thereafter for each succeeding fiscal year.

(B) SUMMARY.—

(1) PAYMENTS TO THE STATE OF CALIFORNIA.—The following payments shall be distributed to the eligible counties of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

(i) Payments to the State of California under subsection (b).

(ii) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

(C) TREATMENT OF PAYMENTS.—For purposes of this section, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ‘participating county’ means an eligible county that elects under section 102(d) to reserve for expenditure under section 102(b) a portion of the Federal funds received under section 102 in accordance with this title.

(2) PROJECT FUNDS.—The term ‘project funds’ means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term ‘resource advisory committee’ means—

(A) an advisory committee established by the Secretary concerned under section 205; or

(B) a resource advisory committee established by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term ‘resource management plan’ means—

(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 37(b)(B) pursuant to section 27(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (43 U.S.C. 1604).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

(A) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

(B) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private sector, nonprofit organizations, Federal landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(A) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2009 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee established under section 205, or any project or group of projects to a resource advisory committee established under section 205.

(2) REQUIRED DESCRIPTION OF PROJECTS.—In making funding proposals to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(i) The purpose of the project and a description of how the project will meet the purposes of this title.

(ii) The anticipated duration of the project.

(iii) The anticipated cost of the project.

(iv) The proposed source of funding for the project, whether project funds or other funds.

(B) (A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

(B) An estimate of the amount of any timber, forage, and other commodities and byproducts that would be generated if any, anticipated as part of the project.

(C) A detailed monitoring plan, including funding needs and sources, that—

(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

(B) includes an assessment of the following:
‘‘(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the National Conservation Corps where appropriate.

‘‘(ii) Whether the project improved the use of, or added value to, any products removed from the land in a manner consistent with the purposes of this title.

‘‘(7) An assessment that the project is to be in the public interest.

‘‘(c) TERMINATED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

‘‘SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

‘‘(a) CONDITIONS FOR APPROVAL OF PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

‘‘(1) The project complies with all applicable Federal laws (including regulations).

‘‘(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

‘‘(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

‘‘(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 205.

‘‘(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quantity.

‘‘(b) ENVIRONMENTAL REVIEWS.—

‘‘(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

‘‘(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a project is determined to be a Federal action under section 203 and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct an environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

‘‘(3) EFFECT OF REFUSAL TO PAY.—

‘‘(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

‘‘(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

‘‘(c) DECISIONS OF SECRETARY CONCERNED.—

‘‘(1) REJECTION OF PROJECTS.—

‘‘(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

‘‘(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

‘‘(C) SOURCE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

‘‘(2) NOTIFICATION OF APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would have been required had the project originated with the Secretary.

‘‘(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

‘‘(e) IMPLEMENTATION OF APPROVED PROJECTS.—

‘‘(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using information from the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

‘‘(2) BEST VALUE CONTRACTING.—

‘‘(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source of funds to pay for any environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

‘‘(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

‘‘(i) the technical demands and complexity of the work to be done;

‘‘(ii) the ecological objectives of the project; and

‘‘(iii) the sensitivity of the resources being treated;

‘‘(iii) the past experience by the contractor with the type of work being done, using the type of project, as well as the past experience by the contractor with respect to the contract, and meeting or exceeding desired ecological conditions; and

‘‘(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

‘‘(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

‘‘(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

‘‘(i) the harvesting or collection of merchantable timber; and

‘‘(ii) the sale of merchantable timber.

‘‘(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

‘‘(i) For fiscal year 2008, 35 percent;

‘‘(ii) For fiscal year 2009, 45 percent;

‘‘(iii) For each of fiscal years 2010 and 2011, 50 percent.

‘‘(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

‘‘(D) ASSISTANCE.—

‘‘(1) IN GENERAL.—The Secretary concerned may fund projects involving the sale of merchantable timber using separate contracts.

‘‘(2) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subpart may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

‘‘(e) REVIEW AND REPORT.—

‘‘(1) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the House of Representatives and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

‘‘(2) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

‘‘(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated to—

‘‘(1) to road maintenance, decommissioning, or obliteration; or

‘‘(2) to restoration of streams and watersheds.

‘‘SEC. 205. RESOURCE ADVISORY COMMITTEES.

‘‘(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

‘‘(1) ESTABLISHMENT.—The Secretary concerned shall establish resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (3).

‘‘(2) PURPOSE.—The purpose of a resource advisory committee shall be—

‘‘(A) to improve collaborative relationships; and

‘‘(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

‘‘(2) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a resource advisory committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may establish resource advisory committees for part of, or 1 or more, units of Federal land.

‘‘(3) EXISTING ADVISORY COMMITTEES.—

‘‘(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, shall be included as a committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed a resource advisory committee for the purposes of this title.

‘‘(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

‘‘(4) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

‘‘(5) DUTIES.—A resource advisory committee shall—

‘‘(A) propose projects and funding to the Secretary concerned under section 203;

‘‘(B) evaluate projects proposed under this title by participating counties and other persons;

‘‘(C) provide projects and funding to the Secretary concerned under section 205;

‘‘(D) provide early and continuous coordination with appropriate land management agencies, land management officials in recommending projects consistent with purposes of this Act under this title;

‘‘(E) provide frequent opportunities for citizen organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning
at the early stages of the project development process under this title; (5) (A) monitoring projects that have been approved under section 204; and (B) review, if directed by the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and (6) make recommendations to the Secretary concerning any appropriate changes or adjustments to the projects being monitored by the resource advisory committees.

(c) Appointment by the Secretary.—

(1) Appointment and term.— (A) In general.—The Secretary concerned shall make appointments to fill vacancies on resource advisory committees for a term of 4 years beginning on the date of appointment.

(b) Reappointment.—The Secretary concerned may reappoint members to subsequent 4-year terms.

(2) Basic requirements.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) Initial appointment.—Not later than 180 days after the date of the enactment of this Act the Secretary concerned shall make initial appointments to the resource advisory committees.

(4) Vacancies.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) Compensation.—Members of the resource advisory committees shall not receive any compensation.

(d) Composition of Advisory Committee.—

(1) Number.—Each resource advisory committee shall be comprised of 15 members.

(2) Community interests represented.—Committee members shall be representative of the interests of the following 3 categories:

(A) 5 persons that—

(i) organized labor or non-timber forest product harvester groups;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent—

(I) energy and mineral development interests; or

(II) commercial or recreational fishing interests;

(iv) represent the commercial timber industry;

(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized;

(B) 5 persons that represent—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archaeological and historical interests; or

(v) nationally or regionally recognized wildlife and burro interest groups, wildlife or hunting organizations, or watershed associations.

(C) 5 persons that—

(i) hold State elected office (or a designee);

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) Balanced representation.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation in each category.

(4) Geographic distribution.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to the extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

(5) Chairperson.—A majority on each resource advisory committee shall select the chairperson of the committee.

(6) Approval by majority of members.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a)(1) if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

(e) Other Committee Authorities and Requirements.—

(1) Staff assistance.—A resource advisory committee may submit to the Secretary a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) Meetings.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

(3) Records.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) Agreement Regarding Schedule and Cost of Project.—

(1) Initial transfer required.—As soon as practicable after the agreement is reached to implement a project, the Secretary concerned shall be notified of the amount of funds required to continue the project in the second and subsequent fiscal years.

(b) Suspension of Work.—The Secretary concerned shall suspend work on the project if funds required to continue the project in the second and subsequent fiscal years are not available.

(c) Effect of Rejection of Projects.—

Subject to section 208, any project funds received by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposals that, if approved, would result in the expenditure of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year shall be available for use as part of the project submissions in the next fiscal year.

(d) Effect of Court Orders.—

If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

SEC. 208. TERMINATION OF AUTHORITY.

(a) In General.—The authority to initiate projects under this title shall terminate on September 30, 2011.

(b) Deposits in Treasury.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.
elects under section 102(d) to reserve for expenditure in accordance with this title.

"(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

SEC. 302. USE.

"(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with, implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

(A) performed on Federal land after the date on which the use was approved under subsection (b);

(B) paid for by the participating county; and

(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

"(b) PROPOSALS.—A participating county shall use county funds for a use described in projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.

"(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

"(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ‘FOREST SERVICE’ in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ‘twenty-five percentum’ and all that follows through ‘shall be paid’ and inserting the following: ‘an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid’.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ‘Weeks Law’) (16 U.S.C. 500) is amended in the first sentence by striking ‘twenty-five percentum’ and all that follows through ‘shall be paid’ and inserting the following: ‘an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid’.

"(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows: § 6906. Funding

"For each of fiscal years 2008 through 2012—

(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.

"(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following: ‘§ 6906. Funding.’

"(A) BUDGET SCOREKEEPING.—

(1) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatory for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon’s Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1929, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition,” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Democratic majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what
they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 108th Congress (page 56). If the Rules Committee describes the rule using information from Congressional Quarterly’s “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.”

Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.21) appeared 21 times. Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.

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

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

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

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

Mr. GOVERNOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on the adoption of House Resolution 1507, if ordered, and motion to suspend the rules on S. 1046, if ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 204, not voting 11, as follows:

(Roll No. 667)

YEAS—218

Abercrombie  Butterfield  Davis, Lincoln
Ackerman  Capuano  Delahunt
Allen  Capito  DeLauro
Altman  Cardona  DeLauro
Andrews  Carnahan  Dickens
Arcuri  Caso  Donnelly
Baldwin  Casper  Doyle
Barrow  Jean  Edwards (MD)
Becerra  Clay  Edwards (TX)
Becker  Cheer  Ellison
Berman  Clayburn  Elul
Berry  Cohen  Emanuel
Bishop (GA)  Conyers  Engel
Bishop (NY)  Cooper  Eshoo
Blumenauer  Costa  Etheridge
Boren  Courtney  Farr
Boxwell  Cramer  Fattah
Boschker  Crowley  Filner
Boyd (FL)  Castle  Foster
Boyd (OK)  Cummings  Frank (MA)
Brady (PA)  Davila (NY)  Giffords
Brayley (IA)  Davis (CA)  Gillibrand
Brown, Corrine  Davis (IL)  Gonzalez
Greenspan  Al  Districts
Grijalva  McClintock (AZ)  Districts
Gutierrez  Hall  Districts
Harman  Hastings (PA)  Districts
Hastert  Sandlin  Districts
Higgins  Himes  Districts
Hinojosa  Hino  Districts
Hodes  Holt  Districts
Hoyer  Inslee  Districts
Jackson (IL)  Jackson-Lee  Districts
Johnson (GA)  Johnson, R. B.  Districts
Kagen  Kanjorski  Districts
Kildee  Kilpatrick  Districts
Kind  Klein (FL)  Districts
Langevin  Larsen (WA)  Districts
Larsen (CT)  Lee  Districts
Lewin (GA)  Levin  Districts
Lipinski  LoBiondo  Districts
Lofgren, Zoe  Lowey  Districts
Lynch  Maloney (FL)  Districts
Maloney (NY)  Markey  Districts

NAYS—204

Aderholt  Deal (GA)
Akin  Alexander  Dent
Bachmann  Bachus  Dent
Barrett (SC)  Bartlett (MD)  Dent
Barton (TX)  Biggert  Dent
Bilirakis  Bishop (UT)  Dent
Blackburn  Buent  Dent
Bono  Boehner  Dent
Boehner  Bonner  Dent
Boxer  Cannon  Dent
Brown (TX)  Brown (GA)  Dent
Brown (SC)  Brown-Waite  Dent
Burns  Burton  Dent
Cairns  Castor  Dent
Campbell (CA)  Caucuses  Dent
Cannon  Cantor  Dent
Carson  Case  Dent
Chabot  Challender  Dent
Children  Colton  Dent
Coble  Cole (OK)  Dent
Coleman (MN)  Colburn  Dent
Coleman (NY)  Cooper  Dent
Conyers  Cooper  Dent
Cook  Corder  Dent
Coble  Corder  Dent
Crossley  Covey  Dent
Crowley  Cotler  Dent
Cromwell  Crump  Dent
Crump  Crump  Dent
Culbertson  Culbertson  Dent
Davis (CT)  Davis (FL)  Dent
Davis (GA)  Davis (IL)  Dent
Davis, Tom  Johnson, Sam  Dent

Mr. ROYCE. Mr. Speaker, I demand the yeas and nays.

Mr. Speaker, does that display with the names in the lights there are those who have voted no and those who have voted yes? I want a ruling from the Chair that they’re not recorded there.

The SPEAKER pro tempore. The Chair will inform the gentleman that the board is for display only.

The Chair will not inform Members’ attention.

The Chair has been advised that one column of the lights on the display panel is inoperative at this moment, but that all of those Members are being recorded. Members should verify their votes, however, at alternate voting stations.

Mr. ROYCE. Mr. Speaker, is there any other Members who have voted ‘yes’ have a red light by their name. Why don’t we just turn off that so there is no confusion and Members will know that they’re voting accurately and not rely on that particular system until they get it fixed.

The SPEAKER pro tempore. The Clerk is working on fixing the display. The Chair is advised that one panel in the voting display is inoperative at this moment, and that all of those Members are being recorded. Members should verify their votes, however, at alternate voting stations.

Mr. ROYCE. Mr. Speaker, parliamentary inquiry, we’re now informed that some Members having voted ‘yes’ have a red light by their name. Why don’t we just turn off that so there is no confusion and Members will know that they’re voting accurately and not rely on that particular system until they get it fixed.

The SPEAKER pro tempore. The Clerk is working on fixing the display. The Chair is advised that one panel in the voting display is inoperative. The Chair would encourage all Members to verify their votes at an alternate electronic voting station.

Mr. LEWIS of Kentucky, Ms. ROS-LEHTINEN, Messrs. BARTON of Texas, BLUNT, THOMPSON of California and PORTER changed their vote from ‘yea’ to ‘nay.’

Mr. SCOTT of Virginia changed his vote from ‘nay’ to ‘yea.’

So the previous vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. The yeas and nays were ordered.

The SPEAKER pro tempore. This is a motion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. McGovern (Chair), on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

Yeas—419

Bartlett (MD)
Baird
Alexander
Aderholt
Giffords
Frank (MA)
Filner
Fattah
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, Tom
DeLauro
DeGette
Davis (CA)
Cuellar
Crowley
Cramer
Costello
Cohen
Clyburn
Cleaver
Carney
Akin
Allen
Alexander
Andrews
Ackerman
the ayes appeared to have it. The yeas and nays were ordered.

The SPEAKER pro tempore. The yeas and nays are ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the Senate bill, S. 1046. The question was taken.

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

Mr. McGovern (Chair), on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

Yeas—419

Bartlett (MD)
Baird
Alexander
Aderholt
Giffords
Frank (MA)
Filner
Fattah
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, Tom
DeLauro
DeGette
Davis (CA)
Cuellar
Crowley
Cramer
Costello
Cohen
Clyburn
Cleaver
Carney
Akin
Allen
Alexander
Andrews
Ackerman

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.
 garnered the support of Mr. PERLMUTTER, who changed his vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GINGREY. Madam Speaker, on rollcall No. 654 on ordering the previous question on H. Res. 1503, I am not recorded because I was unavoidably detained. Had I been present, I would have voted “nay.”

On rollcall No. 655 on H. Res. 1503, had I been present, I would have voted “nay.”

On rollcall No. 656 on H.R. 4120, the Effective Child Pornography Prosecution Act, had I been present, I would have voted “yea.”

On rollcall No. 657 on ordering the previous question on H. Res. 1507, had I been present, I would have voted “nay.”

On rollcall No. 658 on H. Res. 1507, had I been present, I would have voted “nay.”

On rollcall No. 659 on S. 1046, the Senior Professional Performance Act, I would have voted “yea.”

HOUR OF MEETING ON TOMORROW

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day, it adjourn to meet at 10 a.m. tomorrow, and further, that when the House adjourns on that legislative day, it adjourn to meet at 1 p.m. on Sunday, September 28.

The SPEAKER pro tempore (Mr. ALTMIER). Is there objection to the rule of the gentlewoman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 5875. An act to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the “Cpl. John P. Sigsbee Post Office”.

H.R. 6092. An act to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the “Corporal Alfred Mac Wilson Post Office”.

H.R. 6097. An act to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the “Sergeant Paul Saylor Post Office”.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2362. An act to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense.

S. 3166. An act to amend the Immigration and Nationality Act to impose criminal penalties on individuals who have engaged in genocide, torture, or extrajudicial killings to enter the United States.


JOB CREATION AND UNEMPLOYMENT RELIEF ACT OF 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1370, I am now laying on the table the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

TITLE I—INFRASTRUCTURE INVESTMENTS

CHAPTER 1—TRANSPORTATION DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS (AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Grants-in-Aid for Airports”, to enable the Secretary of Transportation to make discretionary grants as authorized by subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, $600,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2009: Provided, That in selecting projects to be funded, priority shall be given to airport projects that can award contracts based on bids within 120 days of enactment of this Act.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE INVESTMENT

For projects and activities eligible under section 160 of title 23, United States Code (without regard to subsection (d), section 144 of such title (without regard to subsection (g)), and sections 103, 119, 148, and 149 of such title, $12,800,000,000, to be derived from the Highway Infrastructure Trust Fund and to remain available until September 30, 2009: Provided, That funds made available under this heading shall be distributed among the States, including Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, in accordance with such title.
the same ratio as the obligation limitation for fiscal year 2008 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division K of Public Law 110–161. In the case of the Puerto Rico Highway Program and the Territorial Highway Program, under section 120(a)(5) of such division: Provided further, That funds made available under this heading shall be administered as if apportioned under chapter 1 of title 23, United States Code: Provided further, That the Federal share payable on account of projects or lengthy construction projects that can award bids within 120 days of enactment of this Act shall be redistributed, in the manner described in section 128(c) of division K of Public Law 110–161, to those States able to obligate amounts in addition to funds made available under this heading shall be 100 percent of the total cost thereof: Provided further, That amounts made available under this heading that are obligated within 180 days after the date of enactment of this Act shall be redistributed, in accordance with section 5336 of such title 49, United States Code and shall be apportioned in accordance with section 5336 of such title (other than subsections (i)(1) and (j)) but may not be combined or commingled with any other funds apportioned under such section 5336, and of which $200,000,000 shall be for grants under section 5311 of such title and shall be apportioned in accordance with such section 5336, and of which $360,000,000 shall be for grants under section 5311 but may not be combined or commingled with any other funds apportioned under that section: Provided, That the Federal share of the costs for which a grant is made under this heading shall be 80 percent: Provided further, That notwithstanding such sections 5307 and 5311, funds appropriated under this heading are available for only one or more of the following purposes: (1) If the recipient of the grant is reducing, or certifies to the Secretary within the time prescribed that, during the term of the grant, the recipient will reduce, one or more fares the recipient charges for public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, those operating costs of equipment and facilities being used to provide public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient is no longer able to pay the revenue derived from such fare or fares as a result of such reduction: (2) If the recipient of the grant is expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will expand, public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, those operating costs of equipment and facilities being used to provide the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient is no longer able to pay the revenue derived from such fare or fares as a result of the expansion of such service: (3) To avoid increases in fares for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or decreases in current public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that would otherwise result from an increase in the costs of equipment and facilities for intercity bus agency for transportation-related fuel or meeting additional transportation-related equipment or facility maintenance needs, if the grantee certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will not increase the fares that the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or, will not decrease the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient provides. (4) If the recipient of the grant is acquiring, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will acquire, clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of reducing the costs of acquiring the equipment or facilities: (5) If the recipient of the grant is expanding or contracts for such elements in a time period of 2 years after the date of enactment of this Act and to give preference to those activities that are labor intensive. FOR TRANSPORTATION ASSISTANCE FOR transit energy assistance grants, $1,800,000,000, to remain available until September 30, 2010: Provided, That the Corps of Engineers is directed to prioritize funding for activities based on the ability to accelerate existing contracts or fully fund project elements and contracts for such elements in a time period of 2 years after the date of enactment of this Act and to give preference to those activities that are labor intensive. FOR ENVIRONMENTAL PROTECTION AGENCY STATE AND TRIBAL ASSISTANCE GRANTS For an additional amount for “State and Tribal Assistance Grants”, $7,500,000,000, to remain available until September 30, 2009, for capitalization grants for State revolving funds, which shall be used as follows: (1) $6,500,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Fund under title VI of the Federal Water Pollution Control Act, except that the funds shall not be subject to the state matching requirements of paragraphs (2) and (3) of section 602(b) of such Act. (2) $1,000,000,000 shall be for capitalization grants for the Drinking Water State Revolving Fund under section 307 of the Safe Drinking Water Act, except that the funds shall not be subject to the state matching requirements of section 1452(e) of such Act: Provided, That a State shall agree to enter into binding commitments with the funds appropriated under this heading no later than 120 days after the date on which the State receives the funds: Provided further, That, notwithstanding the limitation on amounts specified in section 518(e) of the Safe Drinking Water Act, the funds shall be subject to the federal matching requirements of section 1452(b)(2) of such Act: Provided further, That section 452(b)(2) of the Safe Drinking Water Act shall not apply to amounts made available under this heading. FOR FLOOD CONTROL AND WATER RESOURCES DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL CONSTRUCTION For an additional amount for “Construction”, $2,500,000,000, to remain available until September 30, 2010: Provided, That funds appropriated under this heading shall be derived from the Inland Waterways Trust Fund: Provided further, That the Corps of Engineers is directed to prioritize funding for activities based on the ability to accelerate existing contracts or fully fund project elements and contracts for such elements in a time period of 2 years after the date of enactment of this Act and to give preference to those activities that are labor intensive.
SEC. 1401. (a) DEFINITIONS.—In this section:
(1) The term ‘‘Bureau-funded school’’ has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).
(2) The term ‘‘charter school’’ has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965.
(3) The term ‘‘local educational agency’’—
(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and
(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.
(4) The term ‘‘public school facilities’’ includes charter schools.
(5) The term ‘‘State’’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.
(6) The term ‘‘green building rating system’’ means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.
(8) The term ‘‘CHPS Criteria’’ means the green building rating program developed by the Collaborative for High Performance Schools.
(10) The term ‘‘Green Globes’’ means the Green Building Initiative environmental design and rating system referred to as Green Globes.
(b) PURPOSE.—Grants under this section shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.
(c) ALLLOWABLE USES OF FUNDS.—
(1) PROVISIONS.—From the amount appropriated to carry out this section, the Secretary of Education shall reserve 1 percent of such amount for each fiscal year to provide assistance to Bureau-funded schools.
(2) ALLOCATION TO STATES.—
(A) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this section, and not reserved under paragraph (1), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.
(B) SYXTE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under subparagraph (A) to carry out its responsibilities under this section, including—
(i) providing technical assistance to local educational agencies;
(ii) developing, within 6 months of receiving its allocation under subparagraph (A), a plan to develop a database that includes an inventory of public school facilities in the State and the modernization, renovation, and repair needs of, energy use by, and the carbon footprint of such schools; and
(iii) developing a school energy efficiency quality plan.
(C) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the amount allocated to a State under subparagraph (A), each local educational agency in the State that meets the requirements of section 1122(a) of the Elementary and Secondary Education Act of 1965 shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of that Act for fiscal year 2008 relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under part A of title I of that Act for such fiscal year shall receive a grant of less than $5,000.
(D) SPECIAL RULE.—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 shall not apply to subparagraph (A) or (C).
(3) SPECIAL RULES.—
(A) DISTRIBUTIONS BY SECRETARY.—The Secretary of Education shall make and distribute the reservations and allocations described in paragraphs (1) and (2) not later than 30 days after the date of the enactment of this Act.
(B) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in paragraph (2)(C) within 30 days of receiving such allocation.
(d) ALLOWABLE USES OF FUNDS.—
(1) REPAIRS AND MODIFICATIONS.—A local educational agency receiving a grant under this section shall use such Federal funds—
(A) for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition;
(B) to include an Energy Star certified building in its application for Federal funds, be available for modifications necessary to make public school facilities, including—
(i) bringing public schools into compliance with fire, health, and safety codes, including professional installation of fire/life safety systems, such as alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improved building infrastructure to accommodate security measures;
(ii) management of facilities to reduce or eliminate human exposure to lead-based paint hazards through methods such as cleaning, interim controls, abatement, or a combination of each;
(iii) implementation of measures designed to reduce or eliminate human exposure to mold or mildew;
(iv) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;
(v) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;
(vi) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet systems or components of such systems;
(vii) other modernization, renovation, or repair of public school facilities to—
(A) improve teachers’ ability to teach and students’ ability to learn;
(B) ensure the health and safety of students and staff;
(C) make them more energy efficient; or
(D) reduce class size; and
(E) required environmental remediation related to public school modernization, renovation, or repair described in paragraphs (1) through (11).
(e) IMPERMISSIBLE USES OF FUNDS.—No funds received under this section may be used for—
(1) payment of maintenance costs; or
(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the public.
(f) SUPPLEMENT, NOT SUPPLANT.—A local educational agency receiving a grant under this section shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, or repair of public school facilities.
(g) PROHIBITION REGARDING STATE AID.—A State shall not take into account any Federal funds under this section in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.
(h) SPECIAL RULE ON CONTRACTING.—Each local educational agency receiving a grant under this section shall ensure that, if the agency carries out modernization, renovation, or repair through a contract, the proc-
(B) iron and steel are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(C) that iron or steel produced in the United States will increase the cost of the overall project contract by more than 25 percent.

(i) APLI CATION OF GEA.—The grant program under this section is an applicable program (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1222b).

(ii) GK EEN SCHOOL AGENCIES.—(1) IN GENERAL.—A local educational agency shall pay to the Secretary, in an extended benefit period (as determined under section 203(f) of such Act), a report describing the projects for which such funds were used, including—

(A) the number of public schools in the agency, including the number of charter schools;

(B) the total amount of funds received by the local educational agency under this section and the amount of such funds expended, including the amount expended for modernization, renovation, and repair of charter schools;

(C) the number of public schools in the agency with a metro-centric locale code of 41, 42, 43, or 44 designated by the National Center for Education Statistics and the percentage of funds received by the agency under this section that were used for projects at such schools;

(D) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 and the percentage of funds received by the agency under this section that were used for projects at such schools;

(E) the cost of each project, which, if any, of the standards described in subsection (k)(1) the project met, and any demonstrable or expected academic, energy, or environmental benefits as a result of the project; and

(F) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost effective; and

(G) the total amount and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority-owned, women-owned, and veteran-owned businesses.

(2) R EPORTS BY SECRETARY.—Not later than December 31, 2010, the Secretary of Education and Labor and Appropriations of the House of Representatives and the Committees on Education and Labor, and Pensions and Appropriations of the Senate grants made under the overall project contract by more than 25 percent, including the information described in paragraph (1), the types of modernization, renovation, and repair funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965.

CHAPTER 5—HOUSING

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

PUBLIC HOUSING CAPITAL FUND

For an additional amount for the “Public Housing Capital Fund” to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g), $1,000,000,000, to remain available until September 30, 2009: Provided, That this additional amount shall be allocated to public housing agencies in accordance with the same funding formula used for other loans using such amount shall not exceed 5 percent of the cost of modifying such loans, shall be authorized under section 135 of the Energy Independence and Security Act of 2007 (42 U.S.C. 1702(s)) subject to section 439 of such Act.

ENERGY EFFICIENCY AND RENEWABLE ENERGY

DEPARTMENT OF ENERGY

PUBLIC HOUSING CAPITAL FUND

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for “Energy Efficiency and Renewable Energy”, $500,000,000, to remain available until September 30, 2009: Provided, That funds shall be available for expenses necessary for energy efficiency and renewable energy research and development and demonstration activities to accelerate the development of technologies that will diversify the nation’s energy portfolio and contribute to a reliable, domestic energy supply.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for “Electricity Delivery and Energy Reliability”, $100,000,000, to remain available until September 30, 2009: Provided, That funds shall be available for expenses necessary for electricity delivery and energy reliability activities to modernize the electric grid, enhance security and reliability of the energy infrastructure, and facilitate recovery from disruptions to the energy supply.

ADVANCED BATTERY LOAN GUARANTEE

For the cost of guaranteed loans as authorized by section 135 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17012), $1,000,000,000 to remain available until expended: Provided, That of such amount, $5,000,000 shall be used for administrative expenses in carrying out the guaranteed loan program: Provided further, That the commitments for guaranteed loans using such amount shall not exceed $3,333,000,000 in total loan principal: Provided further, That the cost of such loans, including the cost of each loan, shall cost not more than 1.47% as defined in section 502 of the Congressional Budget Act of 1974.
included in the enactment of the Supplemental Appropriations Act, 2008, subject to subsection (b).

(b) ADDITIONAL BENEFITS.—In applying the amendments made by subsections 301 and 2021, any additional emergency unemployment compensation made payable by such amendments (which would not otherwise have been payable, if such payments had not been made) shall be payable only with respect to any week of unemployment beginning on or after the date of the enactment of this Act.

CHAPTER 2—JOB TRAINING AND EMPLOYMENT ADMINISTRATION

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for “Training and Employment Services” for activities under the Workforce Investment Act of 1998, $400,000,000, to remain available until September 30, 2010.

For an additional amount for “Temporary Increase in Medicaid FMAP for 14 Months” for grants to the States for dislocated worker employment and training activities and $200,000,000 for grants to the States for youth activities: Provided, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) or section 128(a) of such Act: Provided further, That, with respect to such funds, section 101(i)(A)(vii) of such Act shall be amended by substituting “age 24” for “age 21.”

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for “State Unemployment Insurance and Employment Service Operations” for grants to the States for reemployment services in accordance with section 6 of the Wagner-Peyser Act, $100,000,000, which may be expended from the FMAP for the State for fiscal year 2009 for reemployment services in accordance with section 6 of the Wagner-Peyser Act, $100,000,000, which may be expended from the FMAP for the State for fiscal year 2009 and the portion of the fiscal year that occurs during the first calendar quarter before December 1, 2009, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and the American Samoa under sections (f) and (g) of section 116 of the Social Security Act (42 U.S.C. 1306) shall each be increased by 4 percent.

(c) ADDITIONAL PERCENTAGE POINTS INCREASE FOR QUALIFYING STATES.—

(1) IN GENERAL.—Subsections (d), (e), and (f), in the case of a State that is 1 of the 50 States or the District of Columbia, if the State is awarded a total of—

(A) 3 or more percentage points under subsection (c) for a calendar quarter in fiscal year 2010 or for the first calendar quarter in fiscal year 2010, then for that calendar quarter or, in the case of the State in the case the State is awarded such points for the first calendar quarter in fiscal year 2010, for the portion of such quarter before December 1, 2009, and each succeeding calendar quarter, if any, in fiscal year 2010 and the portion of the first calendar quarter in fiscal year 2010 before December 1, 2009 the FMAP (taking into account the application of subsections (a) and (b)(1)) shall be further increased by 3 percentage points; or

(B) 2 points under paragraph (2) for a calendar quarter in fiscal year 2009 or in the first calendar quarter in fiscal year 2010 and has not been awarded 3 or more points under such paragraph for a previous calendar quarter in fiscal year 2010 that calendar quarter or, in the case the State is awarded such points for the first calendar quarter in fiscal year 2010, for the portion of such quarter before December 1, 2009, and each succeeding calendar quarter, if any, in fiscal year 2009 and the portion of the first calendar quarter in fiscal year 2010 before December 1, 2009 the FMAP (taking into account the application of subsections (a) and (b)(1)) shall be further increased by 1 percentage point.

(2) AWARDING OF POINTS BASED ON QUALIFYING CRITERIA.—For purposes of paragraph (1), each State shall be awarded points for a calendar quarter equal to the total of the points awarded under each of the following subparagraphs:

(A) REDUCTION IN EMPLOYMENT.—

(I) IN GENERAL.—A State shall be awarded under this subparagraph—

(I) 2 points if the State’s employment for the quarter decreased by or if such employment for the quarter increased but by not more than 0.25 percent per quarter.

(II) 1 point if the State’s employment for the quarter increased by more than 0.25 percent but by less than 2.0 percent.

(B) AVERAGE OF POINTS FOR AN EMPLOYMENT SERVICE.—For purposes of clause (i), an increase or decrease in a State’s employment for a quarter shall be measured by comparing—

(I) the average total nonfarm employment for the State in the 3 most recent months, as determined based on the most recent monthly publications of the Current Employer Statistics Survey of the Bureau of Labor Statistics available as of the first day of the quarter;

(II) the average total nonfarm employment for the State during the same months two years earlier, as so determined.

(B) INCREASE IN FOOD STAMPS OR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION.—

(1) IN GENERAL.—A State shall be awarded under this subparagraph 1 point if the State’s food stamp or Supplemental Nutrition Assistance Program participation for the quarter increased by more than 4 percent.

(2) FOOD STAMP OR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION.—For purposes of clause (i), an increase in a State’s food stamp or Supplemental Nutrition Assistance Program participation for a quarter shall be measured by comparing—

(I) the average monthly participation by persons in food stamps or the Supplemental Nutrition Assistance Program under the Food and Nutrition Act of 2008 (7 U.S.C. 2014h et seq.) for the State in the 3 most recent months, as determined based on the most recent monthly publications of Food and Nutrition Service Data of the Department of Agriculture available as of the first day of the quarter, adjusted for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014h); to

(II) the average monthly participation by persons in food stamps or the Supplemental Nutrition Assistance Program for the State in the same months two years earlier, as so determined.

(c) INCREASE IN FORECLOSURES.—

(1) IN GENERAL.—A State shall be awarded under this subparagraph—

(I) 2 points if the State’s foreclosure rate for the quarter increased by greater than 200 percent; or

(II) 1 point if the State’s foreclosure rate increased by greater than 60 percent, but not more than 200 percent.

(2) FORECLOSURE RATE.—For purposes of clause (i), an increase in a State’s foreclosure rate for a quarter shall be measured by comparing—

(I) the percentage of total mortgages in foreclosure for the State for the most recent quarter, as determined by the Board of Governors of the Federal Reserve System based on the most recent satisfactory data available to such Board available as of the first day of the quarter to

(II) the percentage for the State for the same quarter two years earlier, as so determined.

(d) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(3) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 210(b) of such Act (42 U.S.C. 1397ee(b)).

(e) STATE INELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State that is not eligible for its FMAP under subsection (b)(1) or (c), or an increase in a cap amount under subsection (b)(2), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008, is State Ineligibility Permitted.—A State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act and has received a waiver under such title or under section 1115 of such Act (42 U.S.C. 1315) after July 1, 2008, is
no longer ineligible under paragraph (1) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall be construed as affecting a State’s flexibility with respect to benefits offered under the State Medicaid program (as defined in title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315))).

(b) REQUIREMENTS FOR CHAMPION STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (b)(1) or (c), or an increase in a cap amount under subsection (b)(2), if it requires that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for fiscal years 2008, than the percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(g) DEFINITIONS.—In this section:

(1) FMAP.—The term ‘‘FMAP’’ means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term ‘‘State’’ has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) REPEAL.—Effective as of October 1, 2010, this section is repealed.

ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRANEOUS EMPLOYER PENSION CONTRIBUTION SEC. 3002. (a) IN GENERAL.—Only for purposes of computing the FMAP (as defined in section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (b)(1) or (c), or an increase in a cap amount under subsection (b)(2), if it requires that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for fiscal years 2008, than the percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(b) REQUIREMENTS FOR THE SECRETARY.—In carrying out this section, the Secretary shall:

(1) consider the benefit increases described in subsection (a) to be a ‘‘mass change’’;

(2) require a simple process for States to notify households of the increase in benefits;

(3) consider section 16(c)(3)(A) of the Food and Nutrition Act of 2008 and consolidated block grants for Puerto Rico and American Samoa determined under section 19(a) of such Act shall be calculated using 105 percent of the June 2008 value of the Thrifty Food Plan as specified under section 3(a) of such Act; and

(4) have the authority to take such measures as necessary to ensure the efficient administration of the benefits provided in this section.

(c) STATE ADMINISTRATIVE EXPENSES.—(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section, the Secretary shall:

(2) have the authority to take such measures as necessary to ensure the efficient administration of the benefits provided in this section.

(v) PROHIBITION ON USE OF FUNDS.—(1) IN GENERAL.—For fiscal year 2008, payments shall not provide funding for the western schools program for 1 year in the same manner in which it was being operated before it expired.

The Speaker pro tempore. The Clerk will report the amendment. The Clerk reads as follows: CHAPTER 7—SECURE RURAL SCHOOLS AND COMMUNITIES SEC. 1701. (a) PAYMENTS.—For fiscal year 2008, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 181(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–395; 33 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner, as in fiscal year 2007, with the exception that the payments made were to States and counties in 2006 under that Act.
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(b) ADDITIONAL APPROPRIATION.—There is appropriated $400,000,000 from funds not otherwise appropriated, to remain available until December 31, 2008, to be used to cover any shortfall for payments made under this section.

(c) CONFORMING AMENDMENTS.—Titles II and III of secure Rural Schools and Community Self-Determination Act (Public Law 106–393; 16 U.S.C. 500 note) are amended, effective as of September 30, 2007, by striking “2007” and “2008” each place they appear and inserting “2009” and “2010”, respectively.

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

Mr. LEWIS of California. Mr. Speaker, reserving the right to object, I would guess there is nobody in the House that more rural territory than this Member, and the program that my chairman is suggesting we put in the bill is one that is very important to my constituency. I do have serious reservations, however, about the way we went to having to present this in the first place.

This Member just received this bill very early this morning. I would guess there may be dozens of Members who have issues that they would hope would be included in here. We had the time for the flexibility in the approach we handled this bill to have their items considered. So in that sense, I have serious reservations, but it is not my intention to object.

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

Mr. WESTMORELAND. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, first of all, I would simply like to have the RECORD show that we have tried to respond to concerns expressed by the minority side of the aisle, that the objection to allowing us to do that came from the minority side of the aisle. I regret that, but I guess there’s not as much interest in comity as I had hoped today. Having said that, let me explain the bill before us.

I think both political parties are seriously misdescribing the economic crisis that we now find ourselves in. I do not believe that this crisis began on Wall Street. I think this crisis began right here in this Chamber. I think it began right here in this town, in the White House. And I think what is happening today is a logical extension of what has happened since the Reagan administration over 20 years ago.

The fact is that this Congress and previous and present Presidents have followed economic policies through the years which have resulted in the middle class—and what’s called the underclass by some—being squeezed to the wall. Since 1980, the top 10 percent of American families has absorbed 50 percent of the increase in the national income. And in the last 8 years, the richest 10 percent of American families have absorbed 96 percent of all of the income growth in this country. That means the other 90 percent of American families have been struggling for table scraps, struggling to keep their head above water. And one of the ways that they’ve been doing that has been by borrowing.

There is a lot of talk about the increase in the Federal debt over the past decade, which has been over $1 trillion. But the fact is that mortgage debt alone in the private sector in this country has increased by almost $7 trillion. And at the same time that that huge increase in borrowing was occurring by families trying to stay above the water line, we also had a simultaneous, ill-advised deregulation of the financial sector of the economy. The umpire was, in fact, taken off the field, and as a result, Wall Street took advantage of that, invented all kinds of interesting and complicated instruments, and at the same time, there was very little regulation for the people who didn’t know what they were getting into. And so, as a result, we’ve had trickle down economics being followed for 25 years, and now we are experiencing the trickle down consequences.

We have, I think, a serious choice to make in this Chamber and in the other body over the next few days. And I hope we make the right choice.

All through this year this Congress has tried to do a number of things that would alleviate the squeeze on the middle class. To cite just some of our efforts, we passed the largest expansion of the G1 Bill, education benefits, since that program started in 1945. We provided the largest veterans health care funding increase in modern history. We blocked the President’s efforts to eliminate all student aid programs except Pell grant and work study. And we, instead, provided an increase in the Pell Grants of $750. And we passed legislation cutting the loan costs of students by 50 percent over the next 5 years, all to help middle class families send their kids to school.

We increased the minimum wage for the first time in a decade. We extended unemployment insurance benefits to help people who had run out of unemployment benefits and have still not been able to find a job. We provided additional funding to save the SCHIP program, to help keep needy kids on the health care payrolls of our various States.

We’ve provided funding to help States establish high-risk insurance pools—

The SPEAKER pro tempore. The time of the gentleman has expired. Mr. OBEY. I yield myself another 5 minutes.

To increase access for almost 200,000 people who did not have access to health care. We extended dental care programs for the poor by 50 percent. We pass all kinds of efforts to improve the lot of middle-income Americans. And we had a large dispute with the President of the United States over budget levels for programs in the health, education, science and social services area. The President objected to a number of those programs. He wanted to require Congress to impose $14 billion in cuts in those crucial programs, and he said we simply could not afford that. But now we are being confronted with a Presidential request to deal with the Wall Street bailout, and that cost will be about 50 times as large as the cost of funding the programs that we’ve been trying to fund for a year.

Meanwhile, this economy is sagging. Jobs, income, sales, and industrial production have all gone down. We have lost 600,000 jobs. Twenty-seven percent more people are unemployed today than was the case just 6 months ago. And so we are bringing before the House today an effort to counter some of those problems.

We are trying to provide a major increase in investments in highways, rail transportation, and airports to modernize our infrastructure and to provide well-paying construction jobs at the same time.

We are providing a significant increase in funding for construction jobs by helping local communities and States construct sewer and water systems. There is a $600 billion national backlog on that.

We are providing additional help to create jobs by moving ahead with flood control projects.

As far as schools are concerned, the GAO tells us we have a $112 billion backlog in maintenance, building safety, and technology upgrades for our schools. We’re trying to provide a small amount of funding to help begin to take care of that.

On the energy front, we’ve had a theological debate about energy between the parties for the last several months. We are trying to provide some funding here for energy research programs which will create jobs in that area at the same time. We are trying to invest a significant amount of money in order to assure that our auto industry, as it converts to battery-driven, dual-technology automobiles, we’re trying to make certain that those batteries are developed and produced in the United States. If we can accomplish that, it will be a large number of jobs that we keep here in the United States.

We also are trying to extend unemployment compensation benefits for an additional 7 weeks. And we are trying to help State budgets to make sure that States don’t have to knock low-income children and low-income families off the health care rolls.

This is the main thrust of this legislation. We think it is long overdue, and I would urge passage in the House.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume.
Mr. Speaker, it was just 2 days ago that we were debating an $800 billion continuing resolution to fund our troops and veterans, protect our homeland, respond to natural disasters and put our country on a pathway towards energy independence. Many Members, including myself, agreed to support the CR to keep the essential business of our government running through March 6 of next year.

Now in addition to being asked to pay for a bailout for Wall Street, taxpayers are being asked by House Democrats to swallow an additional 60, that is $60 billion in spending on a laundry list of items I saw for the first time just a few hours ago. This would be laughable if it were not so serious.

I was reluctant to support the CR the other day because virtually every dollar was approved without the consideration of the House Appropriations Committee, without floor consideration in the House and Senate, without any oversight by the Appropriations Committee, without floor consideration when we were presented with a take-it-or-leave-it proposition. So much for getting the appropriations process back on track.

The majority is describing this legislation as a “stimulus package” to help our national economy. But let’s be clear about that. Let’s not fool ourselves. This is a political document pure and simple. If these proposals are so important, why hasn’t this bill gone through the normal legislative process, without any amendments and no debate. One more time, we are presented with a take-it-or-leave-it proposition. So much for getting the appropriations process back on track.

During our debate we all agreed on the importance of getting the appropriate committee back on track. Just 2 days ago we found ourselves back on the House floor making the very same mistakes again, debating an additional $60 billion—$60 billion is a lot of money—in spending legislation that very likely needs no amendments, no amendments and no debate. One more time, we are presented with a take-it-or-leave-it proposition. So much for getting the appropriations process back on track.

Mr. Speaker, there’s an old saying: “No bill is better than a bad bill.” That is especially true in this case. We would be doing our constituents, our shareholders, the American taxpayer, a tremendous favor if we took our foot off the gas pedal for a while. We ought to be focused on more oversight rather than more spending. Indeed, spending money is not the answer to every problem.

Mr. Speaker, I have got a feeling that I have seen this movie before. And believe me, the sequel is always worse than the original. We must display more discipline and demonstrate better judgment in spending taxpayers’ money. There is no better time or place to begin than right here now.

I strongly urge my colleagues to reject this unfettered spending spree.

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

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon.

Mr. DEFAZIO. I thank the chairman, and I thank him for his earlier unannounced committee hearing.

After 2 days of regular order and much noise on that side of the aisle about wanting to waive the rules of the House and have the Rules Committee waive the rules of the House to consider county schools, the chairman of the committee gave everybody in the House, including the minority who has been so loud in the last few days, a chance to waive the rules of the House and accept 1 year’s funding for county and school payments. The end of those discussions have been laid off in rural counties across America, and thousands of deputy sheriffs, police and public safety officers.

People will die because these payments aren’t being extended.

The authorization expired when the Republicans controlled the House, the White House and the Senate. And now, today, because Republicans have yet again chosen to stall all county payments, we must act.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts, the chairman of the Transportation appropriations subcommittee.

Mr. OLVER. Mr. Speaker, I rise in strong support of this important legislation to put America back to work. The financial crisis on Wall Street will soon be addressed by this Congress, and there is a need to keep our country out also throwing a lifeline to the millions of people that are struggling to find work and support their families.

In the last year alone, the unemployment rate has risen from 4.3 percent to 8.9 percent. Furthermore, we are currently need about 125,000 new jobs each month just to keep pace with population growth. Instead, we have lost over 600,000 jobs since January, yielding a deficit of 1,900,000 jobs so far this year.

The jobs bill before us is needed for two reasons. It will create thousands of new good-paying jobs, and it will help close the investment gap in our transportation and housing infrastructure. The transportation and housing infrastructure parts of this bill will create nearly 500,000 jobs.

In addition to the jobs created, the infrastructure investments we fund will make a lasting and tangible impact on this country. This bill provides billions of dollars for projects that will have an immediate economic impact and can be bid within 90 days. The bill includes almost $13 billion to create safer and less congested roads and bridges, over $5 billion to improve and expand transit and intercity passenger rail, $600 million for safety and capacity improvements at our Nation’s airports, and $1 billion in infrastructure funding for public housing capital fund, which will help repair our Nation’s public housing stock.

Let’s put America back to work and improve our transportation and housing infrastructure by passing the Job Creation and Unemployment Relief Act.

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

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut, the chairman of the Agriculture appropriations subcommittee.

Ms. DELAURA. Mr. Speaker, as we try to prevent our financial markets from breaking down, we can never forget the middle class families across...
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this Nation who bear the brunt and continue struggling every day just to get by. I believe our government has a responsibility to help get our economy back on track and make opportunity real in our communities and for our families, so that rising prices, rising foreclosures and a Republican economy that continues to shed more jobs and produce less income, middle class families are at great risk.

Thomas

This bill makes a serious commitment to our national infrastructure. According to State transportation departments, $18 billion is ready to go for infrastructure projects across the country. This bill provides $12.8 billion for those projects that can start right away, begin creating quality jobs and rebuild our Nation’s aging highways and bridges; $1 billion for the Clean Water State Revolving Fund and $1 billion for the Drinking Water State Revolving Fund to repair, rehabilitate and expand water systems, many of which are over 50 years old; $3 billion for the States to immediately fund much-needed school maintenance, and still more innovative green infrastructure, Amtrak maintenance and public housing construction projects.

This is about making a direct and an immediate impact, creating jobs, jobs that cannot be outsourced, spurring economic growth and putting our Nation on a better path, not just for today but for the future.

Mr. LEWIS of California. Mr. Speaker, I continue to reserve my time.

Mr. OBEY, Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Transportation and Infrastructure, Mr. Oberstar.

Mr. OBERSTAR. I thank the gentleman for yielding.

Should all this be enacted, we will have renamed the chairman “Obey the Builder” because this legislation will build America, rebuild America, create jobs, $30 billion to invest in America, the roads, the bridges and the transit and passenger rail systems, the airports, the locks, dams, waterways and environmental infrastructure that enable our economy to work and keep our citizens safe. This is the infrastructure that, too often, we take for granted, until it fails.

This bill recognizes the critical importance of meeting our Nation’s transportation and environmental infrastructure investment needs, and provides $30 billion toward that end. This $30 billion investment will yield lasting benefits in terms of reduced travel times, higher productivity, increased competitiveness in the world marketplace, and cleaner water.

With more than 800,000 construction workers out of work, and the construction industry suffering the highest unemployment rate, 8.2 percent, of any industrial sector, this bill puts America’s transportation system back in a strong position with more than one million good, family-wage jobs—jobs that cannot be outsourced to another country, because the work must be done here in the United States on our roads, bridges, transit and rail systems, airports, waterways, and wastewater treatment facilities.

For highways and bridges, the bill provides $12.8 billion. State Departments of Transportation, “DOTs”, have a tremendous backlog of highway projects that could be implemented quickly if these additional funds are made available. Congress has informed the Federal Highway Administration, “FHWA”, that they had $8 billion of highway projects that could advance before next week, September 30, if funding were available. Regrettably, FHWA only had $1 billion available to distribute to the States through its August redistribution process.

I urge my colleagues to support this economic recovery package, targeted investment to jump-start this economy and create quality jobs.

According to an Association of State Highway and Transportation Officials, “AASHTO”, survey of State DOTs, States have more than 3,000 projects totaling $17.9 billion which are ready-to-go and can be out to bid and under construction within 90 days. However, there is a serious condition that if its rating drops to 2, the bridge will be closed. If the bridge has to be closed, residents will have to make a 123-mile detour. Missouri could accelerate the replacement of a structurally deficient and obsolete bridge on the construction of a new bridge over the Osage River at Tusculum, Missouri. The current bridge is a two-lane, 1,083-foot structure that is 75 years old and is also rated a 3, serious condition. If this bridge has to be closed, residents will have to make a 40-mile detour.

Of transit, the bill provides $3.6 billion for capital investments, and $1 billion for relief from high energy costs. Due to high gas prices, transit agencies across the country are experiencing increased demand for transit service. If they are not able to meet this demand due to the impact high fuel costs have had on their own operating budgets. In 2007, 10.3 billion trips were taken on public transportation—the highest number of trips taken in 50 years. Ridership has continued to climb in 2008, with a 4.4-percent increase in trips taken during the first half of 2008 compared to the same period last year, putting 2008 on track to beat last year’s modern record ridership numbers. Additional funds could be put to immediate use by transit agencies to meet this demand while at the same time creating much-needed jobs and economic activity.

For Amtrak, the bill provides $500 million. Similar to transit, Amtrak is experiencing record ridership and revenues in fiscal year 2008, and demand is growing across Amtrak’s entire system for intercity passenger rail service. With this additional funding, Amtrak will be able to refurbish rail cars that are currently in storage and return them to service, and fund other urgently needed repair and maintenance of its facilities.

For the Airport Improvement Program, “AIP”, the bill provides $600 million. This funding will allow the AIP program to keep pace with inflationary cost increases, and begin to
address the investment gap in airport safety and capacity needs. Ready-to-go AIP projects that would be funded by this bill include runway and taxiway rehabilitations, extensions, and widening; obstruction removal; apron construction, expansion and rehabilitation; Airport Rescue and Firefighting equipment and facilities; and airside service or public access roads.

For environmental infrastructure, this bill provides $6.5 billion for Clean Water State Revising Funds, “SRFs”. Under this administration, funding for the Clean Water SRF program has been cut repeatedly and funding is now one-half of what it was a decade ago, despite the fact that the needs continue to grow. These cuts have created pent-up demand in the States for project funding. In addition, wastewater treatment facilities must meet new treatment requirements, including requirements to control nutrients, sewer overflows, stormwater, and nonpoint sources. Aging infrastructure must be replaced or repaired. Additional funds could be put to immediate use in many States, creating family-wage construction jobs and economic activity. A recent survey by the Council of Infrastructure Financing Authorities, the Association of States and Authorities and the Association of State and Urban Development, and Independent Authorities identified more than $9 billion in ready-to-go Clean Water SRF projects that cannot be funded within existing appropriation levels.

For the U.S. Army Corps of Engineers, the bill provides $5 billion to invest in the Nation’s water resource infrastructure. This investment will provide jobs, help American products compete on the world market, reduce the risk that larger sums for disaster relief will be needed in the future, and restore precious ecosystems. For example, the infusion of additional construction capital could be used for the construction of the second 1,200-foot lock at Saulte Ste. Marie. If the second lock were completed, then the incident that occurred earlier this week would not shut down traffic between the Upper and Lower Great Lakes because there would be a second point of transit. The old Poe lock, that failed, is the only 1,200-foot lock between the Upper and Lower Lakes.

Finally, I thank Speaker PELOSI, Chairman OBEY, Chairman OLVER, Chairman of the Subcommittee on Transportation, Housing and Urban Development, and Independent Agencies, for working with me throughout the development of this job creation package.

Throughout our Nation’s history, economic growth, prosperity, and opportunity have followed investments in the Nation’s infrastructure. From the “internal improvements” of the early 1800s—canals, locks, and roads—to the Interstate Highway System of today, infrastructure investment has been our foundation for economic growth. The investments funded by H.R. 7110 will not only create jobs today, they will provide long-term economic, safety, health, and environmental benefits.

I strongly urge my colleagues to join me in supporting H.R. 7110, a true investment in America’s future.

I insert in the RECORD the results of a survey conducted by the American Association of State Highway and Transportation officials of ready-to-go highway and bridge projects in each State.

<table>
<thead>
<tr>
<th>State</th>
<th>Number of Projects</th>
<th>Dollar Value (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>128</td>
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<td>Alaska</td>
<td>39</td>
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**Total**             **3071**   **17,891.6**

Mr. LEWIS of California, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not intend to take very much time, but I do want to take just a moment to express to the Members that which I have expressed to my chairmen in many a forum.

This Member has been very, very concerned about the way the appropriations process has been working during this Congress, concerned enough to think that we could very well be on the pathway to destroy the Appropriations Committee, which has historically been the rock of this place in terms of accomplishing real work.

I certainly don’t point to my chairman in terms of the concerns directly. We have, very fine members with great experience and talent on each of our subcommittees. On both sides we have fabulous staff people who make a great contribution to this entire arena. But over the last year or year-and-a-half, those people have been heard all too seldom. Indeed, while our staffs do work together weekend after weekend, in turn they know full well we are not producing the product we could if we had a fully-developed bipartisan discussion, one of these very important subcommittees.

It is with that concern that I rise to the Members, it is long past due that we change the pattern by which of which we are carrying forward our appropriations business.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I hate to keep going over old ground, but in light of the gentleman’s comments, I would like to present a slightly different interpretation of where we are.

The fact is that we have passed out of this body and we expect to have sent to the President this weekend the three foreign policy appropriation bills for the year, representing well over 60 percent of the discretionary funding in the budget. We have not sent him any of the domestic appropriations bills for one simple reason, because the White House declared them dead on arrival before they had ever been written.

The White House simply made quite clear that if we did not submit to their budget wishes and cut $14 billion out of education, out of health care, out of science, out of energy research and the like, if we didn’t do that they would veto the bills. When we asked if they would sit down and talk about it and consider compromise, they indicated they had no interest.

It is clear to us that the President means what he says. He often does. So under those circumstances, we have a choice. We could either capitulate to the President’s requirements that we cut everything from medical research at NIH to vocational education and the like, or we could say no, we are not going to accept those reductions; we will try to appeal to the public and let them choose.

So the public will choose by their selection of either Mr. OBAMA or Mr. MCCAIN. I am sorry, it has been a long day. The fellow from Arizona. Anyway, the public will choose one or the other. And if they choose Mr. MCCAIN, then they will get President Bush’s domestic budget, and if they choose Mr. OBAMA, they will get something quite different.

So I think there is a very rational reason for our making this choice. The only other option would have been for us to scream at each other and argue with each other for 6 months, knowing that the bills were going nowhere because of the President’s intent to veto the bills.

That, in essence, is why we find ourselves where we are on those domestic appropriation bills.

But this bill is a different issue. This bill relates not to yesterday’s arguments, but to today’s problems and tomorrow’s solutions. What this bill represents is an effort to respond to the economic chaos that we have seen in this country for the past 8 months or more. It represents an effort. At a time when people are talking about doing a huge bailout for the banks, we are trying to find discrete ways of making life a little less miserable for people who have been hit hard by the
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consequences of the economic chaos that has swept over the country.

So we make no apology. In a year when we have lost 600,000 jobs, we make no apology for trying to help res-
correct the possibility for some more good-paying jobs by adding to the con-
sstruction of our infrastructure—by way of airport and highway and transit de-
development, by doing additional energy research, by doing additional cleanup of sewer and water, again, construction jobs that will mean a good many fami-
lies will be getting income again where they were not before. That is what this bill tries to do.

It is in fact a very modest proposal in terms of what most economists think will be necessary, but it is a whole lot better than doing nothing.

FDR warned a long time ago, he said, “Better the occasional mistake of a government that cares than the con-
stant omission of a government frozen in the ice of its own indifference.” And that is the choice that faces us today.

As Franklin Roosevelt said a long time ago in his inaugural address, “This country needs action; it needs action now.” We are trying in a small way to provide that, along with the two other pieces that are now before this Congress, one being the continuing resolution, and the second being the disposition of the huge economy rescue project that the President has pro-
posed. This is a key element in those efforts.

Mr. INSLEE. Mr. Speaker, I rise today to support an economic stimulus package that will create American jobs in a growing clean energy economy. Thanks to the advocacy of Majority Leader STENY HOYER and Chairman JOHN DINGELL, Congress authorized an ad-
vanced battery loan guarantee program for adv-
canced vehicle batteries and systems—key components to fuel efficient cars—in the United States. I also want to thank my good friend, Streit Israel and Tom RYAN for engaging in the effort to push this program and others like Speaker NANCY PELOSI, Chairman DAVE OBNEY and RAHM EMANUEL for their support in moving forward. Also integral in this achievement are hard-
working staff.

As many Americans know, a healthy auto-
mobile industry is as American as apple pie. In the transition to a clean energy economy, batteries and advanced electric systems are the key to our future success in this area. Once hailed, batteries were equivalent to up to 50 percent the total cost of the car. At this time, all of the domestic auto manufacturers plan to purchase batteries that have been produced offshore for their new ef-
cient electric vehicles. However, today, the House will provide funding for a $3.3 billion in loan guarantee program for the domestic con-
struction of facilities that will manufacture ad-
canced vehicle batteries and battery systems. This will enable an American industry to re-
main competitive in producing advanced lith-
ium ion batteries, hybrid electrical systems, components and software designs.

Loan guarantees provided in this bill will en-
able several domestic advanced battery manu-
facturers and advanced vehicle systems com-
panies to grow in a global marketplace. Such companies could include AFS Trinity, of Me-
dina, WA, Enerdel of Indianapolis, IN, Altairan Battery of Reno, NV, Firefly of Peo-
ria, IL and International Battery of Allentown, PA. There are others that have also devel-
oped technology here and we hope that this provision will encourage those companies to open facilities in the United States.

Absent this program, we risk losing the ad-
banced battery industry to Asia when there is no technological reason that America cannot com-
pete in this technology. With this program, we are going to help to create green col-
lar jobs in an important industry. We also en-
sure our companies grow in a global market-
place. I urge my colleagues to support this bill and fund this program.

Mr. HOYER. Mr. Speaker, you only need to open a newspaper or turn on a TV to see the case for this economic recovery package made far more eloquently than I can make it.

The financial crisis we are facing would have repercussions far beyond Wall Street—it could endanger the economic security of mil-
ions of American families. We are facing a downturn that is very real, one that speaks poorly of the President's economic steward-
ship. This year, America has lost jobs every single month—a total of 605,000 this year. More than a million American families have been losing their homes and the housing market has taken its worst dive since the Great De-
pression. Household income is down under President Bush. 5.7 million more Americans are living in poverty since he took office. And today, 46 million of our fellow Americans are without health insurance.

All of those facts call out, urgently, for this recovery package.

This bill provides immediate assistance to those who are suffering through an economic storm not of their making. And, just as impor-
tantly, it gives that assistance in a way that stimu-
lates the economy as a whole. It has five key provisions:

First, it supports efforts to renew America’s outdated, worn-down infrastructure—the roads, bridges, pipes, and tracks that are the foundations of our economy. Infrastructure projects are surefire job-creators. And we can-
not expect to be a prosperous nation when more than 150,000 of our bridges are in as dangerous a shape as the bridge that col-
lapsed in Minneapolis last year, and when some of our cities depend on century-old water systems. Past infrastructure invest-
ments—from canals to electrification to inter-
state highways—have brought significant eco-
nomic growth in their wake.

Second, this bill makes a serious investment in several other energy and energy inde-
dependence programs. I am particularly glad that it includes funding for the advanced battery loan guarantee program authorized by last year’s energy bill. The program will provide assistance in the construction of domestic fa-
cilities to manufacture advanced lithium ion battery systems, one of the energy innovations we are counting on to break our dependence on foreign oil and revitalize American industry.

I was proud to write that provision with Mr. DINGELL, and Mr. INSLEE’s support has been instrumental in making it a priority.

Third, this bill adds resources to the Federal Medical Assistance Program, sending aid to states forced to cut back vital services in this time of shortfall. Surely, even in these hard times, we can set aside money to care for the poor and the sick.

Fourth, this bill includes a temporary in-
crease in food stamp benefits. Food stamps can barely buy a month’s food for families in normal times. With the recent spike in food prices, we need an increase in assistance to those families. Moreover, we find that food stamps are one of the best kinds of economic stimulus, injecting money right back into local communities.

Fifth and finally, the recovery package will extend unemployment benefits for seven weeks, or 13 weeks in the hardest-hit states. Like food stamps, unemployment benefits assist families while directly stimulating local economies. And if we do not act, nearly 800,000 workers who had their unemployment benefits extended in July will find themselves out of luck in a week and a half—dumped into the midst of a brewing economic crisis.

Mr. Speaker, the state of our economy de-
mands a comprehensive response. It should include a 21st-century energy policy, sound regulations to protect investors and taxpayers, and a strong financial rescue we hope to bring to the floor soon. But right now, for the people of our districts, this bill is the single most mean-
ingful thing we can do. I urge my colleagues to pass it.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this economic recovery pack-
age as a $63 billion shot in the arm for an economy that clearly needs it. As we de-
bate the President’s $700 billion bailout plan for Wall Street, we must never forget the struggle on Main Street caused by years of failed economic policies.

This legislation will grow our economy and create jobs by investing $34 billion in needed infrastructure improvements for our roads, bridges, water resources, schools, public trans-
sit, airports and housing. It provides $1.6 bil-
lion to accelerate advanced battery, renewable energy and energy efficiency technologies. And it offers a helping hand to our neighbors in need by extending unemployment benefits for an additional seven weeks, increasing food stamp support by $2.6 billion, bolstering our support for state Medicaid programs by $1.7 bil-
larly enhancing the federal match to state Medicaid programs in order to protect health care for our most vulnerable citizens.

Mr. Speaker, with the President warning of “financial panic” and 605,000 American jobs already lost this year, this proactive effort to support our struggling economy is a modest, but important step. I urge my colleagues’ sup-
port.

Mr. KENNEDY. Mr. Speaker, while Wall street speculators on the edge of collapse families have been in free-fall for months. As a nation, our economy is in trouble.

For the people of Rhode Island, who cur-
rently face 8.5 percent unemployment, this cri-
is demands immediate action. Over the past year, unemployment in the state has risen by three and a half percent.

Mr. Speaker, the economic recovery pack-
age before us today will help stem the slide of our economy into a deep recession while si-
multaneously making important investments in our future. My constituents in Rhode Island cannot afford another day without this critical legislation.

This bill will help get more Americans back to work right away by investing in our crum-
bling bridges and highways.
This bill will help local transit agencies, like those in my state, which currently face cost overruns and drastic reductions in service because of aging fleets and escalating gas prices.

This bill will make essential investments in our economy in a way that enables our overcapitalized buildings and makes energy-saving renovations up front, so that less of our future education budget literally goes up in smoke.

Mr. Speaker, this legislation makes a number of other important investments, but I would like to urge my colleagues to the help it offers to the most vulnerable among us. For Rhode Islanders and those across this country who are out of work, this bill extends unemployment benefits to keep families in their houses and to keep food on their tables.

Certainly, these are trying economic times for our country which require fundamental change. This legislation represents an important step toward policies which couple sound investment with true compassion.

For all American families struggling in these trying times, I urge my colleagues to support this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 7110, the “Job Creation Unemployment Relief Act of 2008.” This important legislation will help families struggling in these difficult economic times, invest in our infrastructure, and create jobs for Americans.

Right now, families in Connecticut and all across the country are facing rising energy costs, rising food prices, rising health care costs and an uncertain economic future. They are working hard but finding it increasingly difficult to make ends meet.

This bill will put Americans back to work and provide needed relief for families. It invests $500 million in job training programs and invests billions to rebuild roads, bridges, schools, and public transportation. To protect our energy future, this bill invests crucial funds in the development of renewable energy sources and energy efficient vehicles.

To address the turbulent economic times, this bill provides key investments to assist families. With 11,000 Connecticut residents facing exhaustion of their unemployment benefits in October, H.R. 7110 will provide an extension of up to 13 weeks to help those workers get back on their feet. Finally, this bill will give crucial funding to increase food assistance and will also provide a substantial increase in Medicaid funding to the states.

At this time of great economic uncertainty, the American people need to know that their representatives are looking out for the interests of Main Street, not Wall Street. This bill is an investment in our greatest resource: the American people. I again want to express my strong support for this legislation and urge its passage.

Mr. DINGELL. Mr. Speaker, I am pleased to rise today in support of a second economic stimulus package. This package comes at a time when the number of unemployed continues to rise, gas and fuel prices are continuing to fluctuate, and our financial markets are in crisis.

For many months now, Congress has witnessed our economy continue on its economic downturn. I was happy to join with my colleagues to support rebate checks for 117 million American families in the first stimulus package that Congress passed at the beginning of this year. However, I believe now, as I did then, that a one-time check does little for families who have been struggling paycheck to paycheck for months. Bolder action is needed, and I think Congress is taking an important step today to help our working families and to bolster our economy from the brink.

In my home state of Michigan we have been struggling with the highest unemployment rate in the Nation, now at 8.9 percent. Since 2000 wages have fallen in Michigan at a rate of 0.5 percent per year, healthcare premiums have risen, and we have lost thousands of thousands of jobs. Despite all of this tragedy, Michigan’s economic plight has not received much attention. I am here today to warn my colleagues that without today’s stimulus package, many other States may be joining Michigan’s struggles.

Today’s proposal includes a number of measures that my colleagues in the Michigan delegation have been urging our House and Senate leadership to consider.

First it includes my colleague Congressman Jim McDermott’s legislation H.R. 6867, which extends unemployment benefits by 7 weeks in all States to a total of 20 weeks and will extend these benefits by an additional 13 weeks for States with high unemployment. I cosponsored this legislation because Michigan workers need these extra benefits now more than ever, and I know that this will provide them with the extra time they need to get back on their feet.

Second, this economic stimulus package provides $15 billion in relief to all States and territories through a temporary increase in Federal Medicaid funding. This money will ensure States can continue to provide healthcare to low-income populations including children, pregnant women, individuals with disabilities, and the elderly, without cutting important benefits. It will also help prepare Medicaid for the health services it may provide to the additional workers who lose their jobs, access to private health insurance, or both.

In Michigan we have witnessed firsthand how rising healthcare costs have strangled our manufacturers and employers. We know now that healthcare costs more than steel in a domestic automobile, and Starbucks spends more on healthcare than coffee beans. Further, as more and more families are relying on Medicaid to receive the healthcare they so desperately need. The injection of new Federal dollars through Medicaid has a measurable effect on State economies, including generating new jobs and wages. In fact, $1 million in additional Medicaid dollars creates $3.4 million in new business activity.

As an author of legislation with a similar one-time increase in FMAP, I know very well that it is one of the simplest, fastest, and best ways to provide stimulus to States and I applaud our leadership for including it in today’s bill.

Third, this legislation includes a temporary increase in Food Stamp benefits. We know that one of the hardest hits of past recessions has been the benefit to purchase their groceries, however, when food prices have increased by 7.5 percent, Food Stamps do not stretch as far as they once did. Today’s proposal will provide $2.6 billion toward increasing Food Stamp benefits, helping thousands of families put food in the pantry and dinner on the table.

Mr. Speaker, thank you for your leadership on this issue and for standing up to this ad-

minstration once again. I know that putting together today’s legislation was no easy task. However, our families desperately need the Federal Government to help provide them with relief and reassurance that we hear and understand their struggles. I am pleased that I was able to help secure the 15th Congressional District and tell my constituents about the $25 billion in loans to auto makers the Michigan delegation was able to secure and a second economic stimulus package that Congress was hopefully able to pass and the President signed into law. I hope that these actions will not go unnoticed, and as their Federal representative it is my duty to do whatever I can to help them through this tough time. I urge my colleagues to rise in support of today’s package, a “no” vote on this legislation or a veto by the President’s pen is no way to help our families in need.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 7110, the Job Creation and Unemployment Relief Act of 2008. Within this legislation are the provisions containing help to Federal funding for Guam. As a result of the current economic situation, this is much needed legislation for all Americans.

Of particular note, H.R. 7110 would temporarily increase the cap on Medicaid payments to the territories by 5 percentage points for 2009 and 2010. Although this increase represents progress toward addressing the inequity in Federal health care financing between the States and territories, I continue to work with the leadership of the House Representatives and the Senate to also adjust the statutory-set Federal medical assistance percents (FMAPs) for the territories which are currently set at 50 percent. Unlike the States, territories pay more for the medically indigent in their jurisdictions, creating a larger infrastructure and health inequity for our local government. Our local government is burdened with budget shortfalls, and in tough economic times like these we need to ensure that families under economic stress have access to health care.

This bill will help local transit agencies, like those in my state, which currently face cost overruns and drastic reductions in service because of aging fleet and makes energy-saving renovations up front, so that less of our future education budget literally goes up in smoke.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 7110, the Job Creation and Unemployment Relief Act, which will provide funding for job creation and preservation initiatives, infrastructure investments, and economic and energy assistance. This important measure represents our commitment to help hard-working Americans weather these turbulent economic times.

In February, Congress passed the Recovery Rebates and Economic Stimulus for the American People Act, which aimed to inject $150 billion into our economy to revitalize our markets, create consumer confidence, and provide relief in the midst of recession. It provided rebates to Americans that put money directly into their pockets. While this short-term recovery plan was helpful to American families, our country’s economic crisis has since worsened, and additional action by Congress is necessary. In August, 84,000 Americans lost their jobs, making it the eighth straight month that our economy has seen reductions in the workforce. The number of unemployed
Americans is the highest it has been since 1992, and unemployment claims have increased by more than 38 percent this year. Sadly, in my home State of Rhode Island, the unemployment rate has risen to 8.5 percent—the second highest in the Nation. My constituents have reached out to me and the Federal Government for help, because they need help in this struggling economy to refinance their mortgages, pay their home heating bills, secure good-paying jobs, and find affordable health care.

H.R. 7110 begins to answer their call by providing a critical and immediate boost to the many Rhode Islanders, and Americans across the Nation, who are struggling to find work. It provides 7 weeks of extended benefits for those who have exhausted regular unemployment compensation. This is in addition to the 13-week extension passed in June of this year. Residents in high unemployment States, like Rhode Island, may also be eligible for an additional 13 weeks of benefits. In addition this measure provides $500 million for job training, including assistance for dislocated workers, retraining for employment opportunities, and customized help to those receiving unemployment benefits. This bill will give hard-working Americans another chance to turn their job search and provide for their families.

This bill also includes investments in infrastructure and renewable energy technologies that will have an immediate impact on the economy by creating jobs and meeting existing needs in our country. While Rhode Island’s coastline is one of the most beautiful in the Nation, it presents our State with underlying infrastructure challenges. H.R. 7110 provides $12.8 billion for highway infrastructure, which is critical to the hundreds of thousands of Rhode Islanders who rely on the safety of our State’s highways and bridges. I am pleased that the bill also provides an increase in funding for the Nation’s drinking water infrastructure, which has been underfunded by the Bush Administration for the past several years. Three billion dollars is also included to repair and upgrade our schools, $1 billion for repair and construction projects for public housing, and $1 billion to upgrade and expand public transportation.

Also included within the stimulus package is a temporary increase in the Federal Medical Assistance Percentage (FMAP) to assist State Medicaid programs. This is particularly important for Rhode Island, which is currently funded with a $400 million budgetary deficit fueled in part by unsustainable increases in Medicaid expenditures. These funds are designed to prevent cuts to health insurance and health care services for low-income children and families, as well as generate business activities, jobs, and wages that Rhode Island would otherwise not see.

Our country has faced economic hardships and recessions before, and I have no doubt we will weather this current downturn. However, we must provide Americans with the necessary tools to turn this economy around.

I encourage my colleagues to pass this bill and give a hand up to those who are most vulnerable during these trying times.

Mr. Speaker, I rise in support of H.R. 7110, the Job Creation and Unemployment Relief Act of 2008. This bill will give economic support to Main Streets across the Nation, providing $60.8 billion to help families who are struggling and creating jobs that can put our economy back on track.

H.R. 7110 makes strategic investments to repair our Nation’s aging infrastructure, improving our communities while also creating jobs and stimulating local economies. This bill provides $12.8 billion and highway improvements that will address longstanding needs, improving safety and reducing traffic congestion. H.R. 7110 includes a $5 billion investment in the Nation’s water resource infrastructure to improve flood protection and hydroelectric power. In addition, this stimulus package provides $3.6 billion to expand public transportation and meet growing demand as Americans face rising fuel costs. H.R. 7110 also includes $1 billion for repair and construction of public housing projects. This kind of funding produces $2 in economic return for every dollar invested.

I am particularly pleased that this bill includes $3 billion for school construction and modernization funding to repair aging and unsafe schools, provide students with better technology in the classrooms, and improve energy efficiency. As the only former school superintendent serving in Congress, I am very concerned about the dire need for school infrastructure improvements, as quality education cannot take place in crumbling schools. Nearly every school district in this country has a list of repair projects that need funding, so investments in school construction and renovation can quickly make their way to the local economies, providing jobs and stimulating economic activity. Given the desperate need for school modernization and construction across the Nation, I am disappointed that H.R. 7110 does not leverage this funding through tax credits to support more activity, as in the bill that I have introduced with my friend Ways and Means Chairman CHARLIE RANGEL. I am hopeful that the House of Representatives will consider H.R. 2470, the America’s Better Classrooms Act, at some future date. However, I am pleased that H.R. 7110 provides a starting point with this $3 billion investment.

As our Nation faces a struggling economy and we face the highest rate of unemployment since 1992, this bill will provide relief to struggling families across our country. This bill provides an additional 7 weeks of extended benefits for workers who have exhausted regular unemployment compensation, and an additional 13 weeks for workers in certain high-unemployment states. These benefits are targeted to the folks who need them the most, and this funding will boost the overall economy by putting the dollars we’ve been waiting to spend quickly. H.R. 7110 also provides Medicaid increases that will prevent cuts to health insurance and health care services for low-income children and families; $2.6 billion to address rising food costs for seniors, people with disabilities, and low-income families; and $600 million for job training programs that will help Americans find and prepare for good jobs.

I support H.R. 7110, Job Creation and Unemployment Relief Act of 2008, and I urge my colleagues to join me in voting for its passage. Mr. OBERRY, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and the Speaker ordered the third time.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable John A. Boehner, Republican Leader:

HOUSE OF REPRESENTATIVES,

Hon. Nancy Pelosi, Speaker, U.S. Capitol,
Washington, DC.

Dear Speaker Pelosi:
Pursuant to Section 338(a)(2) of the Consolidated Natural Resources Act of 2008 (P.L. 110–229), I am pleased to appoint Mr. Aida Levitan, Ph.D. of Washington, DC, as Director of the Smithsonian National Museum of the American Latino.

The House will take action tomorrow.

Sincerely,
John A. Boehner,
Republican Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EHLERS) changes his vote from "yea" to "nay.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.
Concerning Peaceful Uses of Nuclear Energy that was transmitted to Congress by the President on September 10, 2006.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE I—APPROVAL OF UNITED STATES-INDIA AGREEMENT FOR COOPERATION ON PEACEFUL USES OF NUCLEAR ENERGY

SEC. 101. APPROVAL OF AGREEMENT.

(a) IN GENERAL.—Notwithstanding the provisions for congressional consideration and approval of a proposed agreement for cooperation on peaceful uses of nuclear energy under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8001 et seq.; Public Law 109-401), and any other applicable United States law as if the Agreement had been approved pursuant to the provisions for congressional consideration and approval of a proposed agreement for cooperation on Peaceful Uses of Nuclear Energy, subject to subsection (b).

(b) APPLICABILITY OF ATOMIC ENERGY ACT OF 1954, HYDE ACT, AND OTHER PROVISIONS OF LAW.—The Agreement shall be subject to the nuclear requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8001 et seq.; Public Law 109-401), and any other applicable United States law, as if the Agreement had been approved pursuant to the provisions for congressional consideration and approval of a proposed agreement for cooperation on Peaceful Uses of Nuclear Energy, subject to subsection (b).

(c) CERTIFICATION REQUIREMENT.—Before exchanging diplomatic notes pursuant to Article 16(1) of the Agreement, the President shall certify to Congress that entry into force of the Agreement pursuant to its terms is consistent with the obligations of the United States under the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, D.C., London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty"), in any way that would persuade, induce, or direct India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.

(d) RULE OF CONSTRUCTION.—Nothing in the Agreement shall be construed to supersede the legal requirements of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 or the Atomic Energy Act of 1954.

SEC. 102. DECLARATIONS OF POLICY; CERTIFICATION REQUIREMENT; RULE OF CONSTRUCTION.

(a) DECLARATIONS OF POLICY RELATING TO MEANING AND LEGAL EFFECT OF AGREEMENT.—Congress declares that it is the understanding of the United States that the provisions for cooperation on peaceful uses of nuclear energy under the Agreement for Cooperation on Peaceful Uses of Nuclear Energy have the meanings conveyed in the authoritative representations provided by the Indian parliament of India on May 11, 2006, taking into account the later initiation and the results of such consultations; and

(b) DECLARATIONS OF POLICY RELATING TO TRANSFER OF NUCLEAR EQUIPMENT, MATERIALS, AND TECHNOLOGY TO INDIA.—Congress makes the following declarations of policy:

(1) Pursuant to section 103(a)(6) of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8005(f)), the United States shall not permit transfers of nuclear material that the nation has transferred to India to be used for any purpose other than as a research reactor or for uses permitted under any such subsequent arrangement; and

(2) Pursuant to section 103(b)(1) of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8002(a)(6)), in the event that nuclear transfers to India are suspended or terminated pursuant to title I of such Act (22 U.S.C. 8001 et seq.), the Atomic Energy Act of 1954 (42 U.S.C. 2001 et seq.), or any other applicable United States law, it is the policy of the United States to seek to prevent the transfer to India of nuclear equipment, materials, or technology from other participating governments in the Nuclear Suppliers Group (NSG) or from any other source.

(2) Pursuant to section 103(b)(1) of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8002(b)(10)), any nuclear power reactor fuel reserve provided to the Government of India by other participating governments shall be commensurate with reasonable reactor operating requirements.

(c) CERTIFICATION REQUIREMENT.—Before exchanging diplomatic notes pursuant to Article 16(1) of the Agreement, the President shall certify to Congress that entry into force of the Agreement pursuant to its terms is consistent with the obligations of the United States under the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, D.C., London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty"), in any way that would persuade, induce, or direct India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.

(d) RULE OF CONSTRUCTION.—Nothing in the Agreement shall be construed to supersede the legal requirements of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 or the Atomic Energy Act of 1954.

SEC. 103. ADDITIONAL PROTOCOL BETWEEN INDIA AND THE IAEA.

Congress urges the Government of India to sign and adhere to an Additional Protocol with the International Atomic Energy Agency (IAEA), consistent with IAEA principles, practices, and policies, at the earliest possible date.

SEC. 104. IMPLEMENTATION OF SAFEGUARDS AGREEMENT BETWEEN INDIA AND THE LATER INITIATION AND THE RESULTS OF SUCH CONSULTATIONS; AND

(a) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA.—Subsection (g)(1) of section 104 of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8003) is amended—

(1) by redesigning subparagraphs (B), (C), (D) and (E) as subparagraphs (C), (D), (E), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) any material inconsistencies between the content or timeliness of notifications by the Government of India pursuant to paragraphs (A) and (B) of section (b) of article 13 of the safeguards agreement and the facilities and schedule described in paragraph (14) of the separation plan presented in the national parliament of India on May 11, 2006, taking into account the later initiation of safeguards than anticipated in the separation plan;"

(b) MODIFIED REPORTING TECHNICAL COMMITTEE.—Subtitle (g) of section 104 of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (22 U.S.C. 8003) is amended—

(1) by redesigning subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) any material inconsistencies between the content or timeliness of notifications by the Government of India pursuant to paragraphs (A) and (B) of section (b) of article 13 of the safeguards agreement and the facilities and schedule described in paragraph (14) of the separation plan presented in the national parliament of India on May 11, 2006, taking into account the later initiation of safeguards than anticipated in the separation plan;"

(c) IMPLEMENTATION AND COMPLIANCE REPORT.—Subsection (g)(2) of such section is amended—

(1) in subparagraph (K)(iv), by striking "and" as appropriate and inserting "and" as appropriate; and

(2) in subparagraph (L), by striking the period at the end and inserting "and"; and

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

"(M) with respect to the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy (hereinafter in this subparagraph referred to as the 'Agreement') approved under section 101(a) of the United States-India Nuclear Cooperation Approval and Non-Proliferation Enhancement Act—"

(1) a listing of—

"(I) all provision of sensitive nuclear technology to India, and other such information and detail as the United States or India under Article 1(a) and

(II) all facilities in India notified pursuant to Article 7(1) of the Agreement;"

(2) a description of—

"(I) any agreement safeguards or any other form of verification for by-product material decided by mutual agreement pursuant to the provisions of Article 13 of the Agreement;" and

(III) research and development undertaken in such areas as may be agreed between the United States and India as detailed in Article 5 of the Agreement, including a listing of the receiving country of each such transfer;

(iii) an analysis of—

"(I) any instances in which the United States or India requested consultations arising from concerns over compliance with the provisions of Article 7(1) of the Agreement, and the results of such consultations; and

(II) any transfers beyond the territorial jurisdiction of India pursuant to Article 7(2) of the Agreement, including a listing of the receiving country of each such transfer;"

(iv) a statement as to whether—

"(I) any consultations are expected to occur under Article 16(5) of the Agreement; and

(II) any enrichment is being carried out pursuant to Article 6 of the Agreement.

TITLE II—STRENGTHENING UNITED STATES NONPROLIFERATION LAW RELATING TO PEACEFUL NUCLEAR CO-OPERATION

SEC. 201. PROCEDURES REGARDING A SUBSEQUENT ARRANGEMENT ON REPROCESSING.

(a) IN GENERAL.—Notwithstanding section 131 of the Atomic Energy Act of 1954 (42 U.S.C. 2160), no proposed subsequent arrangement concerning arrangements and procedures regarding reprocessing or other alteration of material that the nation has transferred to India to reprocess or otherwise alter in form or content nuclear material that the nation has transferred to

...
India or nuclear material and by-product material used in or produced through the use of nuclear material, non-nuclear material, or equipment that it has transferred to India to do under similar arrangements and procedures.

(2) A period of 30 days of continuous session (as defined by section 130 g.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2159 (g)(2)) has elapsed after transmittal of the report required under paragraph (1).

c. RESOLUTION OF DISAPPROVAL.—Notwithstanding any requirements or limitations in subsection (b) having been met, a subsequent arrangement referred to in subsection (a) shall not become effective after an atmospheric nuclear test or if a test has been conducted in the case of a subsequent arrangement referred to in paragraph (2), Congress adopts, and there is enacted, a joint resolution stating in substance that Congress does not favor such subsequent arrangement. Any such resolution shall be considered pursuant to the procedures set forth in section 130 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2159 (i)), as amended by section 205 of this Act.

SEC. 202. INITIATIVES AND NEGOTIATIONS RELATING TO AGREEMENTS FOR PROLIFERATION ENHANCEMENT.

Section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) is amended by adding at the end the following:

"(e) The President shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed of any initiative or negotiations relating to a new or amended agreement for peaceful nuclear cooperation pursuant to this section (except an agreement arranged under section 21 c., 144 c., or 144 d., or an amendment thereto)."

SEC. 203. ACTIONS REQUIRED FOR RESUMPTION OF PEACEFUL NUCLEAR COOPERATION.

Section 129 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2138 (a)) is amended by striking "a 45-day period" and inserting "Congress adopts, and there is enacted, a joint resolution".

SEC. 204. UNITED STATES GOVERNMENT POLICY AT THE INTERNATIONAL NUCLEAR NON-PROLIFERATION REGIME.

(a) Certification.—Before exchanging diplomatic notes pursuant to Article 16 (1) of the Agreement, the President shall certify to the appropriate congressional committees that it is the policy of the United States to work with members of the Nuclear Suppliers Group (NSG) prudently and collectively, to agree to further restrict the transfers of equipment and technology related to the enrichment of uranium and reprocessing of spent nuclear fuel.

(b) Peaceful use assurances for certain by-product material.—The President shall seek to achieve, by the earliest possible date, either within the NSG or with relevant NSG Participating Governments, the adoption of principles, reporting, and exchanges of information as may be appropriate to assure peaceable accounting of by-product material in a manner that is substantially equivalent to the relevant provisions of the Agreement.

(c) Report.—

(1) In general.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President shall transmit to the appropriate congressional committees a report on efforts by the United States pursuant to subsections (a) and (b) to achieve the policy of the United States to work with members of the Nuclear Suppliers Group prudently and collectively, to agree to further restrict the transfers of equipment and technology related to the enrichment of uranium and reprocessing of spent nuclear fuel.

The Chair recognizes the gentleman from California (Mr. Berman). Mr. Speaker, I ask unanimous consent that the appropriate congressional committees be put under her control.

The Speaker pro tempore. Is there a request to the ruling of the gentleman from California?

Mr. Berman. Mr. Speaker, I yield myself no more than 5 minutes.

I am a strong advocate of closer U.S.-India ties, including peaceful nuclear cooperation. I voted for the Hyde Act, which established a framework for such cooperation today. The bill before us today will approve the U.S.-India Agreement for Peaceful Nuclear Cooperation.

Under the Hyde Act of 2 years ago, Congress was to have 30 days to review the agreement before beginning the consideration of a privileged resolution of approval. Instead, the agreement is now before us in the waning days before adjournment. We can approve the agreement now with the oversight safeguards built into this bill or we can wait until the next Congress and start over, but if we wait, however, we will likely only vote on a simple resolution of approval without any of these oversight safeguards.

On balance, integrating India into a global nonproliferation regime is a positive step. Before anyone gets too sanctimonious about India’s nuclear weapons program, we should acknowledge that the five recognized nuclear weapons states have not done nearly enough to fulfill their commitments under the Nuclear Nonproliferation Treaty, including making serious reductions in their own arsenals, nor in the case of the United States in ratifying the Comprehensive Test Ban Treaty.

Having said that, I continue to have concerns about ambiguities in the agreement, and I, therefore, will insert several documents in the Record to clarify the meaning of these and other important issues. It is my view that these documents constitute key and dispositive parts of the authoritative representations described in section 102 of this bill.

The Department welcomes the opportunity to answer any questions that members of the Foreign Affairs Committee may have concerning the safeguards of these and other important issues. It is my view that these documents constitute key and dispositive parts of the authoritative representations described in section 102 of this bill.

Mr. Speaker, I ask unanimous consent that the appropriate congressional committees be put under her control.

The Speaker pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Berman. Mr. Speaker, I yield myself no more than 5 minutes.

I am a strong advocate of closer U.S.-India ties, including peaceful nuclear cooperation. I voted for the Hyde Act, which established a framework for such cooperation today. The bill before us today will approve the U.S.-India Agreement for Peaceful Nuclear Cooperation.

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The Department welcomes the opportunity to answer any questions that members of the Foreign Affairs Committee may have concerning the safeguards of these and other important issues. It is my view that these documents constitute key and dispositive parts of the authoritative representations described in section 102 of this bill.

Hon. Tom Lantos, Chairman, Committee on Foreign Affairs, House of Representatives. Mr. Speaker, I am writing in response to your letter of October 5, 2007, concerning Congressional review of the recently-initiated U.S.-India Agreement for peaceful nuclear cooperation (the "123" agreement).

The Department welcomes the opportunity to answer any questions that members of the Foreign Affairs Committee may have concerning the safeguards of these and other important issues. It is my view that these documents constitute key and dispositive parts of the authoritative representations described in section 102 of this bill.
ENCLOSURE. As stated.

QUESTIONS FOR THE RECORD SUBMITTED TO ASSISTANT SECRETARY BERGNER

Question 1: What is the Administration’s expectation of the likely economic benefits of this partnership, including India’s purchase of U.S. nuclear fuel, reactors, and technology? Answer. The Administration is confident that this initiative will yield important economic benefits to the private sector in the United States. India is one of the largest markets in the world for nuclear power reactors and is expanding its nuclear power program to meet its growing energy needs. The Administration believes that this partnership will contribute to these efforts and that it will result in increased energy security and economic growth for both countries.

Question 2: What scientific and technical benefits does the U.S. expect as a result of this agreement? Answer. The Administration expects the proposed U.S.-India agreement to contribute to U.S. scientific and technical leadership in the field of nuclear energy. The proposed agreement would provide for an exchange of technology, knowledge, and expertise, which would benefit both countries and the international community.

Question 3: Does the Administration believe that the proposed cooperation agreement with India overrides the Hyde Act regarding any apparent conflicts, discrepancies, or inconsistencies? Answer. The Administration believes that the proposed agreement is consistent with the legal requirements of the Hyde Act and the Atomic Energy Act. The proposed agreement covers the use of specific nuclear facilities and activities, and it includes safeguards to ensure that the material remains under U.S. control.

Question 4: Why are dual-use items for use in sensitive nuclear facilities mentioned in the proposed U.S.-India nuclear cooperation agreement, when such items are not transferred pursuant to an agreement for cooperation? Answer. The Agreement provides for such transfers, consistent with the “full” cooperation envisioned by the July 18, 2005 Joint Statement. Article 8(1) of the Agreement provides for transfers of items that would in fact be transferred outside the agreement, if they are to be transferred under the Agreement. India does not have any facilities, whether under the Agreement or outside the Agreement, for the peaceful use of nuclear energy.

Question 5: Is it the intention of the U.S. government to assist India in the design, construction, or operation of sensitive nuclear technologies through the transfer of dual-use items? Answer. The Administration is confident that the proposed agreement is consistent with the Hyde Act and the long-standing U.S. policy of not providing sensitive nuclear technology to India. The proposed agreement provides for safeguards in the event of further transfers, consistent with the Hyde Act.

Question 6: How is this consistent with long-standing U.S. policy? Answer. Consistent with standing U.S. policy, the Administration intends to negotiate an amendment to the proposed U.S.-India agreement that would include safeguards for the proposed transfers, consistent with the Hyde Act and the long-standing U.S. policy of not providing sensitive nuclear technology to India.

Question 7: Is it the intention of the Administration to negotiate an amendment to the proposed U.S.-India agreement to transfer to India sensitive nuclear facilities or critical components of such facilities? Answer. The Administration is confident that the proposed agreement is consistent with the Hyde Act and the long-standing U.S. policy of not providing sensitive nuclear technology to India.

Question 8: Would the U.S. limit any transfers of dual-use technology to India’s enrichment and reprocessing facilities to those consistent with the International Thermonuclear Experimental Reactor (ITER) and the Generation-IV Forum? Answer. The Administration intends to negotiate an amendment to the proposed U.S.-India agreement that would include safeguards for the proposed transfers, consistent with the Hyde Act and the long-standing U.S. policy of not providing sensitive nuclear technology to India.

Question 9: Does the Administration have any plan or intention to negotiate an amendment to the proposed U.S.-India agreement to transfer to India sensitive nuclear facilities or critical components of such facilities? Answer. The Administration intends to negotiate an amendment to the proposed U.S.-India agreement that would include safeguards for the proposed transfers, consistent with the Hyde Act and the long-standing U.S. policy of not providing sensitive nuclear technology to India.

Question 10: Why does Paragraph 4 of Article 10 of the U.S.-India agreement rely on an IAEA decision regarding the impossibility of applying safeguards rather than the particular case by case basis provided by the Agreement? Answer. Paragraph 4 of Article 10 addresses one situation—the same situation as is addressed in paragraph 4(a) of the Nuclear Suppliers Group Guidelines—in which fall-back safeguards would be required because the International Atomic Energy Agency has decided that the application of safeguards was no longer possible.

The Administration is committed to working with India on a case-by-case basis. Regarding the specific examples discussed in the question, the Administration has no plan or intention to negotiate an amendment to the proposed U.S.-India agreement to transfer to India sensitive nuclear facilities or critical components of such facilities.
India subject to the Agreement so long as they remain under the jurisdiction or control of India irrespective of the duration of other provisions in the Agreement or whether the United States may withdraw from the Agreement for any reason, precisely as section 123(a)(a) of the Atomic Energy Act requires.

Regarding the second part of the question, for the reasons, Paragraph 10 precludes there arising such a situation.

Question 11: Why does the provision not call for rectifying measures, as in the Japan agreement? Why does it not call for the parties to immediately enter into arrangements which would fully implement safeguards principles and procedures of the Agency?

Answer. Different approaches to fail-back safeguards are possible, consistent with the requirements of section 123(a)(1) of the Atomic Energy Act. If for some reason International Atomic Energy safeguards fail to be applied to nuclear items in India subject to the U.S.-India Agreement, the Parties of necessity must enter into arrangements for alternative measures to fulfill the requirement of paragraph 1 of Article 10.

Question 12. Have “appropriate verification measures” been discussed, defined, or otherwise outlined with Indian officials? If Indian officials have shared their views on appropriate safeguards, what are those views? Do U.S. and Indian views diverge and if so, how?

Answer. The United States has not discussed in detail with India what form “appropriate verification measures” might take if the International Atomic Energy Agency decides that it is no longer possible for it to apply safeguards as provided for by paragraph 2 of Article 10 of the U.S.-India Agreement. The United States has expressed its view that any alternative safeguards measures in that case might range from an alternative safeguards arrangement with the International Atomic Energy Agency to some other form of international verification. The Government of India has expressed its view that for purposes of implementing the U.S.-India Agreement, Agency safeguards can and should be regarded as being “in perpetuity.” At the same time it fully appreciates that paragraph 1 of Article 10 of the Agreement does not limit the safeguards required by the Agreement to Agency safeguards.

Question 13: In the U.S. view, would potential appropriate verification measures provide and coverage that would be equivalent to that intended to be provided by safeguards in paragraph 1 of Article 10?

Answer. The “appropriate verification measures” referred to in paragraph 4 of Article 10 would be an alternative to International Atomic Energy safeguards applied pursuant to the India Agreement safeguards. Paragraph 10 precludes there arising any situation in which the United States would expect such measures to provide effectiveness and coverage equivalent to that intended to be provided by safeguards in paragraph 1 of Article 10. The United States would expect such measures to provide effectiveness and coverage equivalent to that intended to be provided by safeguards in paragraph 1 of Article 10.

Question 14. Which of the commitments that the United States made in Article 5 are of a binding legal character? Does the Indian Government agree?

Answer. The question quotes paragraph 6 of article 5, which contains certain fuel supply assurances. Paragraph 6(b) of the 123 Agreement is meant to refer to disruptions in supply to India that may result through no fault of its own. Examples of such disruptions might include, among other things (limited to): a) a trade war resulting in the cut-off of supply; b) market disruptions in the global supply of fuel; and the potential failure of an American company to fulfill any fuel supply contracts that it may have signed with India. We believe the Indian government shares our understanding of this provision.

Question 15. What is the definition of “disruption of supply” as used in Article 5? Do the U.S. and Indian governments agree on this definition?

Answer. It is the understanding of the United States that the use of the phrase “disruption of supply” in Article 5.6 of the 123 Agreement is meant to refer to disruptions in supply to India that may result through no fault of its own. Examples of such disruptions might include, among other things (limited to): a) a trade war resulting in the cut-off of supply; b) market disruptions in the global supply of fuel; and the potential failure of an American company to fulfill any fuel supply contracts that it may have signed with India. We believe the Indian government shares our understanding of this provision.

Question 16. Would any of these commitments continue to apply if India detonated a nuclear explosive device? If so, under what circumstances?

Answer. As outlined in Article 14 of the 123 Agreement, should India detonate a nuclear explosive device, the United States has the right to cease nuclear cooperation with India immediately, including the supply of fuel, as well as to request the return of any items transferred from the United States, including fresh fuel. In addition, the United States has the right to terminate the agreement on one year’s written notice. (Notice of termination has to precede cessation of cooperation, as per Article 14.) In case of termination, the commitments in Article 5.6 would no longer apply.

Question 17. Do the assurances in Article 5 require the United States to assist India in finding foreign sources of nuclear fuel in the event that the United States ceases nuclear cooperation with India?

Answer. Ceasing nuclear cooperation with India would be a serious step. The United States would not take such a serious step without careful consideration of the circumstances and action and the effects and impacts it would entail. Such circumstances would include, for example, detonation of a nuclear weapon, material loss or violation of International Atomic Energy safeguarding requirements for Indian reactors? If yes, what is it? If not, how do they disagree?

Question 18. How is this fuel supply assurance consistent with Section 103(a) of the Hyde Act which states that it is U.S. policy to “Seek to prevent the transfer to any country of nuclear equipment, materials, or technology from other participating governments in the Nuclear Suppliers Group or from any other source if nuclear transfers to that country are suspended or terminated pursuant to this title, the Atomic Energy Act, or any other United States law”?

Answer. The U.S.-India Agreement includes a trade war and market disruption term, in addition to the safeguards given by the United States to India in March 2006. In particular, the United States conveyed its commitment “... to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to participate fully in a global nuclear fuel market, including reliable, uninterrupted and continual access to fuel supplies from firms in several nations,” and “[i]n the event that the United States ceases nuclear cooperation with India that country is suspended or terminated pursuant to this title, the Atomic Energy Act, or any other United States law.”

Question 19. Do the U.S. and India agree on the definition of reasonable reactor operating requirements for the operating life of India’s safeguarded reactors consistent with subparagraph (10) of paragraph 6 of Section 103(a) of the Hyde Act, which states that: “Any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be adequate to operate in a manner consistent with reasonable operating requirements”?

Answer. We do not read these provisions to be inconsistent. The parameters of the proposed reactor operating requirements to acquire nuclear fuel for its reactors will be developed over time. Thus, it is premature to conclude that the strategic reserve will not develop in a manner consistent with the Hyde Act.

Question 20. Do the U.S. and India agree on the definition of reasonable operating requirements, and the two governments have not discussed a definition. Any definition would have to take into account among other things the physical characteristics of the reactors, their expected operating cycles, their expected time in service, the likelihood of fuel supply disruptions over decades of operation, and many similar factors that are difficult to quantify in the abstract. The U.S. would expect that the actual amount of fuel put in the reserve would depend not only on the factors just mentioned, but also on such factors as market price, Indian storage capacity, costs of storage, and similar practical considerations. The Agreement itself establishes neither a minimum nor a maximum of nuclear material to be placed in India’s reserve.

Question 21. How are these assurances consistent with subparagraph (6) of paragraph (a) of Section 103 of the Hyde Act which states that it is U.S. policy to: “Seek to prevent the transfer to a country of nuclear equipment, materials or technology from other participating governments in the Nuclear Suppliers Group or from any other
source if nuclear transfers to that country are suspended or terminated pursuant to this title, the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other United States law or international agreement to which the United States is a party.

Answer. Please see the response to Question 18.

Question 22. What impact will these U.S. commitments of nuclear fuel supply to India have on the U.S. initiatives to discourage the spread of enrichment and reprocessing facilities?

Answer. We do not foresee any negative impact on these initiatives. India already possesses both types of facilities. We do not believe the provision of fuel supplies to India will have any effect on our efforts to offer reliable access to nuclear fuel to persuade countries aspiring to develop civil nuclear power to forgo enrichment and reprocessing facilities.

Question 23. Have the Indians explained to the U.S. or to the International Atomic Energy Agency their definition of the term “India-specific safeguards agreement?” If so, what is it?

Answer. The Indian government has not yet explained to the United States what it means by the term “India-specific” safeguards agreement. The Indian government has been in discussions with the IAEA regarding its safeguards agreement. However, these discussions have not concluded. The United States remains confident that the safeguards agreement to be negotiated between India and the IAEA will address all of the concerns associated with the term “India-specific.”

Question 24. Which provisions of INFCIRC/66-Rev.2 agreements provide for safeguards in perpetuity? Would these apply to civil nuclear reactors that a country such as India requested safeguarding?

Answer. INFCIRC/66-Rev.2 is not a “model agreement” as is INFCIRC/613 (the basis for NPT safeguards agreements)—INFCIRC/66-type agreements are not as rigidly determined as Nuclear Nonproliferation Treaty safeguards agreements. Because INFCIRC/66-type agreements do not involve fullscope safeguards (safeguards applied to all nuclear material in a state), but have been aimed at the application of safeguards to specific supplied materials or facilities, the scope of safeguards application is delineated uniquely in each agreement.

This is generally done through the mechanism of a dynamic list of inventory items to which the agreement stipulates that safeguards must be applied. The main part of the inventory list contains facilities and materials tightly under safeguards. The subsidiary part of the inventory list contains facilities that are temporarily under safeguards due to the presence of safeguards material. There is a third section of the list that contains nuclear material on which safeguards are suspended or exempted (e.g., because the material has been diluted to the point where it is no longer usable or has been transferred out of the state, etc.).

We would expect that the Indian safeguards agreement will be based on this general structure, and that the nuclear facilities in India declared to be “civil” will be placed in the main (permanent safeguards) part of the inventory list. Also in the main part of the inventory list, there would be nuclear material exported to India, and any nuclear material generated through the use of that material.

Consistent with International Atomic Energy Agency (IAEA) safeguards practice as expressed in Document GOV/158 (which is referenced in the Hyde Act, Sec. 104(b2)), the safeguards agreement should also contain language that ensures that: (1) the inspection is to be carried out during the period of actual use of the items in the recipient state; and (2) the rights and obligations with respect to safeguarded nuclear material shall apply until such time as the International Atomic Energy Agency terminates safeguards pursuant to the agreement (i.e., if the material has been transferred from the recipient state).

Question 25. Has the Indian government provided U.S. officials with a definition of “corrective measures” under Indian safeguards agreements? If so, what is it? Does it involve removing IAEA-safeguarded material from such safeguards in certain circumstances? If so, does the U.S. support the long-term suspension of safeguards in such circumstances?

Answer. The Indian government has not provided the United States with a definition of “corrective measures” under Indian safeguards agreements. A safeguards agreement is completed between India and the International Atomic Energy Agency and the issue of “corrective measures” is clarified, we cannot comment on the appropriateness of the agreement. However, we expect that the Indian government will implement in letter and in spirit its commitment to negotiate and agree on a safeguards agreement with the IAEA that provides for perpetuity of safeguards while at the same time making such safeguards applicable on the invocation of “corrective measures.”

Question 26. The Indian government has not provided the United States with a definition of “corrective measures” under Indian safeguards agreements. If so, what is it? Does it involve removing IAEA-safeguarded material from such safeguards in certain circumstances? If so, does the U.S. support the long-term suspension of safeguards in such circumstances?

Answer. The Indian government has not provided the United States with a definition of “corrective measures” under Indian safeguards agreements. If so, what is it? Does it involve removing IAEA-safeguarded material from such safeguards in certain circumstances? If so, does the U.S. support the long-term suspension of safeguards in such circumstances?

Question 27. What special challenges will the International Atomic Energy Agency (IAEA) face in safeguarding a reprocessing plant in a non-NPT state that does not have fullscope safeguards?

Answer. Assuming that, consistent with the IAEA’s safeguards practice, India builds a new reprocessing plant dedicated to the processing of material under International Atomic Energy Agency safeguards, there would be little, if any, difference in the technical challenge of applying safeguards to such a facility as opposed to a comparable plant in a non-NPT state that has fullscope safeguards. There are some differences under an INFCIRC/66 agreement in the state’s record-keeping and material accounting, but these should not have an impact on safeguards effectiveness. The technical objectives and technical measures applied in the two cases would be essentially the same, and the safeguards agreement would all be subject to safeguards agreements.

In the case of India, the Agency’s safeguards conclusions would have to be limited to the civil facilities and materials under safeguards, and could not be extrapolated to apply to the nuclear program as a whole.

Question 28. Will the U.S. insist that the safeguards agreement for the plant and Indian reprocessing plant include all the safeguards procedures and approaches that the IAEA applies to the Rokkasho reprocessing facility in Japan, including monitoring of real-time accounting and containment and surveillance?

Answer. The U.S. policy is that safeguards should be applied to meet established technical standards of effectiveness, as efficiently as possible; that is the policy we pursue in the context of our bilateral agreements with other states such as Japan, and we would continue to pursue such a policy in discussions with India in connection with arrangements for reprocessing. The safeguards methods employed at the Rokkasho Reprocessing Plant are consistent with both International Atomic Energy Agency safeguards criteria, and with the results of a lengthy international cooperative effort to address the technical problems of safeguarding large reprocessing plants. We would expect the same approaches to apply to a new Indian reprocessing plant dedicated to processing safeguarded material. However, we cannot yet speculate that safeguards would be carried out in exactly the same way, although containment, surveillance, and some sort of continuous material monitoring would certainly be involved. A new reprocessing plant may well be a more technical challenge of applying safeguards to such a facility as opposed to a comparable plant in a non-NPT state; however, the safeguards technology constantly moves forward; by the time a new Indian plant is in operation, there will almost certainly be a new generation of surveillance and radiation measurement devices available, and lessons learned from Rokkasho safeguards.

Question 29. Will the Administration submit any consent agreements related to reprocessing to Congress as an amendment to the U.S.-India agreement for cooperation so that Congress will have a full 90 days to give advice and consent? Or will the Administration submit these only as a subsequent arrangement under section 131 of the Atomic Energy Act, thereby allowing Congress 15 days of continuous session for review of this complex issue?

Answer. Section 131 of the Atomic Energy Act provides explicitly for review and execution of subsequent arrangements related to the reprocessing of U.S. origin material. However, if proposed “arrangements and procedures” for the reprocessing materials extends beyond provisions to provisions in the U.S.-India 123 Agreement, an amendment to the agreement would be required.

Question 30. Why are the programmatic consent arrangements that the U.S. is proposing to India, a non-NPT signatory, much more...
less specific and rigorous than the procedures that the U.S. required of EURATOM and Japan.

Answer. The advance, long-term consent provision in the U.S.-India agreement is a framework agreement and will be subject to the ratification process. The provisions of the framework agreement will be incorporated into the implementing agreement (IAEA safeguards) which will be negotiated and signed by the United States and India.

Question 30. What is the United States attempting to achieve in the discussions with India concerning the transfer of Dual-Use Technology to India?

Answer. The United States is trying to ensure that any technology transferred to India is consistent with the non-proliferation goals of the United States.

Question 31. What is the United States' position on the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

Answer. The United States' position is that the agreement fully satisfies the non-proliferation requirements of the Atomic Energy Act.

Question 32. What are the United States' concerns about the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

Answer. The United States is concerned about the potential for nuclear proliferation and the need for safeguards to be in place to prevent the use of nuclear material for weapons purposes.

Question 33. What is the United States' position on the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

Answer. The United States' position is that the agreement fully satisfies the non-proliferation requirements of the Atomic Energy Act.

Question 34. What is the United States' position on the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

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Question 40. What is the United States' position on the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

Answer. The United States' position is that the agreement fully satisfies the non-proliferation requirements of the Atomic Energy Act.

Question 41. What is the United States' position on the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

Answer. The United States' position is that the agreement fully satisfies the non-proliferation requirements of the Atomic Energy Act.

Question 42. What is the United States' position on the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

Answer. The United States' position is that the agreement fully satisfies the non-proliferation requirements of the Atomic Energy Act.

Question 43. What is the United States' position on the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

Answer. The United States' position is that the agreement fully satisfies the non-proliferation requirements of the Atomic Energy Act.

Question 44. What is the United States' position on the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

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Answer. The United States' position is that the agreement fully satisfies the non-proliferation requirements of the Atomic Energy Act.

Question 50. What is the United States' position on the U.S.-India agreement for cooperation in the peaceful use of nuclear energy?

Answer. The United States' position is that the agreement fully satisfies the non-proliferation requirements of the Atomic Energy Act.
nuclear material subject to the 1963 agreement following expiration of the agreement in 1993. However, India has agreed with the International Atomic Energy Agency on the application of safeguards for nuclear materials from the Tarapur reactors. Moreover, the material is subject to the INFCIRC/66 Agreement. And the U.S. is confident that there would be no change between the U.S. and India before any change in the status of the nuclear material (e.g., reprocessing).

**Question 41.** Will the Indian Government have any right to suspend or eliminate the safeguards, reprocess U.S.-origin material, or otherwise take any action that would be prohibited under the proposed agreement after the termination by either party of the proposed agreement?

**Answer.** Article 16 of the proposed U.S.-India agreement provides for the survival of essential rights and conditions on items subject to the agreement even after termination or expiration of the agreement, including inter alia with respect to the application of safeguards (article 10), reprocessing consent (article 6), and peaceful use (article 9).

**Question 42.** Does the Administration agree with Prime Minister Singh that there will be no derogation of India’s right to take corrective measure in the event of fuel supply interruption by any one or more suppliers? If not, why not?

**Answer.** The Administration believes that the existing provisions of any nuclear transfers by a Nuclear Suppliers Group members that violations by one country of an agreement with any Nuclear Suppliers Group member is an action by all members, including, as appropriate, the termination of nuclear exports.** Will the administration seek such a commitment when it proposes that the Nuclear Suppliers Group provide a nuclear trade rule exemption for India? If not, why not?

**Question 43.** Does the Administration agree with Prime Minister Singh that the proposed agreement even after termination or expiration of the proposed agreement, including inter alia with respect to the application of safeguards (article 10), reprocessing consent (article 6), and peaceful use (article 9)?

**Answer.** The Administration agrees with Prime Minister Singh that the proposed agreement even after termination or expiration of the proposed agreement, including inter alia with respect to the application of safeguards (article 10), reprocessing consent (article 6), and peaceful use (article 9).

**Question 44.** What is the explicit linkage and interlocking rights and commitments that Prime Minister Singh was referring to? Do the U.S. and India governments agree on the details of linkages and interlocking rights and commitments? If not, how do they differ?

**Answer.** International agreements, by their nature, typically involve interlocking rights and commitments, and this is the case with our agreements for nuclear cooperation. The creation of a framework for nuclear cooperation is on a set of rights and conditions that serve essential nonproliferation purposes. Beyond that, we can only say that the quoted statement is at a high level of generality, and we are not in a position to speak definitively to the potential effect on other provisions of the proposed agreement. That said, it would not be consistent with the proposed agreement for such corrective measures to extract from the applicability of the provisions referenced in article 16 to items subject to the proposed agreement, including after termination or expiration of the agreement.

**Question 45.** What is the Administration’s understanding of the Prime Minister’s statement that India’s reprocessing rights are “permanent”? Specifically, does it mean that the U.S. will not have the right to withdraw its consent to India’s reprocessing of U.S.-obligated nuclear material, even if the U.S. is not in a position to speak for the Indian government as to whether anything more specific was intended by these words?

**Answer.** The Administration’s understanding of the Prime Minister’s statement that India’s reprocessing rights are “permanent” means that the U.S. will not have the right to withdraw its consent to India’s reprocessing of U.S.-obligated nuclear material, even if the U.S. is not in a position to speak for the Indian government as to whether anything more specific was intended by these words.

**Question 46.** What is the Administration’s understanding of the Prime Minister’s statement that the United States to provide nuclear fuel in any form to the United States or any official, agency, or instrumentality of the Government of the United States to provide nuclear fuel in any form to the Government of India, or to any Indian organization, individual, or entity under any circumstances whatsoever. However, they also make clear that the political commitments contained in Article 5(6) of the Agreement do not apply in the event of a disruption of the foreign supply of nuclear fuel to India as a consequence of a detonation of nuclear explosive device or a violation of nonproliferation commitments by India.

I am also deeply troubled that the Administration completely disregarded important nonproliferation requirements in the Hyde Act—
Mr. Speaker, the fact that India is not a signatory to the Nuclear Nonproliferation Treaty is a sufficient reason for me to disapprove this agreement. But for those of my colleagues who may have supported H.R. 5682, the Henry J. Hyde United States India Peaceful Atomic Energy Cooperation Act ("Hyde Act"), there are two other compelling reasons to disapprove this agreement.

First, the agreement will indirectly assist India's nuclear weapons program because foreign supplies of nuclear fuel to India's civil nuclear sector will free up electricity generation capacity to produce fissile plutonium.

Second, the Hyde Act requires that the provisions in any agreement governing safeguards on civil nuclear material and facilities remain in effect "in perpetuity" and must be "consistent with IAEA standards and practices." The requirement that India be bound to comply with these safeguards in perpetuity is not satisfied because Indian governmental officials have publicly suggested that India may withdraw from the safeguards agreement if fuel supplies are interrupted, even if the international community requires a response to a breach of the agreement by India.

Mr. Speaker, we should not forget that unlike 179 other countries, India has not signed the Comprehensive Test Ban Treaty (CTBT), and is one of only three countries never to have signed the Comprehensive Test Ban Treaty (CTBT).

To sum up, this deal will not advance America’s interests or make the world safer. It will, however, deal a near fatal blow to the stability of the international nonproliferation regime. For these reasons, I will vote to disapprove the agreement.

MS. ROS-LEHTINEN. Mr. Speaker, I'd like to yield myself 4 minutes.

I rise in strong support of this bill to approve the U.S.-India Agreement for Peaceful Nuclear Cooperation. I've been a strong supporter of this increased cooperation between the United States and India that includes peaceful nuclear cooperation.

I was an original cosponsor of the Henry Hyde U.S.-India Peaceful Nuclear Cooperation Act, which laid the foundation for the agreement that we are seeking to implement this week. I have worked hard to secure bipartisan support for that legislation and for the agreement on nuclear cooperation.

To ensure that legislation bringing the nuclear agreement into force could be expected to be supported by the Congress, I introduced, with the support of our Republican leadership, H.R. 7039, which is an identical version of the text now before the Senate and the text that Chairman HOWARD BERMAN introduced last night and that we are considering right now.

Mr. Speaker, the U.S.-India nuclear cooperation agreement is not one that we would offer to just any nation. It is a venture we would enter into only with our most trusted democratic allies. I believe that stronger economic, scientific, diplomatic, and military cooperation between the United States and India is in the national interest of the United States, but the suggestion that we can only do so by jettisoning adherence to the international nuclear nonproliferation framework that has served the world so well for more than 30 years, as approval of the agreement before we would do, is simply unwise. Approval of this agreement undermines our efforts to dissuade countries like Iran and North Korea from developing nuclear weapons. By approving this agreement, all we are doing is creating incentives for other countries to withdraw from the Nuclear Nonproliferation Treaty.

Why should we expect, for example, Brazil or South Korea to continue playing by the rules in foregoing the development of nuclear weapons in exchange for civilian technology when they see that India receives the benefits while flouting the rules?

Mr. Speaker, the fact that India is not a signatory to the Nuclear Nonproliferation Treaty is a sufficient reason for me to disapprove this agreement, but for those of my colleagues who may have supported H.R. 5682, the Henry J. Hyde United States India Peaceful Atomic Energy Cooperation Act ("Hyde Act"), there are two other compelling reasons to disapprove this agreement.

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Mr. Speaker, the U.S.-India nuclear cooperation agreement is not one that we would offer to just any nation. It is a venture we would enter into only with our most trusted democratic allies. I believe that stronger economic, scientific, diplomatic, and military cooperation between the United States and India is in the national interest of
both countries and that our increasingly close relationship will be the central factor determining the course of global events in this century.

Among the most important elements of this new relationship is India’s commitment to cooperate with the United States on major issues such as stopping the spread of nuclear weapons material and technology to groups and to countries of concern.

In particular, Mr. Speaker, this nuclear cooperation agreement is essential in continuing to ensure India’s active involvement in dissuading, isolating and, if necessary, sanctioning and containing Iran for its efforts to acquire chemical, biological, and nuclear weapon capabilities and the means to deliver these deadly weapons. It will also help secure India’s full participation in the Proliferation Security Initiative, including a formal commitment to be a Senate to approve this legislation.

In addition, in order to meet the requirements of the Hyde Act, India and the International Atomic Energy Agency have negotiated a safeguards agreement on several Indian nuclear facilities that will expand the ability of the IAEA to monitor nuclear activities in that country.

Mr. Speaker, these are but a few of the many benefits from our nuclear cooperation with India and the strategic cooperation between our two countries that have already taken root. I am gratified that we are finally considering this legislation so that Congress can approve it without delay.

I urge my colleagues in both the House and the Senate to support this nuclear cooperation agreement with India overwhelmingly. By doing so, the United States and India will embrace one another in a strategic partnership that will prove a rushed process that has not attained in the Henry Hyde Act of 2006.

By approving this nuclear agreement, we will permanently and irrevocably undermine decades of nonproliferation efforts.

I urge my colleagues to oppose this bill and to promote a stronger relationship with India that does not come at the expense of our own security and that of our allies.

Mr. Berman. Mr. Speaker, I am pleased to yield 11/2 minutes to the Chair of the Subcommittee on the Middle East and South Asia, someone who was involved in this issue since the first announcement of the joint declaration in the summer of 2005, which was the first time I ever heard the word "India" was even told about this issue, the gentleman from New York (Mr. Ackerman).

Mr. Ackerman. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise in strong support of this bill because it will give a congressional approval to civil nuclear cooperation with India. Let me tell you what that means. It means that the IAEA will be able to inspect two-thirds of India’s civilian nuclear facilities because those facilities will be under IAEA safeguards and future nuclear facilities will also be under safeguards.

It means that India, for the first time ever, has committed to MT cut guidelines. It means that India, for the first time ever, will adhere to the Nuclear Suppliers Group guidelines. It means that we can send a clear message to rogue states, nuclear rogue states, about how to behave because it shows that responsible nuclear powers are welcomed by the International Community and we sanctions. It means that we can finally achieve the broad, deep, and enduring strategic relationship with India that all of us in this House support.

So if you wanted all of these things when you voted overwhelmingly for it 2 years ago, then vote for it again tonight.

There are two options before us today. One is to throw away all of the work that’s been done and just keep the status quo. India would then pursue its nuclear program outside of the nonproliferation mainstream and we get to inspect nothing. The other is to make a deal with India, and the United States and the International Community will get a window in perpetuity into two-thirds of India’s nuclear facilities and all of its future nuclear facilities.

The choice is clear, Mr. Speaker. It’s time for 21st century policy towards India. It means that India’s emergence as a global nuclear power will solidify our bilateral relationship for decades to come.

This bill is that new policy, and I urge everyone to support it.

Mr. Markey. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. Woolsey).

Ms. Woolsey. Mr. Speaker, I rise in strong opposition to this bill, H.R. 7081. By approving this nuclear agreement, an agreement with India, we will permanently and irrevocably undermine decades of nonproliferation efforts.

This agreement says that India, but no other country, can live outside the international nuclear control system. It sets a frightening precedent. If a country is unhappy about the rules on nuclear possession, it can simply go around them breaking them.


If we approve this deal, we lose our moral high ground, Mr. Speaker. Who are we to be telling any other nation to adhere to the rules we refuse to follow ourselves? This is not about our relationship with the people of India; this is about a complete obliteration of the nuclear security regime.

The Bush administration is demanding we move with haste without looking back. Sound familiar?

I urge my colleagues to oppose H.R. 7081, stand up for national security, stand up for nuclear nonproliferation.

Ms. Ros-Lehtinen. Mr. Speaker, I again yield to yield 21/2 minutes to the gentleman from California (Mr. Royce) the ranking member on the Subcommitte on Terrorism, Nonproliferation, and Trade.

Mr. Royce. Mr. Speaker, I rise in support of this legislation. I just want to commend Chairman Berman and Ranking Member Ros-Lehtinen’s leadership on the issue.

This has been a long road. In the last Congress, I managed on the House floor a version of the Hyde Act of 2006. It was a legal framework for facilitating civil nuclear cooperation with India. And that was a tremendous foreign policy achievement of the last Congress. Failure by this Congress to push this agreement across the finish line, I’m afraid, would be a foreign policy malpractice.

Indian officials have told me about their ambitious plans to expand nuclear power to fuel their growing economy with clean-burning energy. And with this deal, the Indian nuclear industry will overcome international restrictions and they will reach their full potential to do this.
This deal, frankly, has consumed Indian politics. The far, far left in India sought to turn the nuclear deal into a referendum on India’s relationship with the United States. They lost in that. Let’s seal the deal today helping cement the new U.S.-India relationship.

And strictly speaking, this deal really isn’t about the United States. The Nuclear Suppliers Group, an organization of 45 countries to control the spread of nuclear technology, okayed this deal. That NSG decision represents the will of the international community to make the nuclear rules conform to the realities of India’s energy situation.

Opponents are deriding the exception made for India as a blow to nonproliferation rules. But while this deal may not be a net gain for nonproliferation, neither is it a net loss because under the deal, India stays outside the NPT, but it separates its civil and military nuclear facilities, it gives the IAEA increased access to its nuclear facilities, and it continues its unilateral moratorium on nuclear testing. Indeed, Mohamed ElBaradei, the chief of the IAEA, supports the agreement. Surely it makes changes to the rules that were set down decades ago, but the world is not standing still. Critics can not ignore the security, political, economic, and environmental reasons, frankly, to support it.

Opposing this deal won’t affect India. It will only hurt our relationship with India and U.S. interests. With the NSG agreement, other countries, notably France and Russia, can enter the Indian nuclear market—with a potential for up to $100 billion in investment. It has been reported that India will soon sign their own nuclear cooperation agreements with these countries. Now U.S. companies, however, would be blocked out of India until Congress finally approves this agreement.

Mr. Speaker, either we continue to try to box in India and hope for the best, or we act to make India a true partner. This agreement works through a difficult nonproliferation situation to strengthen a very important situation. India will be a major power in the 21st century. Let’s approve this legislation.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from California, Chairman BERMAN, to approve this deal, and I find myself in reluctant opposition.

I believe our relationship with India is one of our most important. Our interests are inextricably linked, and our economies draw ever closer. In the past, that relationship has been strained by the issue of nuclear proliferation—India never signed the Nuclear Nonproliferation Treaty and continues to build nuclear weapons.

The agreement we vote on today began as a valiant attempt to bring India into the nuclear mainstream while binding our business communities closer together. Unfortunately, it has ended with an agreement that falls short of either goal: the safeguards are not strong enough, the incentive for other nations to proliferate is too great, and while opening India’s nuclear market to the world, it places American companies at a competitive disadvantage compared to French and Russian firms.

Even worse, the “deal” is not really a deal at all. The Indian government and the administration have been issuing contradictory statements about it for the past year. This is not a problem of each side interpreting the treaty differently—the two sides have apparently signed two different treaties. The next time India has a new government, which could be as early as this winter, it may withdraw from the agreement, and the net result of all of this negotiation will be to allow foreign companies to sell nuclear technology to India. Nonproliferation goals would be accomplished, no new business would be generated for American companies, and no new relationship with India would be achieved.

When it became clear that the real winners of this deal were the Russians and other nuclear powers that indiscriminately and irresponsibly sell nuclear technology around the world, why didn’t the administration pull out? When the administration realized that India would not accept the deal that ended cooperation if it decided to test a nuclear weapon, a requirement of the Hyde Act, why did they continue to negotiate? When the administration realized this deal might undermine the Nonproliferation Treaty, a treaty that has succeeded in dramatically limiting the number of nuclear nations, why did they not take steps to strengthen other nonproliferation efforts?

Some proponents of the deal have said the agreement will bring India into the nuclear nonproliferation mainstream. Mr. Speaker, I urge opposition to the agreement.

Mr. Speaker, my friend and colleague from California, Chairman BERMAN, has worked tirelessly over the last year to make this deal better. He has been a great champion of nonproliferation in this House, and he has led many efforts to prod and question the Bush administration on the negotiations with India—pressing for a deal that would enhance our regional security, democracy, while protecting the global nonproliferation regime and our interests around the world. Unfortunately, the administration resisted many of his efforts and that of others, and I am forced to oppose the final package. I believe that our relationship with India is one of our most important. Our interests are inextricably linked, and our economies draw ever closer. In the past, that relationship has been strained by the issue of nuclear proliferation—India never signed the Nuclear Nonproliferation Treaty, and continues to build nuclear weapons. The agreement we vote on today began as a valiant attempt to bring India into the nuclear mainstream, while binding our business communities together. Unfortunately, it has ended with an agreement that falls short of either goal: the safeguards are not strong enough, the incentive for other nations to proliferate is too great, and while opening India’s nuclear market to the world, it places American companies at a competitive disadvantage compared to French and Russian firms.

As a strong supporter of improving our relationship with India, but a firm advocate of nonproliferation, I cannot support this agreement, and I must urge my colleagues to oppose it as well.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), an esteemed member of our Committee on Foreign Affairs and its Subcommittee on Middle East and
South Asia, and cochair of the Congressional Caucus on India and Indian Americans.

Mr. WILSON of South Carolina. Mr. Speaker, thank you for this opportunity to support the U.S.-India civilian nuclear initiative.

As cochair of the Congressional Caucus on India and Indian Americans, I am grateful for the bipartisan support of this agreement. The Senate Foreign Relations Committee vote was 19–2 this week. A vote in favor of the U.S.-India Civilian Nuclear Agreement will be a giant step forward in strengthening our Nation's partnership with the people of India.

Our two nations have a vested and shared interest in expanding our opportunities to compete in the global economy. This agreement will be a landmark accomplishment to do just that. After all, India is the world's largest democracy.

In my home State of South Carolina, over 50 percent of our electricity is generated by nuclear power and has been for over 30 years. I know firsthand that this is a safe, clean, and reliable alternative to traditional resources.

The U.S. Chamber of Commerce has estimated that this civilian nuclear agreement could create as many as 290,000 high-paying jobs right here in America. Moreover, Undersecretary for Political Affairs at the State Department, William J. Burns, has made his own estimates that we could see anywhere between 3- to 5,000 new direct jobs and 10,000 to 15,000 indirect jobs per reactor.

I am grateful for the leadership of President George W. Bush, Secretary of State Dr. Condoleezza Rice, and Prime Minister Manmohan Singh. Former U.S. Ambassador Robert Blackwill and current U.S. Ambassador David Mulford have worked professionally and successfully with Indian Ambassador to the United States, Ronen Sen. An agreement must not be finalized without the hard work of Ron Somers, President of the U.S.-India Business Council, former Assistant Secretary of State for Legislative Affairs Jeffrey Bergner, Deputy Assistant Secretary of State for Legislative Affairs Joel Starr, State Department Director of House Affairs Scott Kamins, White House members Brian McCormack and Vishal Amin, and South Carolina's Second Congressional District Chief of Staff Dino Teppara, and senior legislative assistant Paul Callahan.

This agreement, which is mutually beneficial for the people of India and America, have significant support from the 2.2 million Indian Americans who are successful members of American mainstream.

I want to thank my colleagues on the House Foreign Affairs Committee and staff members, particularly Chairman Howard Berman of California, Ranking Member ILEANA ROS-LEHTINEN, former India cochair Ed Royce, and former cochair GARY ACKERMAN.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, I thank the gentleman from Massachusetts for yielding time.

I also wish to thank the ranking member, Ms. ROS-LEHTINEN, for her leadership on this complex issue and her consideration of my differing view.

Mr. Speaker, given the enormous pressures this Congress is facing to solve urgent financial problems which threaten the stability and health of our economy, I must express my deep reservations about expediting approval of the U.S.-India civil Nuclear Agreement at this time.

While I fully favor strengthening ties, economic, social, cultural, and political with our Indian friends, why this most desirable pursuit hinges upon the sale of sensitive nuclear technology remains a mystery to me.

The U.S.-India Civil Nuclear Agreement sets a groundbreaking precedent that could open a floodgate of nuclear commerce worldwide that, absent rigorous conditions, safeguards, and oversight, could damage the stability and integrity of U.S. and international nuclear nonproliferation efforts.

Just this week, the Russian prime minister announced that Russia was "ready to consider the possibility of cooperation in nuclear energy" with Venezuela's President Hugo Chavez.

We should not rush this.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to the Chair of the Western Hemisphere Subcommittee of the Foreign Affairs Committee, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the chairman for yielding to me, and I rise in strong support of this legislation. For the United States, passage of this legislation will clear the way to deepen the strategic relationship with India, open significant opportunities for American firms, help energize energy requirements in an environmentally friendly manner, and bring India into the global nuclear nonproliferation mainstream.

This agreement marks the culmination of a decade-long process of India's emergence on the national stage and the Indian Government's effort to steer a more realistic course in foreign affairs. We have common strategic interests with India, and this will enhance these interests.

India's energy demand is expected to grow nearly 5 percent per year for the next two decades. We should be a partner in that.

When the Congress passed the Hyde Act, we recognized India's refusal to transfer nuclear technology to others. These unique circumstances make this change in U.S. nonproliferation policy possible. We're now poised to reap the benefits of ending India's nuclear isolation.

Eligibility to civilian nuclear cooperation is an essential step toward bringing India fully into the global effort to prevent onward transmission of nuclear weapons know-how.

I urge my colleagues to support the bill.

Mr. MARKEY. I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, I welcome the prospect of peaceful cooperation and trade between the United States and India on matters of nuclear power. I voted for the Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 because I thought it was a foundation on which we could build an energy relationship with India, one that would be mutually beneficial and, at the same time, reassuring to the international community.

Seeking energy solutions for the world's rapidly developing countries, India included, among them is an admirable cause. But nuclear nonproliferation is also an admirable, compelling cause. I am not frankly convinced that the bill we're considering on this fast track, with 40 minutes of debate, will do enough to weaken India's nuclear arsenal without creating exceptions, gaps, and ambiguities that could hamper our efforts to police and stop the spread of nuclear weapons and materials.

Many serious questions need to be answered with respect to this legislation. Chief among them are questions like these: How well do these agreements comport with the letter and spirit of the Hyde Act and the Atomic Energy Act? Does the bill take the right course in constraining India from breaching the worldwide moratorium to undertake nuclear testing? Does the bill indirectly encourage India to enlarge its arsenal of nuclear weapons by allocating nuclear materials from reactors to warheads? Does it provide internationally acceptable safeguards?

Mr. Speaker, it appears that the President is bent upon a hurried approval of this agreement. Frankly, I can find no convincing reason to treat this issue in such a hasty manner, particularly as we enter the waning hours of this session preoccupied with other issues.

The Atomic Energy Act contains a continuous 30-day period of congressional review, calling clearly for due diligence on issues of this gravity. I say we should abide by this solemn requirement, and if necessary, work our will and make improvements to this legislation before we adopt it. We do not apply either.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 1/2 minutes to the gentleman...
from California (Mr. ROHRABACHER) who is the ranking member of the Subcommittee on International Organizations, Human Rights, and Oversight.

Mr. ROHRABACHER. I rise in support of this historic effort to establish a partnership in helping India meet its energy needs. India is creating a prosperous country through clean and safe nuclear energy.

I would hope that the nuclear technology utilized by this project and by this partnership will be based on the high temperature gas cool reactors, which are safer and will not produce a by-product that can be built into a bomb. Now, if we use these reactors, that should take care of the proliferation concerns of our colleagues they are rightfully concerned about.

During the Cold War, unfortunate ideologically driven issues prevented us from a friendship and a close relationship with India. By cooperating in good faith to help India meet its energy needs, we are indeed making it a better world and a safer world, and we now have an opportunity to have a new beginning with a country that was not in a good relationship with us in decades past.

This can be a mutually profitable relationship, and we can indeed embrace the world’s largest democracy, as compared to during the Cold War when we had too close a relationship, which we are paying for now, with China, which is the world’s largest and biggest human rights abuser.

So I gladly step forward and proudly step forward to be part of this historic effort to build good relations between the United States and India by utilizing safe and clean nuclear energy to build a more prosperous continent.

The SPEAKER pro tempore. All time for the gentlewoman from Florida has now expired.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman, my friend, from Massachusetts.

There will be a time when the history of the spread of nuclear weapons of mass destruction is written, and we will look back and see when the last thread of the international nuclear nonproliferation regime was shredded with this agreement. Now, we can talk at length about the details of this cooperative agreement. We can talk about what a good friend India is and how responsible they have been, but the history will say that with this agreement the world lost the last bit of an international tool to control the spread of nuclear weapons of mass destruction.

We will be left only with the ability to jawbone with our allies and to threaten our enemies. Countries will work out whatever deals they can and will, two by two.

If we truly believe that nuclear proliferation and loose nukes are the greatest threat to world peace and security, as I do, then we should be holding on to every tool we can find to prevent that threat. We should be working with India to strengthen the international nonproliferation regime, not collaborating with India to destroy it. I urge my colleagues to vote no.

Mr. BERMAN. Mr. Speaker, I’m pleased to yield 1 minute to a member of our committee, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman. I yield him for his leadership here this evening.

On July 18, 2005, our government and the government of India entered into an agreement that we are here today seeing through. The joint statement laid the groundwork for the cooperation of our two countries for the engagement of our two countries throughout this next century. And today, we’re taking the final step needed to put this agreement into place.

This agreement will end India’s nuclear isolation and allow them to be brought into the nonproliferation tent with the rest of the responsible states who seek safe and efficient civilian nuclear technology.

Passage of this agreement is common sense. We are united in the world’s oldest and the world’s largest democracies in an effort to expand peaceful and responsible development of nuclear technology. If we expect India to be our ally in the 21st century, we must treat them as an equal, which is what this cooperation deal does.

India has never proliferated beyond her borders, unlike her neighbor, and I believe that this is an important relationship, an important aspect of this relationship that needs to be taken into consideration when evaluating this legislation before us.

I trust my colleagues will recognize what our future with India holds and vote for final passage of this historic legislation.

Mr. MARKEY. I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

As with many Members of this House, I am a strong supporter of India. I have had the opportunity to visit the country, meet with leaders, meet with people, and I think we could say we have a lot in common.

India is one of the world’s largest democracies. Someone whose life I have admired, the life of Mahatma Gandhi, is synonymous with peace.

India is a strong ally in the quest for nuclear disarmament. It was the first nation to call for a ban on testing back in 1954.

Regretfully, I rise in opposition to this bill because I believe it threatens security in India and the Asian subcontinent and in the world. The U.S. should work with India on initiatives to eliminate all nuclear weapons for the safety of the global community and for the safety of every man, woman, and child.

The contradictory policies of this administration with respect to the nuclear nonproliferation treaty are obvious. The administration has repeatedly cited Iran for minor breaches of the nonproliferation treaty and has used these breaches to rally support for a military attack on Iran.

Yet the administration is undercutting the nonproliferation treaty by seeking to build new nuclear weapons, a major violation of the NPT, which states that nuclear states should be seeking to phase out nuclear weapons.

Now the administration would like this body to approve a civilian nuclear agreement with India, despite India’s refusal to join the NPT or sign the comprehensive nuclear test ban treaty.

India has nuclear weapons. It has no intention of limiting its nuclear weapons cache or production capability. The United States should be leading in nonproliferation and towards nuclear abolition.

This legislation undermines global nonproliferation efforts by endorsing India’s refusal to sign the NPT. We are extending a more favorable civil nuclear trade policy to Indian than that which is extended to countries in substantial compliance with the nonproliferation treaty.

Furthermore, by ensuring a foreign supply of uranium fuel to India for use in the civilian sector, India will be able to use more of its own limited uranium reserves to produce nuclear weapons.

Mr. Speaker, I urge defeat of this resolution.

Mr. BERMAN. Mr. Speaker, I’m pleased to yield 1 minute to the gentleman from American Samoa, ENI FALEOMAVAEGA, chairman of the Subcommittee on Asia, the Pacific, and the Global Environment.

Mr. FALEOMAVAEGA. I thank the distinguished chairman of our committee and also commend our distinguished ranking member of the committee for their leadership and support of this legislation.

Mr. Speaker, on every level it is long overdue and I believe it’s long overdue that we should strengthen our relations with India. It has been stated many times before, India lives in one of the world’s toughest neighborhoods, and the U.S. is the world’s oldest democracy and the world’s largest democracy. It is time for the United States and India to live together as friends and partners and not just as leaders in the nonproliferation treaty.

We have come a long way, and I am pleased that Congress will now vote in favor of supporting the use of India’s nuclear cooperation which will help nations outside of the IAEA’s approval and the fact that 45 members of the Nuclear Suppliers Group has also given approval to this agreement.
Mr. Speaker, I rise today in support of H.R. 7081, the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, and commend Chairman HOWARD L. BERMAN of the House Foreign Relations Committee for his leadership in bringing this deal to the floor for an historic vote. Without his support this deal would have gone nowhere. I also want to thank the gentlelady from Florida, Ms. ROS-LEHTINEN, our senior ranking member of the committee, for her leadership and support.

Before agreeing to allow this bill to move forward, Chairman BERMAN insisted that U.S. Secretary of State Condoleezza Rice offer assurances that, in a change of policy, “the United States will make its highest priority at the November meeting of the Nuclear Suppliers Group (NSG) the achievement of a decision to prohibit the export of enrichment and reprocessing equipment and technology to states that are not signatories of the Nuclear Nonproliferation Treaty (NPT).” I fully agree with Chairman BERMAN’S decision, and applaud him for making sure this agreement is interpreted in a manner consistent with the intent of Congress as expressed in the Hyde Act to further restrict international transfers of this sensitive technology.

I also want to pay tribute to our former and esteemed colleagues, the Honorable Henry J. Hyde and the Honorable Tom Lantos, who both served with distinction as chairmen of the House Foreign Relations Committee, and did everything they could to ensure that this day would come and that the U.S. would enter into a civilian nuclear cooperation agreement with the Government of India.

I also want to acknowledge the efforts of the Indian-American community which has been galvanized in support of this deal. Like House Majority Leader STENY HOYER said, “I commend Mr. Sanjay Prui, President of USIBA, for the important work he has done on the U.S.—India nuclear deal, in cooperation with the Congressional Taskforce on U.S.—India Trade.”

As Co-Chair of the Congressional Taskforce on U.S.—India Trade, I believe, as Chairman BERMAN has so eloquently stated, that we should have no illusions that India will give up its nuclear weapons, “so long as the five recognized nuclear weapons states fail to make serious reductions in their arsenals.” But, like Chairman BERMAN, I also agree that this deal is a “positive step to integrate India into the global nonproliferation regime.”

On every level, Mr. Speaker, I believe it is now overdue that we strengthen U.S.—India relations. As has been stated many times before, India lives in one of the world’s toughest neighborhoods and, the U.S., as the world’s oldest democracy and the world’s largest democracy, is it time for the U.S. and India to stand together as friends and partners committed to promoting the values we share.

I also recognize, again, the important contributions of former Under Secretary of State Nicholas Burns who, as lead negotiator for this agreement, represented our Nation’s interest with distinction. I am honored to have worked with Under Secretary Burns during a time when the deal was first proposed to the Congress.

I also appreciate the support of the Honorable Richard Boucher, Assistant Secretary of State for South and Central Asian Affairs, who, at the invitation of the Congressional Taskforce on U.S.—India Trade, in cooperation with USIBA, was first on the Hill from the U.S. Administration to brief Members of Congress, staffs, professionals in the field, and the Indian-American community since India was given a waiver by the 45-nation Nuclear Suppliers’ Group (NSG) on Saturday, September 6, 2008.

We have come a long way, and I am pleased that Congress will now vote in favor of supporting U.S.—India civil nuclear cooperation which will lift millions out of poverty, and will help us begin to address the global energy crisis which now confronts us.

Mr. BERMAN. Mr. Speaker, I’m pleased to yield 1 minute to a very active member of the House Foreign Affairs Committee, the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the chairman very much, and let me quickly thank him for the thoughtfulness on this legislation, and as well the ranking member, Congesswoman ILEANA ROS-LEHTINEN.

I am a strong supporter of nuclear nonproliferation. I am a supporter of India. And I also believe in balancing the needs of India and our friend and ally against terrorism, Pakistan. But this is an important statement about our friendship with India, and I believe that this nuclear civilian agreement is just that, 1.1 billion people who are attempting to invest and grow their economy.

The restrictions that we have are meaningful: no stockpiles; fuel supplies should match reactor needs; no accumulation, as I said, of stockpiles; Congress having the right to disapprove by resolution any agreement that permits India to extract plutonium and uranium from U.S. fast reactor fuel.

It is important to note that this particular agreement is one that we should support. The Indian Government has put forward their best effort. They are our friend, and I ask my colleagues to support this legislation.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time. The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 7 minutes.

Mr. MARKEY. Mr. Speaker, I rise today in strong opposition to this bill and to the U.S.—India Nuclear Deal. And let’s be clear that this is a debate about India. It is not. We are all friends of India, and we are all united in our view that the United States and India share a bright future of strong relations. This is a debate about Iran. This is a debate about North Korea. This is a debate about Pakistan, about Venezuela, about any other country in the world that harbors the goal of acquiring nuclear weapons.

With this vote, we are shattering the nonproliferation rules. And the next three countries: Iran through the broken glass will be Iran, North Korea, and Pakistan. And there are others with their nose up against the window.

Mr. Speaker, I rise today in strong opposition to this bill and to the U.S.—India Nuclear Deal. And let’s be clear that this is a debate about India. It is not. We are all friends of India, and we are all united in our view that the United States and India share a bright future of strong relations. This is a debate about Iran. This is a debate about North Korea. This is a debate about Pakistan, about Venezuela, about any other country in the world that harbors the goal of acquiring nuclear weapons.

With this vote, we are shattering the nonproliferation rules. And the next three countries: Iran through the broken glass will be Iran, North Korea, and Pakistan. And there are others with their nose up against the window getting ready as well. Flashing a green light to India sends a dangerous signal to all of those countries because these policies are interconnected.

We are now seeing the devastating financial consequences of years of Wall Street recklessness. As subprime mortgage pushers pretended that the laws of supply and demand no longer applied and that home values would always go up. Well, they were wrong. The Bush administration argues that breaking the nuclear rules for India will not lead to broken rules for anyone else. The Bush administration is wrong. And this deal will have serious consequences for our national security. Like the financial crisis that is now gripping the globe, this disastrous nuclear deal will come back to haunt us because there is no bailout for a nuclear bomb.

Nonproliferation experts tell us that India will be able to increase its annual nuclear weapons production from seven bombs a year to 50 bombs per year. That is absolutely a crazy situation for us to be engaging in. Does the Bush administration think that nobody is watching what we are doing? Pakistan is watching. Pakistan is watching that our arch rival welcomed into the “nuclear club.” Does the Bush administration think that Pakistan will just watch India ramp up its nuclear weapons production and do nothing? Pakistan will respond. Pakistan warned us this summer that it could quote, “threatens to increase the chances of a nuclear arms race.”

Right now, according to nonproliferation experts, Pakistan is building two new reactors to dramatically increase its nuclear weapons production. The first of these new reactors could come online within a year. Pakistan is essentially telling India, “We’re in this game, too. We will match you step to step.”

This is an all out nuclear arms race. That is what President Bush should be working on, not fueling it, but trying to negotiate an end to it. This is what a nuclear arms race looks like. We lived through one with the Soviet Union, now we are fueling one in Southeast Asia.

And who is Pakistan? A.Q. Khan, right here, the world’s number one nuclear proliferator, a criminal against humanity, he is in Pakistan. Al Qaeda and bin Laden have actually attacked us on 9/11—and we know have attempted to acquire weapons of mass destruction—they are in Pakistan. And the Pakistani government, upon which we are relying to safeguard the nuclear weapons and materials, is dangerously unstable. We are feeding the fire of a nuclear arms race in the one country, Pakistan, where we can least afford to do so.

It’s incredibly ironic that next here on the House floor, under a bill to increase sanctions on Iran for its nuclear program because the bill we’re considering now makes an Iranian nuclear weapon much harder to
prevent. By breaking the rules for India, we’re making it less likely that the rules will hold against Iran or anyone else.

Iran is looking at this deal for India and they’re saying, “Where can I sign up?” “I want that deal.” And where is it written? And our explanation that we can cut the same deal with the Chinese, that the Iranians and the Russians will just continue merrily along the way? They will be pointing at us. They will be pointing at our explanation that we can cut a separate deal here with India. That is what we are establishing in this bill. This is the new regime for the world, not a comprehensive policy, but each big country who wants to cut a deal with a nuclear aspiring country can do so.

The Nuclear Nonproliferation Treaty is the bedrock of our efforts to prevent the spread of nuclear weapons. It is the foundation upon which all of our work rests. And this deal is ripping that foundation up by its roots.

Ladies and gentlemen, we are at an historic point. This deal allows for a country which is not a signatory to the Nuclear Nonproliferation Treaty to be exempted. And from it. It’s an historic moment not only in the history of the United States, but of the world.

This nuclear nonproliferation regime that President Kennedy told us we had to establish has worked. In 1963, when he said, by the year 2000 we might have to count the countries that don’t have nuclear weapons because they will be fewer than those that do unless we put a regime in place, was accurate. And if you look now, in 2008, almost no new countries have obtained nuclear weapons since 1963; quite an achievement. But here tonight, we’re about to create a new global regime. And we will look back on this in the same way that we look back on the day when we began to allow subprime loans, and we will wonder how that nuclear catastrophe was created, and we will point back to this evening.

I yield back the balance of my time.

Mr. Berman. Mr. Speaker, I yield the remaining time to the gentleman from New Jersey (Mr. Pallone).

The SPEAKER pro tempore. The gentleman is recognized for 1¼ minutes.

Mr. Pallone. Mr. Speaker, I beg to disagree with my colleague from Massachusetts. I agree on the reasons he outlined. All of us, this is not about India. India’s entire history with regard to nuclear weapons has been defensive, completely defensive, not offensive in the way Iran speaks and its President speaks.

In addition, India is very much like the United States. We know it’s a democracy. We know there has always been very strict civilian control of its nuclear weapons. This is really not about nuclear weapons at all. It’s about a civilian nuclear agreement between the United States and India.

And we know very much that India is similar to the United States; it seeks energy independence. It does not want to be dependent upon Mid East oil and the Mid East countries in the same way that we are.

By putting this agreement together, by passing this agreement tomorrow, basically we will be making India part of our partnership and saying that we will share civilian nuclear purposes. We will strengthen not only our own independence from Mid East oil, we will also strengthen India’s. And the bottom line is that there is only a history of cooperation between the United States and India. India has a strong record—and I heard some of my colleagues say to the contrary, it simply is not true—India has a strong record of trying to create a situation of nuclear nonproliferation. It has been a leader, in fact, on that. And this agreement is simply going to strengthen that even more.

I think that we can trust India in the way that we can trust our own leaders. And that’s why we are going to work and have this agreement passed tomorrow—and I know that it will pass and it will pass on a bipartisan basis—will simply strengthen the alliance between our two countries, which is so important to both countries.

Ms. Jackson-Lee of Texas. Mr. Speaker, I have reservations about the rapid way in which H.R. 7081, the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, was brought to the House floor without consideration and amendment in the Foreign Affairs Committee of which I am a member. However, despite my concerns and my steadfast commitment to non-proliferation, I rise in support of this legislation and our Nation’s important relationship with India.

The United States’ relationship with India is of paramount importance to our nation’s political and economic future. With the receding of the Cold War’s global divisions and the new realities of globalization and trans-national terrorism, the United States and the United Kingdom are facing a new multipolar world. The spread of nuclear weapons has been defensive, completely defensive, not offensive in the way Iran speaks and its President speaks in terms of proliferation.

The United States bears an especially heavy responsibility to remain engaged in all regions of the world, with all nations-states. It is in the national interest for the United States to continue our policy of engagement, collaboration, and exchange which has served the nation well in the past, particularly in the South Asia region.

This legislation applies the U.S.-India Agreement for Peaceful Nuclear Cooperation, subsequently the Hyde Act and the Nuclear Suppliers Group (NSG) or with NSG governments before entry-into-force of the India Agreement. Finally, this legislation declares that the India Agreement does not supersede the Atomic Energy Act or Hyde Act. Peaceful nuclear cooperation with India can serve as a good example for the rest of the world. The United States is committed to the non-proliferation regime.

This landmark legislation serves both our strategic interests and our long-standing non-proliferation objectives. We should heed the sage words of the Iraq Study Group which recommends engaging rather than abandoning the possibilities dialogue offers. Our engagement should be long as it is undertaken in a manner that minimizes potential risks to the non-proliferation regime. This will be best achieved by sustained and active engagement and cooperation between the India and the United States.

We are on the path to fostering an enduring relationship of mutually beneficial cooperation with India. The new realities of globalization and interdependence have brought a convergence of interests between the world’s largest democracy and the world’s most powerful one. A stable and prosperous India will be a part of a new global partnership which increases our power by multiplying what we can do individually.

Importantly, this legislation ensures Congress retains the ability to review and disapprove (via a joint resolution of disapproval enacted within 30 days) a subsequent agreement to permit India to extract plutonium and uranium from U.S.-origin spent reactor fuel. It re-establishes Congressional authority to legislatively reject (via a joint resolution of disapproval within 60 days) a Presidential decision to resume nuclear trade with any country that detonates a nuclear explosive device. It also authorizes the President to certify that the India Agreement is consistent with U.S. NPT commitment not to assist in any way in the acquisition of nuclear weapons.

Mr. Speaker, I visited India and met with India’s Prime Minister in July of this year where we discussed how our two Nation’s continue to collaborate economically, politically, and technologically. In this Nation and in my city of Houston, we have a large and vibrant Indian-American community which makes significant contributions to the vitality of our democracy. I am confident that we can work with India so that they can meet their energy needs through nuclear technology. Accordingly, that is why it is important that this legislation urges India to sign and implement an IAEA Additional Protocol for Safeguards, and for the United States to commit to do. It also restricts issuance of U.S. export licenses under the Agreement (which has entered into force) until India completes the process of bringing its Safeguards Agreement with the International Atomic Energy Agency (IAEA) into force.

Mr. Speaker, this legislation also requires the Administration to keep the Congress fully and completely informed regarding new initiatives for civil nuclear cooperation agreements. It requires additional reporting requirements for an Annual Report to Congress on implementation of the Agreement required by the Hyde Act. It also requires a Presidential certification that it is U.S. policy to seek greater restrictions on transfer or uranium enrichment or plutonium reprocessing equipment technology at the Nuclear Suppliers Group (NSG) or with NSG governments before entry-into-force of the India Agreement.
by permitting an invigorated relationship in the field of nuclear cooperation, an area of critical importance given India's increasing energy demands.

I am hopeful that the nonproliferation measures in this legislation anchor India in the international nonproliferation framework, including safeguards between India and the International Atomic Energy Agency (IAEA); end use monitoring of U.S. exports to India; and strengthening the Nuclear Suppliers Group, which are the groups of countries that restrict nuclear proliferation throughout the world.

In addition, this legislation maintains Congressional oversight over the ongoing relationship of nuclear cooperation between the U.S. and India. We must continue to enhance our nonproliferation policy and bolster our argument that the rest of the world should agree to this robust inspection regime. In conclusion, I support this legislation, and I urge my colleagues to do the same.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 7081, the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act. This landmark legislation will ensure India's continued access to safe, clean carbon-free nuclear power while guaranteeing, through international inspections, that India's nuclear ambitions remain peaceful.

Mr. Speaker, I have been a strong proponent of nuclear power because it is an efficient and inexpensive way to meet our growing energy needs. In fact, my state of Illinois derives 50% of its power from nuclear energy. In my district, Argonne National Laboratories has been at the cutting edge of the next generation of nuclear power.

Most recently, they have helped to develop an advanced nuclear reprocessing technology called UREX, which literally re-burns spent fuel to extract more energy. At the same time, this process uses a particularly efficient and inexpensive way to meet our growing energy needs.

However, more important than the potential economic aspects of the deal for our domestic energy production industry, or even the increased ability of India to create nuclear weapons, is the drastic effect the deal would have on the Nuclear Nonproliferation Treaty, one of the most sacrosanct and honored multilateral agreements in international law.

The NPT is the single most effective bulwark against the spread of nuclear weapons materials and technology. The treaty currently has 189 signatories and only four non-signatories. Under the treaty, NPT countries which possess nuclear weapons agree not to share weapon making materials or information. Similarly, NPT countries without weapons agree to pursue these materials or information.

By agreeing to supply a nation that has not adhered to these solemn pledges, this agreement would blow a hole in the NPT. Previously, our government required states to sign the NPT before we engage in nuclear trade with us. With this deal, the leverage inherent in that tradeoff will be gone. What moral authority will we or the international community have over Iran, or any other NPT signatory for that matter, if it actively seeks nuclear materials in violation of the treaty?

In the waning days of an administration that has shredded international law and our credibility around the world, why is this body prepared to add to this tarnished legacy? Let there be no doubt, a vote for this bill is a vote for a more dangerous world. For the sake of peace and the sanctity of the rule of law, I encourage my colleagues to oppose the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Berman) that the House suspend the rules and pass the bill, H.R. 7081.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2008

Mr. Berman. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7112) to impose sanctions with respect to Iran, to provide for the divestment of assets in Iran by State and local governments and other entities, and to identify locations of concern with respect to the enrichment, re-exportation, or diversion of certain sensitive items to Iran.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7112

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008”.

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

| Section 1. Short title; table of contents. |
| Sec. 101. Definitions. |
| Sec. 102. Clarification and expansion of definitions. |
| Sec. 103. Economic sanctions relating to Iran. |
| Sec. 104. Liability of parent companies for violations of sanctions by foreign subsidiaries. |
| Sec. 105. Increased capacity for efforts to combat unlawful or terrorist financing. |
| Sec. 106. Reporting requirements. |
| Sec. 107. Sense of Congress regarding the imposition of sanctions on the Central Bank of Iran. |
| Sec. 108. Rule of construction. |
| Sec. 109. Temporary increase in fee for certain consular services. |

TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

Sec. 201. Definitions.

Sec. 202. Authority of State and local governments to divest from certain companies that invest in Iran.

Sec. 203. Safe harbor for changes of investment policies by asset managers.

Sec. 204. Sense of Congress regarding certain ERISA plan investments.

TITLE III—PREVENTION OF TRANSPORTATION, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN

Sec. 301. Definitions.
SEC. 302. Identification of locations of concern with respect to transshipment, reexportation, or diversion of certain items to Iran.

SEC. 303. Designation of Possible Diversion Concern and Destinations of Diversion Concern.

SEC. 304. Report on expanding diversion concerns to countries other than Iran.

TITLe IV—EFFECTIVE DATE; SUNSET

SEC. 401. Effective date; sunset.

SEC. 2. SUPPORT FOR DIPLOMATIC EFFORTS RELATING TO PREVENTING IRAN FROM ACQUIRING NUCLEAR WEAPONS.

(a) Support for international diplomatic efforts.—It is the sense of the Congress that—

(1) the United States should use diplomatic and economic means to resolve the Iranian nuclear problem;

(2) the United States should continue to support efforts in the International Atomic Energy Agency and the United Nations Security Council to bring about an end to Iran's uranium enrichment program and its nuclear weapons program; and

(b)(A) United Nations Security Council Resolution 1696, so named a useful first step toward pressing Iran to end its nuclear weapons program; and

(B) in light of Iran's continued defiance of the international community, the United Nations Security Council should adopt additional measures against Iran, including measures to prohibit investments in Iran's energy sector.

(b) Peaceful efforts by the United States.—Nothing in this Act shall be construed to authorize the use of force or the use of the United States Armed Forces against Iran.

TitrLe I—sanctions

Sec. 101. Definitions.

In this title:

(1) agricultural commodity.—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) appropriate congressional committees.—The term “appropriate congressional committees” has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(3) executive agency.—The term “executive agency” has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (50 U.S.C. 1702 (b)(3)); and

(4) family member.—The term “family member” means an individual, the spouse, children, grandchildren, or parents of the individual.

(5) information and informational materials.—The term “information and informational materials” means—

(A) means information and informational materials described in section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)); and

(B) does not include information or informational materials—

(i) the exportation of which is otherwise controlled—

(I) under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2401) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(ii) under section 6 of that Act (50 U.S.C. App. 2405), to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or

(ii) with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(6) investment.—The term “investment” has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(7) iranian diplomats and representatives of other government and military or quasi-governmental institutions of iran.—The term “Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran” has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note).

(8) medical device.—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) medicine.—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

Sec. 102. Clarification and expansion of definitions.

(a) person.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) by inserting “financial institution, insurer, underwriter, guarantor, and any other financial institution, business organization, including any foreign subsidiary, parent, or affiliate of the foregoing,” after “trust,”; and

(2) by inserting “, such as an export credit agency before the semicolon.

(b) petroleum resources.—Section 14(14) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

“(B) Petroleum resources.—The term ‘petroleum resources’ includes petroleum, petroleum by-products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or compressed or liquefied natural gas.

(2) petroleum products.—The term ‘petroleum products’ means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, residual fuel oil, and other goods classified in headings 2709 and 2710 of the Harmonized Tariff Schedule of the United States.”.

(c) effective date.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

Sec. 103. Economic sanctions relating to acqUIrIng nuclear weapons.

(a) in general.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date of the enactment of this Act, the President shall take such action as may be necessary to freeze immediately the funds and other assets belonging to any person so named, and any family members or associates of those persons, and any subsidiary, parent, or affiliate of the persons so named were transferred on or after January 1, 2008. The action described in the preceding sentence includes requiring any United States institution that holds funds and assets of a person so named to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(b) asset reporting requirement.—Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees.

(c) waivers.—The President may waive the application of the sanctions described in subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

Sec. 104. Liability of parent companies for combating terrorism by foreign subsidiaries.

(a) definitions.—In this section—

(1) entity.—The term “entity” means a partnership, association, trust, joint venture, corporation, or other organization.

(2) own or control.—The term “own or control” means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity; and

(B) to hold a majority of seats on the board of directors of the entity;

(3) waiver.—The term “waiver” means an entity that is owned or controlled, directly or indirectly, by a United States person.

(4) united states person.—The term “United States person” means—

(A) a natural person who is a citizen, resident, or national of the United States; and

(B) an entity that is organized under the laws of the United States, any State or territorial government of the United States, or of the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.
(b) In general.—A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13668 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 note).

(1) the President determines that the United States person establishes or maintains a subsidiary outside of the United States that is responsible for circumventing such provisions; and

(2) that subsidiary engages in an act that, if committed in the United States or by a United States person, would violate such provisions.

(c) Waiver.—The President may waive the application of subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(d) Effective date.—

(1) In general.—Subsection (b) shall take effect after the date of the enactment of this Act and apply with respect to acts described in subsection (b)(2) that are—

(A) commenced on or after the date of the enactment of this Act; or

(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.

(2) Exception.—Subsection (b) shall not apply with respect to an act described in paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after such date of enactment.

SEC. 105. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) Finding.—Congress finds that the work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and proliferation of weapons of mass destruction.

(b) Authorization of Appropriations for Office of Terrorism and Financial Intelligence.—There is authorized to be appropriated for the Office of Terrorism and Financial Intelligence—

(1) $61,712,000 for fiscal year 2009; and

(2) such sums as may be necessary for each of fiscal years 2010 and 2011.

(c) Authorization of Appropriations for the Financial Crimes Enforcement Network.—Section 1(b) of title 31, United States Code, is amended by striking ‘‘such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005’’ and inserting ‘‘$91,335,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 and 2011’’.

SEC. 106. REPORTING REQUIREMENTS.

(a) Foreign Investment in Iran.—

(1) Foreign investment.—A foreign investment of $20,000,000 or more made in Iran’s energy sector on or after January 1, 2008, and before the date on which the President submits a report under this section shall be subject to the report required under subsection (b) of title 15, United States Code.

(b) Determination of the President.—The President shall determine whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) Subsequent reports.—Not later than 1 year after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran’s energy sector during the 180-day period preceding the submission of the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(c) Form of reports.—The reports required under subsection (a) shall be submitted in unclassified form, but may contain classified annexes.

SEC. 107. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE REFINING AND PETROLEUM SECTOR OF IRAN.

Congress urges the President, in the strongest terms, to consider immediately using the authority of the President to impose secondary sanctions on the National Iranian Oil Company and any other Iranian bank engaged in proliferation activities or support of terrorist groups.

SEC. 108. RULE OF CONSTRUCTION.


SEC. 109. TEMPORARY INCREASE IN FEE FOR CERTAIN CONSULAR SERVICES.

(a) Increase in fee.—Notwithstanding any other provision of law, not later than 120 days after the date of the enactment of this Act, the Secretary of State shall increase by $1.00 the fee or surcharge assessed under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 8 U.S.C. 1351 note) over the amount of such fee or surcharge as of such date for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(b) Deposit of Amounts.—Notwithstanding section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees collected under the authority of subsection (a) shall be deposited in the Treasury of the United States.

(c) Duration of Increase.—The fee increase authorized under subsection (a) shall become effective on the date that is nine months after the date on which such fee is first collected.

TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

SEC. 201. DEFINITIONS.

In this title:

(1) ENERGY SECTOR.—The term ‘‘energy sector’’ refers to activities to develop petroleum and natural gas resources in the country of Iran.

(2) FINANCIAL INSTITUTION.—The term ‘‘financial institution’’ has the meaning given in section 1(a) of the International Emergency Economic Powers Act, 50 U.S.C. 1701 note.

(3) FOREIGN INVESTMENT.—The term ‘‘foreign investment’’ means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organized or chartered under the laws of any foreign country;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1105(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2320(c)(3))) and any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(4) STATE OR LOCAL GOVERNMENT.—The term ‘‘State or local government’’ includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality thereof; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 202. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.

(a) Sense of Congress.—It is the sense of Congress that the United States Congress should impose sanctions on the central bank of Iran, its branches and agencies, and any other Iranian bank engaged in proliferation activities or support of terrorist groups.

(b) Authority to Divest.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment in, the assets of the State or local government in, any person that the State or local government determines poses a financial or reputational risk.

(c) Investment Activities Described.—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of $20,000,000 or more—

(A) in the energy sector of Iran; or

(B) in a person that provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector in Iran; or

(2) is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, who will use the credit to invest in the energy sector in Iran.

(d) Requirements.—The requirements referred to in subsection (b) that a measure taken by a State or local government must meet are the following:

(1) Notice.—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) Timing.—The measure shall apply to a person not later than 30 days after the date on which written notice is provided to the person under paragraph (1).

(3) Opportunity for Hearing.—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied.

(4) Sense of Congress on Avoiding Errors in Targeting.—It is the sense of Congress that a State or local government may not adopt a measure under this section that is based on a mistake or error (b) with respect to a person unless the State or local government has made every effort to
avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) NOTIFICATION TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) NONPREEMPTION.—A measure of a State or local government that divests, as authorized under subsection (b) is not preempted by any Federal law or regulation.

(g) DEFINITIONS.—In this section:

(1) IN GENERAL.—The “investment” of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(2) Assets.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “assets” refers to public monies and includes any pension, retirement, annuity, or endowment fund, or other provision of Federal or State law, no matter how designated, to which a fiduciary has access or control. The term includes any registered investment company, any employee, officer, director, or investment adviser thereof, based solely upon the investment company determines, using credible information that is controlled by a State or local government.

(B) EXCEPTION.—The term “assets” does not include—

(1) the “investment” of assets covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.);

(2) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 203. SAFE HARBOR FOR CHANGES IN INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended to read as follows:

“(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company determines, using credible information that is controlled by a State or local government.

(B) engage in investment activities in Iran described in section 202(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2007 (50 U.S.C. 1701 note); or

“(A) conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

(B) engage in investment activities in Iran described in section 202(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2007 (50 U.S.C. 1701 note); or

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests, as authorized under section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1) of such section, as added by subsection (a).

SEC. 204. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 202(c) of this title, with breaching the requirements, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.44–1 of Federal regulations (as in effect on the day before the date of the enactment of this Act).

TITLE III—PREVENTION OF TRANS-SHIPMENT, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN

SEC. 301. DEFINITIONS.

In this title:

(a) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate;

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives;

(C) the committee or committees a report that identifies the all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations to an entity owned or controlled by the Government of Iran;

SEC. 302. IDENTIFICATION OF LOCATIONS OF CONCERN WITH RESPECT TO TRANS-SHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO IRAN.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Secretary of Commerce, the Secretary of State, the Secretary of Treasury, the Treasury, appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations to an entity owned or controlled by the Government of Iran;

SEC. 303. DESTINATIONS OF POSSIBLE DIVERSION CONCERN AND DESTINATIONS OF DIVERSION CONCERN.

(a) DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Possible Divergence Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines that such designation is appropriate to carry out measures to strengthen the export control systems of that country based on criteria that include—

(A) the volume of items that originated in the United States and transported through the country to end-users whose identities cannot be verified;

(B) the inadequacy of the export and reexport controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control diversion activities and;

(D) the unwillingness or inability of the government of the country to cooperate with the United States in interdiction efforts.

(2) STRENGTHENING Export CONTROL SYSTEMS OF DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—If the Secretary of Commerce designates a country as a Destination of Possible Divergence Concern under paragraph (1), the United States shall initiate government-to-government activities described in paragraph (3) to strengthen the export control systems of the country.

(3) GOVERNMENT-TO-GOVERNMENT ACTIVITIES DESCRIBED.—The government-to-government activities described in this paragraph include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in a country designated as a Destination of Possible Divergence Concern under paragraph (1) to—

(i) develop or strengthen export control systems in the country;

(ii) strengthen cooperation and facilitate enforcement of export control systems in the country; and

(iii) promote information and data exchanges among agencies in the country and with the United States; and

(B) efforts by the Office of International Programs of the Department of Commerce to strengthen the export control systems of the country to—

(i) facilitate legitimate trade in high-technology goods; and

(ii) prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, clear, biological, and chemical weapons, defense technologies, components for improving or use as defense items.

(b) DESTINATIONS OF DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Diversion Concern if the Secretary, in consultation with the Secretary of
State and the Secretary of the Treasury, de-
termines—
(A) that the government of the country is
directly involved in transshipment, reexporta-
tion, or diversion of items that originated in the
United States to end-users whose identities
cannot be verified or to entities owned or
controlled by the Government of Iran; or
(B) 12 months after the Secretary of Com-
merce designates the country as a Destina-
tion of Possible Diversion Concern under
subsection (a)(1), that the country has
failed—
(i) to cooperate with the government-to-
government activities initiated by the United
States under section (a)(1), or
(ii) based on the criteria described in sub-
section (a)(1), to adequately strengthen the export control systems of the country.
(2) LICENSING CONTROLS WITH RESPECT TO
DESTINATIONS OF DIVERSION CONCERN.—
(A) REPORT ON SUSPECT ITEMS.—
(i) IN GENERAL.—Not later than 45 days
after the date of the enactment of this Act,
the Secretary of Commerce, in consultation
with the Director of National Intelligence,
the Secretary of the Treasury, and the Secretary of the Treasury, shall submit to the appro-
priate congressional committees a report containing a list of items that, if the items
were transshipped, reexported, or diverted to
Iran, could contribute to—
(II) the items subject to licensing require-
ments under section 742.8 of title 15, Code of
Federal Regulations (or any corresponding
similar regulation or ruling) and other exist-
ing licensing requirements; and
(ii) the items added to the list of items for
which a license is required for exportation to
North Korea by the final rule of the Bureau
of Export Administration of the Depart-
ment of Commerce issued on June 19, 2000 (65 Fed.
Reg. 38148; relating to export restrictions on
North Korea).
(B) LICENSING REQUIREMENT.—Not later
than 180 days after the date of the enactment
of this Act, the Secretary of Commerce shall
require a license to export an item on the list
required under subparagraph (A)(i) to a
country designated as a Destination of Di-
version Concern.
(3) WAIVER.—The President may waive the
imposition of the licensing requirement under paragraph (2) if the Secretary
of Commerce certifies to Congress that—
(i) the items subject to licensing require-
ments under section 742.8 of title 15, Code of
Federal Regulations (or any corresponding
similar regulation or ruling) and other exist-
ing licensing requirements; and
(ii) the items added to the list of items for
which a license is required for exportation to
North Korea by the final rule of the Bureau
of Export Administration of the Depart-
ment of Commerce issued on June 19, 2000 (65 Fed.
Reg. 38148; relating to export restrictions on
North Korea).
(4) LICENSING REQUIREMENT.—Not later
than 180 days after the date of the enactment
of this Act, the Secretary of Commerce shall
require a license to export an item on the list
required under subparagraph (A)(i) to a
country designated as a Destination of Di-
version Concern.
(5) TERMINATION OF DIVERSION CONCERN.
The Secretary of Commerce may terminate
a country as a Destination of Possible Diversion
Concern or a Destination of Diversion Concern
shall terminate on the date on which the Secretary of Commerce determines, based on the criteria described in subparagraphs (A) through (D) of subsection (a)(1), and certifies to Congress and the President that the country has ade-
quately strengthened the export control sys-
tems of the country to prevent transship-
ment, reexportation, and diversion of items
in the country to end-users whose identities cannot be verified or to en-
tities owned or controlled by the Govern-
ment of Iran.
(6) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such
sums as may be necessary to carry out this section.

**SEC. 304. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO COUNTRIES OF IRAN.**

Not later than 180 days after the date of the enactment of this Act, the Director of
National Intelligence, in consultation with the Secretary of Commerce, the Secretary of the State, and
the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that—
(1) identifies any country that the Director
determines may be transshipping, reex-
porting, or diverting items subject to the provisions of the Export Administration Regulations to another country if such other
country—
(A) is seeking to obtain nuclear, biological,
or chemical weapons, defense technologies,
components for improvised explosive devices,
or other defense items; or
(B) provides support for acts of interna-
tional terrorism; and
(2) submits to the appropriate congress-
ional committees a report that—
(A) identifies any country that the Director
determines may be transshipping, reex-
porting, or diverting items subject to the
provisions of the Export Administration Regu-
lations to another country if such other
country designated as a Destination of Di-
version Concern or a Destination of Diversion Concern to include
countries identified under paragraph (1).

**TITLE IV—EFFECTIVE DATE; SUNSET**

**SEC. 401. EFFECTIVE DATE; SUNSET.**

(a) EFFECTIVE DATE.—Except as provided in sections 102, 203, 204, and 303 for the amendments made by this Act, the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) S UNSET.—The provisions of this Act shall terminate on the date that is 30 days after the date on which the President certi-
tifies to Congress that—
(1) the government of Iran has ceased pro-
viding support for acts of international ter-
rorism and no longer satisfies the require-
ments for designation as a state sponsor of
terrorism under—
(A) section 616(a)(1) of the Export Admin-
2405(j)(1)(A)) or any successor thereto;
(B) section 40(d) of the Arms Export
Control Act (22 U.S.C. 2780(b)(1)); or
(C) section 620A(a) of the Foreign Assist-
ance Act of 1961 (22 U.S.C. 2371(a)); and
(2) Iran has ceased the pursuit, acquisition,
and development of biological and chem-
ical weapons and ballistic missiles and
ballistic missile launch technology.

**THE SPEAKER pro tempore.** Pursuant
to the rule, the gentleman from California
(Mr. BERMAN) and the gentle-
woman from Florida (Ms. ROS-
LEHTINEN) each will control 20 minutes.

Mr. BERMAN. Mr. Speaker, I ask
unanimous consent that all Members may
have 5 minutes to revise and extend their remarks and include
extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentle-
man from California?

There was no objection.

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

Mr. Speaker, preventing Iran from becoming a nuclear power, to me, is one of the great national security chal-
lenges of the 21st century. A nuclear-armed, fundamentalist Iran would become the dominant power in its region. The glob-
al nonproliferation regime would crum-
ble. Already today we know that many of Iran’s neighbors are contemplating their own nuclear programs. And can anyone be sure that Iran, with a leader who speaks like he speaks now, would not resort to either the use of nuclear weapons or to the handoff of those weapons to terrorists?

The sanctions that the United States and the international community have thus far placed on Iran have squeezed Iran’s economy somewhat, but clearly not enough to slow down its nuclear program. The present strategy is not working. I’m disappointed—and I be-
lieve the Iranian regime is surely heartened—by the failure of the admin-
istration’s program to produce the kinds of results we need regarding Iran’s nuclear program.

We need to make our foreign policy priorities clear. And Iran must be at
the very top of the agenda in all our dealings with other countries. San-
ctions will never work unless we have buy-in and support from other key
countries. And if the process of achiev-
ing that buy-in requires us to engage directly with Iran, that is certainly
something we should do.

Two months ago, the Permanent Members of the U.N. Security Council
and Germany offered Iran all kinds of
generous incentives to persuade it to
suspend its uranium enrichment pro-
gram. Just for the sake of initiating
further talks on this package, they of-
fered what they called “freeze-for-
freeze,” meaning we will agree not to
pursue further sanctions for 6 weeks and Iran agrees not to increase the
number of its centrifuges. But these
opportunities were not good enough for Iran, which responded only with a noncom-
mittal letter.

If Iran won’t change its behavior as a result of the sanctions the interna-
tional community has already imposed, and if it won’t change its behav-
ior as a result of the generous incen-
tives package offered in Geneva, then
we should be pursuing tougher and
more meaningful sanctions.

The legislation before us won’t put an end to Iran’s nuclear program, but
it may help to slow it down. It will
send a strong signal to Tehran that the U.S. Congress views this matter with
urgency. And it will send a message to
companies and countries that invest or consider investing in Iran’s energy sec-
ctor.

This bill before us contains a some-
what diluted version of two measures
together in the other body that had
previously been passed by the House by votes of 397–16 and 408–6.

This legislation would codify and expand export and import bans on goods
to and from Iran. It would freeze assets
in the U.S. held by Iranians closely
linked to the regime. It would render
anyone who speaks like he speaks now, would not resort to either the use of nuclear weapons or to the handoff of those weapons to terrorists.

The sanctions that the United States and the international community have thus far placed on Iran have squeezed Iran’s economy somewhat, but clearly not enough to slow down its nuclear program. The present strategy is not working. I’m disappointed—and I believe the Iranian regime is surely heartened—by the failure of the administration’s program to produce the kinds of results we need regarding Iran’s nuclear program.

We need to make our foreign policy priorities clear. And Iran must be at the very top of the agenda in all our dealings with other countries. Sanctions will never work unless we have buy-in and support from other key countries. And if the process of achieving that buy-in requires us to engage directly with Iran, that is certainly something we should do.

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If Iran won’t change its behavior as a result of the sanctions the international community has already imposed, and if it won’t change its behavior as a result of the generous incentives package offered in Geneva, then we should be pursuing tougher and more meaningful sanctions.

The legislation before us won’t put an end to Iran’s nuclear program, but it may help to slow it down. It will send a strong signal to Tehran that the U.S. Congress views this matter with urgency. And it will send a message to companies and countries that invest or consider investing in Iran’s energy sector.
cover not only oil and all natural gas but related industries. It authorizes State and local governments in the United States to divest from any company that invests $20 million or more in Iran's energy sector. It increases U.S. export controls on countries that are directly involved in trans-shipment or illegal diversion of sensitive technologies to Iran. And it requires the administration to report all foreign investments of $20 million or more made in Iran's energy sector, an action which would increase the understanding of sanctions being undertaken to determine whether such investment qualifies as sanctionable.

Since 1996, the executive branch has never implemented the sanctions in the Iran Sanctions Act, even though well over a dozen sanctionable investment deals have been concluded with Iran by international companies. The administration hasn’t even made a determination as to whether any of those investors should lose their loophole. This bill will close that loophole.

This legislation before us also reaffirms our Nation’s commitment to multilateral diplomacy to increase pressure on Iran to give up its nuclear weapons agenda. It explicitly states that nothing in this act authorizes the use of force.

Based on previous votes, this body is committed to ending Iran’s illicit nuclear program by taking measures that are peaceful but meaningful. I believe this legislation is a useful step forward toward that end.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I might consume.

Mr. Speaker. I rise in support of this measure, but with great reservations that this weak legislation will send a message to our enemies of a weakened U.S. position on the issue of Iran.

That threat to the United States, to our allies and to our interests could not be more apparent. Only last week the head of the International Atomic Energy Agency warned that Iran is probably carrying out secret nuclear activities. Then last Saturday the lead inspector for the Middle East shared with member nations of the IAEA extensive documentation of an Iranian effort to reconfigure the Shahab-3 long-range missile to carry a nuclear weapon. The range of these missiles reach Israel and most of the Middle East.

And this is a regime whose current leader, Ahmadinejad, has consistently called for the destruction of the Jewish State of Israel. On October 26, 2005, at the World Without Zionism Conference in Tehran, the Iranian leader called for Israel to be “wiped off the map,” described Israel as “a disgraceful blot on the face of the Islamic world” and declared that “anyone who recognizes Israel will burn in the fire of the Islamic nation’s fury.” Then on December 12, 2006, he addressed a conference in Tehran questioning the historical veracity of the Holocaust and said that Israel, again, would “soon be wiped out.”

On Israel’s 60th birthday, Ahmadinejad gave a speech in which, according to the official Iranian news agency, he declared that Israel was “on its way to total destruction.”

In a public address which aired on the Iranian news channel on June 2 of this year, Ahmadinejad again called its “warm in reference to Israel, to be wiped off. He further stated that while “some say the idea of Greater Israel has expired, I say the idea of lesser Israel has expired too.”

And earlier this week at the United Nations, he continued to invoke anti-Israel and anti-Semitic canards when he stated “the dignity, integrity and rights of the European and American people are being played with by a small but deceitful number of people call Zio- Iranian regime.”

“We have to pay their dignity and resources on the crimes and the occupations and the threats of the Zionist network against their will.”

But the threat is not just to our friend Israel. Iran is currently working on even longer-range missiles directly threatening critical U.S. interests. The importance and the urgency of strengthened sanctions was underlined just a few days ago, when the European Union warned that Iran was approaching a nuclear weapons capability. The significance stems from the fact that the European Union has long insisted that the West and other countries focus their efforts on denuclearization to persuade Iran to suspend its nuclear program.

This is an acknowledgment that a strategy based on holding out an olive branch and engaging directly with the Iranian regime, while promising trade agreements and other benefits, has not worked and that more concrete economic pressure is needed to compel a change in regimes’ behavior. Thus the evidence before us makes it clear that we must adopt a process to impose the greatest pressure possible on the regime and its enablers.

Unfortunately, this bill does not do quite that, Mr. Speaker. My colleagues, you all know where I stand on Iran. Last Congress I authored the Iran Freedom Support Act which contained very tough and quite focused sanctions on the regime in Tehran. Our beloved late former chairman of the Foreign Affairs Committee, Jim Lantos, was the lead Democrat cosponsor, and the bill enjoyed the support of our current chairman, Howard Berman, my good friend, and 360 Members of the House.

The Iran Freedom Support Act was enacted into law just a few days ago. Mr. Speaker, the Iran Freedom Support Act which contained no new sanctions but said that other Security Council resolutions on Iran were legally binding and must be carried out. That is most exactly what the bill before us is going to do on the issue of sanctions.

Again, I do not understand why, at a time when the Iranian regime is crystal clear in accelerating its efforts to acquire a nuclear weapon, that we are not considering the Lantos Iran Counter-Proliferation Act or Senate bill 970.

Notably, this body has not even considered the Ackerman-Pence resolution, which has 275 cosponsors and is a strong, unequivocal message to the regime.

Yet, Mr. Speaker, despite the many deficiencies of this bill, I want to thank my friend, Chairman Berman, for adding a Rule of Construction to his version of the Dodd bill which states, “nothing in this Act shall be construed as affecting in any way any provision of the Iran Freedom Support Act of 2006. Public Law 109-239.”

Since the legislation contains a “notwithstanding” clause for section 103, I hope that the Rule of Construction will be sufficient to prevent the unraveling...
of sanctions codified 2 years ago. Additionally, Mr. Speaker, portions of section 104 are essentially a repetition of current law as section 2(f) of the Executive Order 13059 codified.

In this respect, Chairman Berman, I would appreciate or his substitute, Mr. Ackerman, clarification that the waiver in section 104 would not apply to sanctions already in place, even if these have been restated in the legislation.

Finally, Mr. Speaker, I appreciate that the reporting requirements have been strengthened with respect to investments in Iran’s energy sector since January 1 of this year. However, I ask to add language to the bill before us that would amend current law and force a determination on whether foreign investments in Iran’s energy sector violate the Iran Sanctions Act and whether sanctions should be implemented. My proposal was not limited to the last 9 months of activity or to simply reporting requirements. But this modification was not incorporated in the text that we are considering today.

Looking to other sections of this House version of the Dodd bill, there are provisions seeking to prevent the export or trans-shipment of U.S.-origin goods to Iran. Except for the language calling for the designation of a country as a Destination of Possible Diversion Concern, this bill duplicates most existing laws and regulations on these issues, as well as current U.S. Government programs. It does provide for the application of licensing controls to the countries designated, but immediately affords yet another mere “national interest waiver.”

There are also stronger bills pending on the issue of trans-shipment, such as H.R. 6178, the Security Through Terminals Act, or the H.R. 6178, the Security Through Terminal Act, or the Proliferation Act, or the House version of the Dodd bill, there are provisions seeking to prevent the export or trans-shipment of items of proliferation concern, and prevent shipments of concern, and the following information pertaining to Iran or Iranian-controlled entities.

To enable the House Foreign Affairs Committee to better understand this issue, we request that you provide an assessment of the effectiveness of the UAE’s existing export control regime and a translated copy of the UAE’s current export control regulations. Among other subjects, the assessment should address overall effectiveness, obstacles to implementation, the extent to which the UAE has complied with U.S. requests to interdict and prevent shipments of concern, and the attitudes and records of specific UAE officials toward preventing exports or trans-shipments of items of proliferation concern to Iran or Iranian-controlled entities.

Additionally, we request that you provide the following information pertaining to broader U.S. efforts: the amount of goods seized, penalties imposed, and convictions obtained by U.S. authorities under the trade ban; the type and amount of U.S. sensitive items diverted to Iran through all trans-shipment points; the extent to which all relevant violators of U.S. sanctions laws have ended their sales of sensitive items to Iran; the total amount of assets frozen due to financial sanctions implemented by both the United States and other nations; and the total impact of U.S. bilateral sanctions on foreign investment in Iran’s energy sector.

This assessment may be classified.

Thank you for your attention to our request.

Sincerely,

LILIANA ROS-LEHTINEN
Ranking Member
House Foreign Affairs Committee

EDWARD R. ROYCE
Ranking Member, Sub-committee on Terrorism, Nonproliferation and Trade.

MIKE PENCE
Ranking Member, Sub-committee on the Middle East and South Asia.

TOM LANTOS
Chairman, House Foreign Affairs Committee.

HOWARD L. BERMAN
Secretary, House Foreign Affairs Committee.

Hon. HOWARD L. BERMAN,
Chairman, House Committee on Foreign Affairs, 2710 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN Berman: I am writing regarding the current status of our Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales approval process and criteria toward our Middle East allies. Specifically, I ask you to consider holding hearings regarding the recent approval of Terminal High Altitude Air Defense units, missiles, radars, launchers, and related equipment to the United Arab Emirates; the proposed transfer of the AIM-9X Sidewinder air-to-air missile to the Kingdom of Saudi Arabia; and future sales to UAE, and Saudi Arabia until the Department of State and Department of Defense provide the Committee with a detailed written accounting of: (1) procedures for vetting recipient entities and individuals with access to the U.S. equipment proposed to be transferred; (2) procedures for U.S. Government inspection and verification; and (3) safeguards in place to prevent diversion to or sharing of technology with unintended recipients. Further, we also urge you to request an assessment of the export controls that strengthens the U.S. sales to the UAE, and so-called Islamic charities in Saudi Arabia. Finally, we should require written assurances from the pertinent USG agencies that the provision of defensive weapons and technology cannot be used by our enemies to enhance their offensive capabilities.

Mr. Chairman, as you know, the United States is facing many challenges in the Middle East—a region described by security officials as the center of an “arc of instability.” It is therefore incumbent upon us to work together to identify and address those variables that pose the preeminent threats to our nation’s security and those of our allies. Chief among these is Iran’s development of conventional and unconventional capabilities—to include both symmetric and asymmetric threats to its neighbors, and, above all nuclear aspirations—aimed at establishing its hegemony in its immediate neighborhood and enhancing its role in the Middle East and beyond.

As a means to confront the Iranian threat, and other threats facing the region, we have provided congressional approval for significant new and increasingly sophisticated military sales to U.S. allies in the Persian Gulf region, as part of a broader American strategy aimed at containing Iranian influence by strengthening Iran’s neighbors.

On balance, we recognize that the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs represent a constructive element in a larger strategy to reassure our regional friends and deter Tehran. However, force arms sales and associated efforts cannot continue to be provided in a vacuum, nor should they be viewed by recipient nations as an entitlement. In this context, any long-term strategy to bolster Gulf security through such programs must include the following principles.

CONGRESSIONAL RECORD — HOUSE

H10109

September 26, 2008

HOUSE OF REPRESENTATIVES
COMMITTEE ON FOREIGN AFFAIRS

Hon. J. MICHAEL McCONNELL,
Director of National Intelligence, Office of the Director of National Intelligence, Washington, DC.

DEAR ADMIRAL McCONNELL: We are writing to request an assessment of the export control regime in the United Arab Emirates (UAE), especially its effectiveness in preventing the export or transshipment of U.S.-origin goods to Iran. We are also interested in receiving information regarding broader efforts to implement U.S. sanctions against Iran.

As you are aware, Iran is one of the UAE’s largest trade partners. The UAE is also a world leader in the transshipments of goods from other countries, including the United States. We are concerned by reports that the international sanctions against Iran are being undermined by inadequate end-use controls in the UAE. Obviously, an effective export, re-export, and transshipment control regime in the UAE is a prerequisite to that country’s ability to control transshipment of sensitive goods through its ports.

To enable the House Foreign Affairs Committee to better understand this issue, we request that you provide an assessment of the effectiveness of the UAE’s existing export control regime and a translated copy of the UAE’s current export control regulations. Among other subjects, the assessment should address overall effectiveness, obstacles to implementation, the extent to which the UAE has complied with U.S. requests to interdict and prevent shipments of concern, and the attitudes and records of specific UAE officials toward preventing exports or trans-shipments of items of proliferation concern to Iran or Iranian-controlled entities.

Additionally, we request that you provide the following information pertaining to broader U.S. efforts: the amount of goods seized, penalties imposed, and convictions obtained by U.S. authorities under the trade ban; the type and amount of U.S. sensitive items diverted to Iran through all trans-shipment points; the extent to which all relevant violators of U.S. sanctions laws have ended their sales of sensitive items to Iran; the total amount of assets frozen due to financial sanctions implemented by both the United States and other nations; and the total impact of U.S. bilateral sanctions on foreign investment in Iran’s energy sector.

This assessment may be classified.

Thank you for your attention to our request.

Sincerely,

LILIANA ROS-LEHTINEN
Ranking Member
House Foreign Affairs Committee

EDWARD R. ROYCE
Ranking Member, Subcommittee on Terrorism, Nonproliferation and Trade.

MIKE PENCE
Ranking Member, Subcommittee on the Middle East and South Asia.

TOM LANTOS
Chairman, House Foreign Affairs Committee.

HOWARD L. BERMAN
Secretary, House Foreign Affairs Committee.
The first is that our Gulf allies cannot under- 
mine the American position in the re- 
gion—and with it vital U.S. national secu- 
ry objectives—while simultaneously rely- 
ing on “degree of integration to require” secu- 
ity guarantees to guard against a nuc- 
lear Iran if they: (1) fail to publicly support 
the United States to combat terrorism; (2) 
fail to cooperate to combat extremism— 
both those that pose a threat to their 
governments and those who intend to harm 
the U.S. and its allies.

For example, combating terrorist financ- 
ing is one of the most critical components 
of our anti-terror efforts in the region. Yet, sig- 
nificant concerns remain regarding fund- 
raising activities, and the transfer of funds 
to terrorist organizations in countries such 
as Saudi Arabia, Kuwait and the United Arab 
Emirates, in particular, and our regional al- 
lies in general, must be contingent upon 
their commitment to combat extremism 
both at home and abroad. For example, 
they should not approve sales of sophisti- 
cated defense technologies to the re- 
gion. We should not approve new sales of so- 
pa conflagration were to erupt within the re- 
gion. Our allies in the region must show demon- 
strable progress on the above issues as a pre- 
requisite to Committee approval of FMF, 
DCS and DCS sales to the region. 
Thank you for your time and consider- 
ation, and I look forward to receiving your 
response.

Sincerely,

ILEANA ROS-LEHTINEN,
Ranking Member, House Committee on 
Foreign Affairs.

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

The SPEAKER pro tempore. Without 
objection, the gentleman from New 
York will control the remaining time 
of the gentleman from California. 

There was no objection.

Mr. ACKERMAN. Mr. Speaker, at 
this time I yield 4 minutes to the dis- 
tinguished gentleman from Ohio, DEN- 
NIS KUCINICH.

Mr. KUCINICH. I thank the gentle- 
man.

I rise in opposition. What we see here 
at work is the Bush administration’s 
flawed national security doctrine. They 
are staging an attack on Iran. Their 
Navy is in the gulf. There have been 
overflights. There are, (2) fail to take steps 
toward addressing these concerns if we are to 
continue to insist that nuclear power is to 
be equated with nuclear weapons.

Now, if we want diplomacy, and we 
should, we should be listening to five 
former Secretaries of State who have said that diplomacy is what we should pursue.

I would like to enter their names into the 
RECORD.

2000

Sanctions are not to be confused with 
diplomacy, any more than war is to be 
confused with diplomacy. Nuclear 
power, I want to repeat, does not equate with a nuclear weapons 
program.

I want to cite our own CRS report 
that was given to the Congress on Au-

September 26, 2008

Furthermore, the International Atomic Energy Agency has recently re-

leased a report which states very clearly, 
and this report is 4 days ago, Sep- 
tember 22, 2008, by the Director Gen- 
eral, Mohamed ElBaradei, with respect 
to the implementation of safeguards in 
Iran. It states, “… The Agency has been able 
to continue to verify the non-diversion of nuclear material in Iran.” It goes on to say, “I 
note that the agency has not detected the usual use of nuclear material in 
connection with nuclear activities, nor does it have information apart 
from uranium metal document on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon.”

I would like to include this in the 
RECORD.

Would also like to include in the 
RECORD a quote from a piece by histori- 
yan William Polk, who has said, “Iron- 
ically the U.S. has three times actually 
helped Iran move toward nuclear weapons. Under the Shah, the Nixon 
administration gave Iran a big push in 
those directions. Then 6 years ago in Op- 
eration Merlin, the CIA provided Iran 
with plans for the central explosive charge for a nuclear bomb. The idea 
was to mislead the Persians into work- 
ing on an unworkable model for the 
work, but the ploy was so crude that 
Iran probably profited from it. Finally 
then six years ago in ‘Operation Merlin’, the CIA provided Iran with plans for the central explosive charge for a nuclear bomb. The idea was to mislead the Persians into work- 
ing on an unworkable model for the 
work, but the ploy was so crude that 
Iran probably profited from it. Finally.
5 FORMER SECRETARIES OF STATE URGE TALKS WITH IRAN
WASHINGTON (AP)—Five former secretaries of state, gathering to give their best advice to the next president, agreed Monday that the United States should talk to Iran.


INTRODUCTORY STATEMENT TO THE BOARD OF GOVERNORS
(By IAEA Director General Dr. Mohamed ElBaradei)

IMPLEMENTATION OF SAFEGUARDS IN THE ISLAMIC REPUBLIC OF IRAN

The Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran. Regrettably, the Agency has not been able to make substantive progress on the alleged studies and associated questions relevant to possible military dimensions to Iran's nuclear programme. These remain of serious concern.

I note also the Agency has not detected the actual use of nuclear material in connection with the alleged studies, nor does it have information—apart from the uranium metal document—on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon.

Ms. ROS-LEHTINEN. I continue to reserve, Mr. Speaker.

Mr. ACKERMAN. Mr. Speaker, I yield myself 3½ minutes.

Mr. ACKERMAN. Mr. Speaker, in considering this bill, this package of sanctions and divestment authorities for states and localities, we should keep foremost in our minds we are in a race. I am not referring to our upcoming elections, but rather the race between the civilized world and the nuclear ambitions of Iran.

One of us will win, and one will lose. If the world wins, Iran will not become a nuclear state, there will not be a nuclear arms race in the Middle East and the nuclear Nonproliferation Treaty will not collapse. If Iran wins, the chief sponsor of terrorism in the Middle East, the patron of Hamas and Hezbollah, a hegemonic nation led by fanatical religious zealots will be able to threaten the global economy and the security of the United States and the civilized world from behind a nuclear shield.

And we are just about to lose this race. Iran is not only ahead, it is sprinting to the finish. Its proliferation potential is now a simple math problem. Iran is now producing 2.5 kilograms of low-enriched uranium per day, and has produced an estimated 200 to 250 kilograms of LEU just since this past May.

For a crash bomb program, Iran could use the LEU as feedstock, dramatically shortening the time to production of a crude atomic bomb. Other estimates suggest that 1,000 to 1,700 kilograms of LEU would be necessary. Regardless of whether it is 700 or 1,700 kilograms, Iranian proliferation is no longer a question of if, but when.

The President has known about this threat since day one. He has known, and done next to nothing. The Bush administration has adamantly refused to use existing U.S. sanction laws against foreign companies investing in Iran's oil sector. But far worse, the Bush administration refused to stop Congress from adopting the tough and necessary legislation that we have before us today.

Why? Do they believe that the past 5 years of slow motion, U.S.-in-the-backseat diplomacy is about to make a huge breakthrough? In the light of Russia's recent announcement that they have no intention of supporting additional UN Security Council sanctions in Iran, I would like someone to explain how this huge breakthrough is supposed to happen.

With our administration tied up in an ideological knot, opposed to U.S. sanctions and unwilling to engage effectively itself, the question for Congress—now that we do stop Iran—With so little time, our thinking on this problem needs to change. Options that years ago may have seemed reckless, like sanctioning firms in allied countries and applying unilateral economic leverage, now have become essential if we are going to be successful in peacefully getting Iran to back down.

Likewise, continuing doggedly with the current take-no-chances, small-carrots-and-no-sticks diplomacy which the Bush administration has insisted on, today looks like a roadmap to disaster.

Iranian proliferation is mere months away. That fact makes what is at stake clear. We need not be calling for another war. I do not want air strikes or a blockade. I want to avoid all that. But if we don't want war, and we really don't want a nuclear Iran, then we have an obligation to use every peaceful, diplomatic, political and economic weapon at our disposal. If you don't want bombs, then you have to have an alternative, and that is sanctions. Abjuring sanctions is a de facto call to those who want arms.

I am very grateful to Chairman BER- nie Sanders and Ranking Member ROS- LEHTINEN for their efforts in bringing this critical package of sanctions of legislation to the floor today. It deserves the enthusiastic support of every Member of the House, and there isn't a moment to lose.

Ms. ROS-LEHTINEN. I reserve my time.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. SHERMAN) from the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. SHERMAN. Let me quickly respond to the comments of the gentleman from Ohio. He can attack this bill as he will, except he cannot say that it is related to George Bush. Bush stalled and weakened this legislation throughout the 110th Congress. It would be law today without the opposition of the Bush administration.

He also tells us, he quotes from the NIE, that Iran seems to have suspended its weaponsization program. Weaponization is the small, easy and delayable part of developing a nuclear weapon. The tough part is getting highly enriched uranium, and Iran is working full bore and proudly unveiled 3,000 and more centrifuges to do that. They can wait a couple of years, and then work on the engineering of how to take that enriched uranium and turn it into an atomic weapon, without delaying for a day the day they have become a nuclear power state.

I also want to agree with the ranking member when she states that this bill does not waive any sanction in existing law. The sole purpose of this law is to increase and apply new sanctions to Iran, not to waive or make waivable any sanction under existing law.

The good of this bill is to drive home to the people and elites of Iran that they face economic isolation if they do not abandon their nuclear program. But let's not exaggerate its impact. It is long overdue, modest steps in that direction.

The bill includes concepts from two important Iran sanctions bills that passed the House overwhelmingly in 2007. Within 6 months of our taking office, with the strong support of Speaker PELOSI and Majority Leader HOYER, under the leadership of Chairman Lantos and Chairman FRANK, the House passed the two Iran sanctions bills that have become the centerpiece legislation of efforts on Iran in the 110th Congress. The Iran Nonproliferation Act, authored by the late Tom Lantos; and H.R. 2347, the Iran Sanctions Enabling Act, authored by Chairman FRANK and introduced in the Senate by Senator OBAMA.

We have worked over the opposition of the Bush administration to pass these bills through the House. Then they got bogged down in the Senate. Now the Senate, with Senators Dodd and Shelby, have reached consensus on an Iran package that encompasses the concepts in the House bills, though it weakens them. This bill would already be in the Senate DOD authorization bill had a bipartisan consensus not broken down.

So now we have this imperfect bill which we need to enact, and hopefully the Senate will act on it in the next few days.

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

Mr. ACKERMAN. I yield the gentleman 1 additional minute.

Mr. SHERMAN. The bill takes important steps like reinforcing the embargo on Iranian goods. We don't import oil...
from Iran. We only import the stuff that we don't need and they couldn't sell elsewhere. Unfortunately, this provision is waivable.

If it clarifies that a U.S. company, and I take some pride in authoring this provision, may not use its overseas subsidiaries to do business with Iran that it could not do on its own. Unfortunately, this provision is also waivable.

I would hope that people would understand, you get overwhelming rhetoric from the administration about how much they hate Ahmadinejad. The little secret is they have a love for the total independence of multinational oil corporations that exceeds their hatred of Ahmadinejad, and that is something the country does not understand. That is why the Bush administration has bottled up this legislation. We need to pass it now.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

I would like to point out that the reports that we are getting about the threat of a nuclear-powered Iran are coming from all corners of the world, and I would like to read just segments of the online edition of The Jerusalem Post posted by Herb Keinon. It says, "Military Intelligence: Iran Halfway to First Nuclear Bomb." It reads, "Iran is halfway to a nuclear bomb, and Hezbollah, Hamas and Syria are using this period of relative calm to significantly ramp up their military prowess." This is according to the Head of Research from the Israeli Military Intelligence, and that is the information that he gave and he shared with members of the Israeli Cabinet and the Israeli Parliament on September 21st, in the Knesset. He said there was a growing gap between Iran’s progress on the nuclear front and the determination of the West to stop it. A growing gap. Iran gets closer, our determination gets weaker. Iran is concentrating on uranium enrichment and is making progress.

□ 2015

He noted that they have improved the function of their 4,000 centrifuges. According to this military intelligence head of research, Iranian centrifuges have so far produced between one-third to one-half of the enriched material that is needed to build a nuclear bomb. The time that they will have crossed the nuclear point of no return is fast approaching.

Although he stopped short of giving a firm deadline, last week in the Knesset's House of Affairs and Defense Committee, he put the date at 2011. Tick tock, the clock is ticking. He said that their confidence is growing with the thought that the international community is not strong enough to stop them. He said that the Iranians were waiting for time and that time was working in their favor because the longer the process dragged on, the wider the riffs appearing among the countries in the west, then Iran is in control of the technology and continues to move forward with determination toward a nuclear bomb.

In addition to their nuclear efforts, Iranians were also deepening their influence throughout the region, because they are in Syria. They are cooperating with the Palestinian terrorist organization, as well as being the main arms supplier to another terrorist group, Hezbollah.

Moreover, the legislation reaffirms our commitment to multilateral diplomacy to increase pressure on Iran to beef up its program. Finally, it explicitly states that the act authorizes the use of force against Iran.

I urge my colleagues to support this very important measure.
House of Representatives
Committee on Foreign Affairs
Washington, DC, September 26, 2008.

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 7112, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008. This bill was referred to the Committee on Foreign Affairs, and in addition, to this Committee, among others.

There is an agreement with regard to this bill, and so in order to expedite floor consideration, I agree to forego further consideration of this legislation, and I expect your support for the appointment of conferees from this Committee should this bill be the subject of a House-Senate conference. Please place this letter in the Congressional Record when this bill is considered by the House. I look forward to the bill's consideration and hope that it will command the broadest possible support.

Howard L. Berman, Chairman.

House of Representatives
Committee on Financial Services
Washington, DC, September 26, 2008.

Hon. Howard Berman,
Chairman, Committee on Foreign Affairs,
Washington, DC.

Dear Mr. Chairman:

I am writing concerning H.R. 7112, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008. This bill was referred to the Committee on Foreign Affairs, and in addition, to this Committee, among others.

There is an agreement with regard to this bill, and so in order to expedite floor consideration, I agree to forego further consideration of this legislation, and I expect your support for the appointment of conferees from this Committee should this bill be the subject of a House-Senate conference. Please place this letter in the Congressional Record when this bill is considered by the House. I look forward to the bill's consideration and hope that it will command the broadest possible support.

Barney Frank, Chairman.
SEC. 5. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROMOTION.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the matter preceding paragraph (1), by striking ‘‘special consideration’’ and inserting ‘‘priority’’;

(2) by striking ‘‘mental health care’’ and inserting ‘‘behavioral health care’’;

(iii) by striking ‘‘and at the end’’;

(iv) in paragraph (9), by striking the period at the end and inserting ‘‘, including access to educational and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement in postsecondary education or advanced workforce training programs;’’; and

(D) by adding at the end the following:

‘‘(10) providing programs, including innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the program;’’;

and

(2) by striking subsection (c) and inserting the following:

‘‘(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

(1) give priority to applicants who have experience working with runaway or homeless youth; and

(2) ensure that the applicants—

(A) represent diverse geographic regions of the United States; and

(B) carry out projects that serve diverse populations of runaway or homeless youth.’’.}

SEC. 6. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21 et seq.) is amended by adding at the end the following: ‘‘SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

(a) Periodic Estimate.—Not later than 2 years after the date of enactment of the Reconnecting Homeless Youth Act of 2008, and at 5-year intervals thereafter, the Secretary, in consultation with the United States Interagency Council on Homelessness, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate, and make available to the public, a report—

(1) by using the best quantitative and qualitative social science research methods available, containing an estimate of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age; and

(2) that includes with such estimate an assessment of the characteristics of such individuals.

(b) Content.—The report required by subsection (a) shall include—

(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age, to determine past and current—

‘‘(A) socioeconomic characteristics of such individuals; and

(B) barriers to such individuals obtaining—

(i) safe, quality, and affordable housing; 

(ii) comprehensive and affordable health insurance and health services; and

(iii) incomes, public benefits, supportive services, and connections to caring adults; and

(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

(c) Implementation.—If the Secretary ent-

(A) represent diverse geographic regions of the United States; and

(B) carry out projects that serve diverse populations of runaway or homeless youth, including access to educational and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement in postsecondary education or advanced workforce training programs;’’; and

(D) by adding at the end the following:

‘‘(10) providing programs, including innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the program;’’;

and

(2) by striking subsection (c) and inserting the following:

‘‘(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

(1) give priority to applicants who have experience working with runaway or homeless youth; and

(2) ensure that the applicants—

(A) represent diverse geographic regions of the United States; and

(B) carry out projects that serve diverse populations of runaway or homeless youth.’’.}

SEC. 8. PERFORMANCE STANDARDS.

Part F of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.) is amended by inserting after section 386 the following:

‘‘SEC. 386A. PERFORMANCE STANDARDS.

(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Reconnecting Homeless Youth Act of 2008, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities and agencies that receive grants under section 386.

(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities and agencies that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under sections 311, 321, and 351.

SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

(a) Study.—

(1) In General.—The Comptroller General shall study the implementation of, where practicable, the technical assistance and training programs carried out under section 342 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-22), and the effect of such programs on the application process for the grants.

(b) Recommendations.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report containing the findings and recommendations resulting from the study.

SEC. 10. DEFINITIONS.

(a) Homeless Youth.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A) by striking ‘‘The’’ and all that follows through ‘‘means’’ and inserting ‘‘The term ‘homeless’, used with respect to a youth, means’’; and

(2) in subparagraph (A)—

(A) in clause (1)—

(i) by striking ‘‘not more than’’ each place it appears and inserting ‘‘less than’’; and

(ii) by inserting after ‘‘age’’ the last place it appears the following: ‘‘, or is less than a higher maximum age if the State where the center is located has an applicable State or local law, including combinations of such laws, that permits such higher maximum age in compliance with licensure requirements for child- and youth-serving facilities’’; and

(B) in clause (ii) by striking ‘‘not more than’’ and inserting the following: ‘‘and (II) not less than 22 years of age, as of the expiration of the maximum period of stay permitted under section 322(a)(2) if such individual commences such stay before reaching 22 years of age’’;

(b) Runaway Youth.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesigning paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

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

‘‘(4) Runaway Youth.—The term ‘runaway’, used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.’’

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking ‘‘is authorized’’ and inserting ‘‘are authorized’’;
Whereas in 1823, the medical school became the first teaching hospital in the Nation with the construction of the Baltimore Infirmary; and
Whereas the University of Maryland School of Medicine has a legacy that has established a tradition of academic excellence, outstanding patient care, and ground-breaking research. Therefore, be it
Resolved, That the United States House of Representatives—
(1) congratulates the 200th Anniversary of the University of Maryland School of Medicine;
(2) recognizes the achievements of the University of Maryland, Baltimore, and the School of Medicine in training local, State, and world leaders; and
(3) recognizes the achievements of the University of Maryland School of Medicine for outstanding work in the community.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE 200TH ANNIVERSARY OF THE UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the resolution (H. Res. 135) expressing the sense of the House of Representatives that a National Historically Black Colleges and Universities Week should be established, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 135

Whereas there are 103 historically Black colleges and universities in the United States; Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, high technological society; Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States; Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and
Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it
Resolved, That the House of Representatives—
(1) recognizes the achievements and goals of historically Black colleges and universities in the United States;
(2) supports the designation of an appropriate week as “National Historically Black Colleges and Universities Week”; and
(3) requests the President to issue a proclamation designating such a week, and calling on the people of the United States and interested groups to observe such a week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ANDREWS

Mr. ANDREWS. I have an amendment to the preamble at the desk.

The Clerk read as follows: Amendment to the preamble offered by ANDREWS:

In the preamble, in the first whereas clause, strike “103” and insert “105”.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.
COMMENDING BARTER THEATRE ON ITS 75TH ANNIVERSARY

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the concurrent resolution (H. Con. Res. 416) commending the Barter Theatre on the occasion of its 75th anniversary, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 416

Whereas Barter Theatre in Abingdon, Virginia, presents its 75th anniversary season in 2008;

Whereas Barter Theatre was founded in 1933 by visionary Robert Porterfield, who originated the idea of offering people admission to artistic performances in exchange for fresh produce and livestock, inspiring the name, “Barter Theatre”;

Whereas in 1946, the Virginia General Assembly designated Barter Theatre as the State Theatre of Virginia, the first theater to receive this distinction;

Whereas Barter Theatre is a favorite destination for regional, national, and international visitors, and its patrons have more than doubled over the past 10 years;

Whereas in 2006, the company’s 2 stages drew 160,000 patrons for live theatrical productions, including comedies, musicals, dramas, mysteries, and innovative new works, to educate and entertain audiences;

Whereas Barter Theatre’s Appalachian Festival of Plays and Playwrights is an annual arts festival that celebrates the richness of history and culture by providing a venue where the story of the region, both past and present, can be explored and showcased by area playwrights and writers;

Whereas Barter Theatre has created and implemented an award-winning Internet Distance Learning Program which teaches students about artistic and technical theatrical elements using a web-based interactive program available to classrooms across the region;

Whereas the Barter Theatre Student Matinee Program provides the opportunity for students to attend professional theater performances, ask questions of the actors and other theater professionals, participate in set design and acting workshops, and learn about the inner workings of a professional theater;

Whereas the Barter Theatre Young Playwrights Festival offers a contest for local high school students to write and submit plays of their own, with the winning plays performed at the Barter Theatre, encouraging the development of students’ writing skills and creativity and providing training to educators in teaching playwriting;

Whereas Barter Theatre is a premiere tourist attraction in Southwest Virginia and one of the cornerstones of tourism for the entire region; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress:

(1) congratulates Barter Theatre on the occasion of its 75th anniversary;

(2) recognizes Barter Theatre for providing 75 years of high quality artistic programs to visitors and the surrounding community, educational programs, and a venue for artistic development in Southwest Virginia;

(3) recognizes that Barter Theatre is a valuable educational resource, reaching 18,000 students each season through its productions on two stages;

(4) recognizes that educational outreach of Barter Theatre, which includes the Young Playwrights Festival, the Internet Distance Learning Program, the Student Matinee Program, and the touring company of Barter Theatre, the Barter Players, exposes young people to playwriting and performances and encourages artistic expression.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ACKNOWLEDGING THE ACCOMPLISHMENTS AND GOALS OF THE YOUTH IMPACT PROGRAM

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of H. Res. 143 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. Res. 143

Whereas many at-risk young men in the Nation’s inner cities face a challenging and uncertain future;

Whereas the future success of at-risk young men can be greatly enhanced through sustained mentorship;

Whereas successful mentoring partnerships between and within the public and private sectors can have a lasting and positive impact on the future of these young men;

Whereas in 2008, the NFL, in partnership with the National Football League Players Association, the University of Southern California, and Tulane University to the Youth Impact Program; and

(3) encourages the expansion of the Youth Impact Program to inner cities across the Nation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIVE AMERICAN HERITAGE DAY ACT OF 2008

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the joint resolution (H. J. Res. 62) to honor the achievements and contributions of Native Americans to the United States, and for other purposes, with a Senate amendment thereto, and concour in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the resolving clause and insert:

SEC. 2. FINDINGS.

Congress finds that—

(1) Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of the United States;

(2) Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation’s military actions from the Revolutionary War through the present day, and in most of those actions, Native Americans per capita served in the Armed Forces than any other group of Americans;

(3) Native Americans have made distinct and significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

(4) Native Americans should be recognized for their contributions to the United States as local and national leaders, artists, athletes, and scholars;

(5) nationwide recognition of the contributions of Native Americans to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars; and

(6) Native Americans have made significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars.

Resolved, That the House of Representatives offers its most cordial congratulations to the Native American and Alaska Native communities, and to all Americans, Native and Non-Native, for their contributions to the United States.
(6) nationwide recognition of the contributions that Native Americans have made to the Nation will encourage self-esteem, pride, and self-awareness in Native Americans of all ages; and

(7) designation of the Friday following Thanksgiving of each year as Native American Heritage Day will underscore the government's recognition relationship between the United States and Native American governments; and

(8) designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance understanding of Native Americans by providing curricula and classroom instruction on the achievements and contributions of Native Americans to the Nation.

SEC. 3. IMPLEMENTATION OF NATIVE AMERICAN HERITAGE DAY.

Congress—

(1) designates Friday, November 28, 2008, as “Native American Heritage Day”; and

(2) encourages the people of the United States, as well as Federal, State, and local governments, and interested groups and organizations to observe Native American Heritage Day by holding appropriate programs, ceremonies, and activities, including activities relating to—

(A) the historical status of Native Americans as well as the present day status of Native Americans;

(B) the cultures, traditions, and languages of Native Americans; and

(C) the rich Native American cultural legacy that all Americans enjoy today.

The SPEAKER pro tempore (during the reading). Without objection, the reading is dispensed with.

There was no objection.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL WORKPLACE WELLNESS WEEK

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the concurrent resolution (H. Con. Res. 405) recognizing the first full week of April as “National Workplace Wellness Week,” and ask for its immediate consideration in the House.

There was no objection.

The text of the concurrent resolution is as follows:

Whereas comprehensive, culturally sensitive health promotion within the workplace is essential to maintain and improve United States workers’ health, as a significant part of a working citizen’s day is spent at work;

Whereas employees who improve their health reduce their probability of chronic health conditions, lower their out-of-pocket medical and pharmaceutical costs, reduce pain and suffering, have greater levels of energy and vitality, and experience increased satisfaction with their lives and jobs;

Whereas health care costs in the United States doubled between 2001 and are expected to double again by 2012;

Whereas employee health benefits are the fastest growing labor cost component for employers, and as employers continue to challenge for U.S. business competitiveness;

Whereas business leaders are struggling to find strategies to help reduce the direct costs of employee health care as well as the indirect costs associated with higher rates of absenteeism, presenteeism, disability, and injury;

Whereas an effective strategy to address the primary driver of soaring health care costs requires an investment in prevention;

Whereas some employers who invest in health related goals have achieved rates of return on investment ranging from $3 to $5 for each dollar invested, as well as an average 25-percent reduction in sick leave absenteeism (1), an average 26-percent reduction in health care costs, and an average 30-percent reduction in workers’ compensation and disability management costs claims occurrence;

Whereas the Healthy People 2010 national objectives for the United States include the workplace health related goal that at least 210 million Americans, regardless of size, voluntarily will offer a 5-element comprehensive employee health promotion program that includes—

(1) health education and programming, which focuses on skill development and lifestyle change along with information dissemination and awareness building, preferably tailored to employees’ interests and needs;

(2) supportive social and physical environments, including an organization’s expectations regarding healthy behaviors, and implementation of policies that promote health and reduce risk of disease;

(3) integration of the worksite program into the organization’s structure;

(4) linkage to related programs like employee assistance programs (EAP) and programs to help employees balance work and family; and

(5) screening programs, ideally linked to medical care to ensure follow up and appropriate treatment as necessary;

Whereas employers should be encouraged to invest in the health of employees by implementing comprehensive worksite health promotion programs that will help achieve our national Healthy People 2010 objectives;

Whereas business leaders that have made a healthy workforce a part of their core business strategy should be encouraged to share information and resources to educate their peers on the importance of employee health management through initiatives such as the Leading by Example CEO-to-CEO Roundtable on Workforce Health and the United States Worksite Health Alliance;

Whereas employers that provide health care coverage for more than 177,000,000 United States citizens have the potential to exert transformative leadership on this issue by increasing the number, quality, and types of health promotion programs and policies at worksites across the Nation;

Whereas for workplace wellness efforts to reach their full potential, CEOs of major corporations, company presidents of small enterprises, and State Governors should be encouraged to make the worksite health promotion a priority; and

Whereas Congress supports the National Worksite Health Promotion goal as stated in the Healthy People 2010 that promotes and encourages public employers to increase their awareness of the value of corporate investments in employee health management during the first full week of April each year; Now, therefore, be it

Resolved, That House of Representatives (the Senate concurring). That Congress—

(1) supports the goals and ideals of a National Workplace Wellness Week and calls on private and public employers to voluntarily implement worksite health promotion programs to help maximize employee health, well-being, and lower health care costs; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested organizations to observe such a week with appropriate ceremonies and activities.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE ADRIAN COLLEGE BULLDOGS MEN’S HOCKEY TEAM

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the concurrent resolution (H. Res. 1059) congratulating the Adrian College Bulldogs men’s hockey team for winning the Midwest Collegiate Hockey Association regular season title and postseason tournament and for having the best first year win-loss record in Division III history, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. Res. 1059

Whereas the Adrian College Bulldogs men’s hockey team just completed its first season with the best first year win-loss record in Division III history in the 2007–2008 season; Whereas the Bulldogs finished the season with a 26–3 record; Whereas the Bulldogs won their final 20 games; Whereas the Bulldogs won the Midwest Collegiate Hockey Association (MCHA) postseason tournament and the Harris Cup; Whereas the Bulldogs averaged almost 8 goals a game; Whereas the Bulldogs’ excellent first year record earned the team a national ranking and consideration for the National Collegiate Athletic Association tournament; Whereas head coach Ron Fogarty guided the Bulldogs to the best first year win-loss record in Division III history; Whereas team captain Adam Krug, a junior, was named MCHA Player of the Year, MCHA All-Conference, and MCHA All-Academic; Whereas freshmen Eric Miller, Shawn Skelly, Chris Sansik, Quinn Wall, and Brad Fogal were named MCHA All-Conference; and Whereas sophomore Rob Hodnicki received MCHA All-Academic honors: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and commends the Bulldogs for winning the Midwest Collegiate
Hockey Association regular season title and postseason tournament and for having the best first year win-loss record in Division III history; (2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the Bulldogs achieve remarkable successes during its first season; and (3) respectfully requests the Clerk of the House of Representatives to transmit en-rolled copies of this resolution to the following individuals for display: (A) Dr. Jeffrey Docking, Adrian College President; (B) Rev. Christopher Momany, Adrian College Chaplain and Director of Church Relations; and (C) Mr. Mike Duffy, Adrian College Athletic Director.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ANDREWS

Mr. ANDREWS. I have an amend-ment to the preamble at the desk. The Clerk read as follows:

Amendment to the preamble offered by Mr. ANDREWS:

Strike the preamble and insert the fol-low ing:

Whereas the Adrian College Bulldogs men’s hockey team completed its first season in 2007–2008 with the best first year win-loss record in National Collegiate Athletic Association (NCAA) Division III history; whereas the Bulldogs finished the season with a 26–3 record; whereas the Bulldogs won their final 20 games; whereas the Bulldogs won the Midwest Collegiate Hockey Association (MCHA) postseason tournament and the Harris Cup; whereas the Bulldogs averaged almost 8 goals a game; whereas the Bulldogs’ excellent first year record earned the team a national ranking and consideration for the National Collegiate Athletic Association tournament; whereas there are 420 NCAA Division III schools across the country, making it the NCAA’s largest division; whereas head coach Ron Fogarty guided the Bulldogs to the best first year win-loss record in NCAA Division III history; whereas team captain Adam Knaur, a jun-ior, was named MCHA Player of the Year, MCHA All-Conference, and MCHA All-Aca-demic; whereas freshmen Eric Miller, Shawn Skelly, Chris Sanski, Quinn Waller, and Brad Fogal were named MCHA All-Conference; and whereas sophomore Rob Hodnicki received MCHA All-Academic honors: Now, therefore, be it

Strike all after the resolving clause and in-sert the following:

That the House of Representatives— (1) congratulates and commends the Adrian College Bulldogs men’s hockey team for winning the Midwest Collegiate Hockey As-sociation regular season title and postseason tournament and for having the best first year win-loss record in National Collegiate Athletic Association Division III history; (2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the Bulldogs achieve remarkable successes during its first season; and (3) respectfully requests the Clerk of the House of Representatives to transmit en-rolled copies of this resolution to the fol-lowing individuals for display: (A) Dr. Jeffrey Docking, Adrian College President; (B) Rev. Christopher Momany, Adrian College Chaplain and Director of Church Relations; (C) Mr. Mike Duffy, Adrian College Athletic Director.

The amendment was agreed to.

RECOGNIZING AND HONORING BIRTHPARENTS WHO CARRY OUT AN ADOPTION PLAN

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Com-mittee on Education and Labor be dis-charged from further consideration of H. Con. Res. 239 and ask for its im-mEDIATE CONSIDERATION IN THE HOUSE.

The Clerk read the title of the con-current resolution.

The SPEAKER pro tempore. Is there objection to the request of the gen-tleman from New Jersey?

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ANDREWS

Mr. ANDREWS. I have an amend-ment to the preamble at the desk. The Clerk read as follows:

Amendment offered by Mr. ANDREWS:

Strike the preamble and insert the fol-low ing:

Whereas in 2002, there were 22,291 domestic infant adoptions in the United States; whereas birthparents who decide to carry out an adoption plan come from all walks of life, with various backgrounds and socio-economic status; whereas birthparents who carry out an adoption plan should be recognized and commended for doing what they believe is in the best interest of their child; whereas loving, nurturing adoptive families make it possible for birthparents to carry out an adoption plan; whereas adoptive families make an impor-tant difference in the life of a child through adoption and show the compassionate spirit of our Nation; whereas adoptive families should be recog-nized and commended for providing a perma-nent, safe, and loving home for a child; whereas studies have shown that adopted children form deep emotional bonds with their adoptive parents indistinguishable from those biological children form with their parents; whereas adopted children grow up to make valuable contributions to our Nation and lead fulfilling lives; whereas adopted children should be recog-nized and commended for understanding that the choice of the birthparents to carry out an adoption plan may be a difficult and care-fully considered decision made out of love for a child; and whereas Congress should do more to sup-port adoption, including birthparents who carry out an adoption plan, adoptive fami-lies, and adopted children: Now, therefore, be it

Mr. ANDREWS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gent-leman from New Jersey?

There was no objection.

The amendment to the preamble was agreed to.

The title was amended so as to read: “Concurrent resolution recognizing and acknowledging the important role of adoption, and commending all parties involved, including birthparents who carry out an adoption plan, adoptive families, and adopted children.”

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in-clude extraneous material on the bills considered during the last few minutes hereafter to the status.

The SPEAKER pro tempore. Is there objection to the request of the gen-tleman from New Jersey?

There was no objection.
HONORING CHUCK TURNER UPON HIS RETIREMENT

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I would like to take a moment to ask the Members to join me in paying a special tribute to one of the most respected and knowledgeable staffers here on Capitol Hill. After more than 30 years of Federal service, Chuck Turner is retiring from the Appropriations Committee today.

Chuck is one of the finest examples of a public servant that we have in this institution. He has worked tirelessly on the Legislative Branch Subcommittee for more than 20 years, and leaves behind a record of integrity and service to this institution that few can match.

The tremendous expertise and insight he has brought to the day-to-day oversight of the House of Representatives and the entire legislative branch will be sorely missed. I have gotten to know Chuck over the past 2 years in my role as Chair of the Legislative Branch Subcommittee. We owe Chuck a deep debt of gratitude for the great contributions that he has made, and this rookie Cardinal owes him a tremendous personal debt.

Chuck, we will miss you. We thank you for your service, and wish you good luck with all of your future endeavors. Godspeed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVIEWS TO THE BUDGET ALLOCATIONS FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.


Mr. SPRATT. Madam Speaker, under section 204 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to the House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the bill H.R. 2095 (Rail Safety Improvement Act of 2008).

The SPEAKER pro tempore. The Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009, and the period of fiscal years 2009 through 2013. This revision represents an adjustment to the House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to passage of the House amendment to the Senate amendment to the bill H.R. 2095 (Rail Safety Improvement Act of 2008).

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES—Continued

(On-budget amounts, in millions of dollars)

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Fiscal year 2009</th>
<th>Fiscal year 2009-2013 Total</th>
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<tr>
<td>Current Aggregates:</td>
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<tr>
<td>Budget Authority</td>
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<td>Outlays</td>
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<td>2,497,322</td>
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<tr>
<td>Revenues</td>
<td>1,875,401</td>
<td>2,029,653</td>
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<td>Revised Aggregates:</td>
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2 Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 3016(d)(2)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

BUDGET AGGREGATES—Continued

(On-budget amounts, in millions of dollars)

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DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal Years, in millions of dollars)

<table>
<thead>
<tr>
<th>House Committee</th>
<th>2008</th>
<th>Outlays</th>
<th>2009</th>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Ways and Means</td>
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<td>5,794</td>
<td>5,714</td>
<td>−6,724</td>
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<tr>
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<td>0</td>
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<td>371</td>
<td>3,807</td>
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<tr>
<td>Revised allocation:</td>
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<td>Ways and Means</td>
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<td>1,843</td>
<td>6,165</td>
<td>6,085</td>
<td>−2,917</td>
<td>−1,227</td>
</tr>
</tbody>
</table>
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Poe) is recognized for 5 minutes.

(Mr. Poe addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GOVERNMENT FAILS WHEN WE IGNORE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. Foxx) is recognized for 5 minutes.

Ms. Foxx. Mr. Speaker, this week we have been focused on what has been described as the most critical situation facing our economic status in our country since World War II. The liberals/Democrats say it is a failure of the markets. It is not a failure of the markets. It is a failure of our government. It is caused by ignoring the Constitution and spending the Federal Government involved in things it should not be involved in.

If we are about to allow the very people who got us into this mess by promoting the bad policies, especially Fannie Mae and Freddie Mac, to design the common parlance, we are about to let the fox guard the hen house.

Another point that needs to be made relative to this situation is that the Democrats in the House have been doing their best to blame House Republicans for the fact that a bill to solve this problem was not passed this week. What has to be said over and over again is that the Democrats are in charge, in control, of both Houses of Congress. They can pass any bill they want without a single Republican vote and have done so on hundreds of bills in the past 20 months, including several times today.

But suddenly, the Democrats want to make this situation the responsibility of the Republicans. Most Republicans want to have no part of any further slide into socialism that the legislation the Democrats are likely to present to us will represent.

The Republicans have presented alternatives that will not be allowed to be considered. But like many of my colleagues, I feel that God holds us guilty for sins of omission as well as sins of commission. Therefore, I think it is time that we raise these issues, that we discuss the situation, and that we present alternatives.

One very thoughtful person has given us the benefit of his wisdom and advice in this situation, and that person is John Allison, chairman and CEO of the very successful BB&T, which is headquartered in Winston-Salem, North Carolina. I will share some of his comments and put into the Record his letter of September 26.

The letter is addressed to me.

"Unfortunately, while under normal circumstances, there would be a free market solution, given the publicity and psychological mindset which is being created, Congress not acting is extraordinarily risky. Therefore, an alternative to the Paulson plan must be developed. A much more effective, far less expensive solution to the financial crisis than the Treasury Secretary presented is outlined below."

As I said, I won't read all of the letter, but I want to highlight some important points. He underlines these, and I do, too.

"Without Freddie Mac and Fannie Mae and the affordable housing program (subprime), we could never have made a misallocation of capital of this magnitude."

Again, Mr. Speaker, the problem lays directly with the Democrats who pushed Fannie and Freddie and refused to allow Republicans when they wanted to bring them under control. Let me share the end of his letter.

"By the way, the reason Bernanke and Paulson cannot see the solution is they are making a fundamental epistemological (or belief) error. Bernanke is thinking from economic theory and Paulson is thinking from a capital market theoretical perspective. To solve the problem, we have to deal with the real physical world, i.e., the fact that there is a physical inventory of houses that needs to be cleared, and we must grasp what motivates real individuals (not theoretical collectives) to act.

"A carefully designed housing tax credit and ending fair value accounting (as currently implemented) will fix the real estate markets, capital markets and the economy. This program will likely actually increase tax revenue by stimulating the economy by increasing taxable income. There is likely to be net gain to the government.

"I hope you will give this issue serious consideration."

We have solutions available to us if we will follow them.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Woolsey) is recognized for 5 minutes.

(Ms. Woolsey addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

(Mr. Jones addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DEAL OR NO DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Garrett) is recognized for 5 minutes.

Mr. Garrett. Mr. Speaker, I come to the floor to follow the gentlewoman from North Carolina (Ms. Foxx) and address the issue of the bailout. She started her talk with deal or no deal. There was talk in the media that there was a deal. We heard from Senator Dodd and the chairman of our committee and other leaders on the other side of the aisle yesterday that there was a deal. Unfortunately, the facts of the matter it appears may have been a deal between themselves and the White House, there was no deal obviously to bring the bill to the floor, or at 8 or 9 at night, we would have seen the Speaker of the House bring the bill to the floor. Evidence of the fact that there never was a deal.

We do know the fact is we have a serious problem in this country, a problem that must be addressed now, a problem which requires both sides coming together to try to find the solution to the problem.

As the previous speaker said, there are alternative solutions on the table, solutions that economists and business schools across the country have come behind and said can be the credible solution and one which would not put the taxpayers of the country on the hook.

I would suggest that one way of coming to a solution is to decide that we are not going to go back to those same people who helped bring us to this problem in the first place.

One of the underlying problems that brought us to this situation is the fact that there was easy money in the economy for too long a period of time. From 2001 to 2004, interest rates slid from 6 percent a year down to 1 percent of the Fed's fund rate. There was an expression used of the Greenspan put, if you will, as far as trying to boost the economy and Wall Street all during that time.

Then that was followed from a switch turnaround from 2004 to 2007 where the interest rates shot up from 1 percent up to 5 1/2 percent. Let me suggest to you that those higher interest rates have been reflected in the housing market today, and will likely affect due to a lag time to other sections of the economy later. And that is another reason why we should not engage and support a measure as has been proposed by the White House and the other side of the aisle of spending $700 billion or anywhere near that amount of money that would put the taxpayers on hook because we can anticipate future problems due to that tightening up of the credit market by the Fed.

Now, another area where we should not go back to the same people who helped bring us to this problem are those very same people who helped exacerbate the problem by their misregulation of the GSEs. The GSEs, what are they? They are your Fannie Mae and Freddie Mac.

Those entities that supply the credit for about half of the mortgages in this country were allowed out of control and to grow too large to fail and to grow to such an extent that there was systemic risk in this country
and in the marketplaces that brought us to where we are today with the crisis we are facing.

Now, this is something that was not unpredicted and not unforeseen. Our own administration came to this Congress in 2004, and they did that in their budget requests and elsewhere, making pleas to this Congress to try to put in some regulation. “World-class regulators” is what they called them. Secretary Snow came to the Financial Services Committee and made that request and said we should have regulation. However, we were thwarted on every front. The current chairman of the Financial Services Committee was one who stood and said we should not do so.

I went back and looked into what the record of this was in 2005 to see what my position was on it and to read what I said on it. At that time in 2005, the gentleman from California (Mr. Royce) suggested that we could begin the process of reining in the GSEs so as to avoid systemic risk in this country with regard to them and avoid a future crisis. He put in an amendment to the bill to provide and to prevent systemic risk.

I came down to the floor to support the gentleman from California (Mr. Royce) in his amendment. At that time, I said that I rise in support of this legislation which strengthens the regulators’ role in preventing the growth of the GSEs. I indicated that the GSEs claimed they were shock absorbers. This line is somewhat ironic today. The GSEs claimed back in 2005 that they were shock absorbers to the system and that one of the main reasons that Fannie and Freddie claimed they should not have portfolio limits was that they provided a stable means of support for the residential financial market in times of crisis. How ironic that they were claiming that they could be in a time of crisis when, in fact, they are what have now brought us to this time of crisis.

Back in 2005, Fannie’s CEO, Dan Mudd, testified: “Our mortgage portfolios allow us to play a shock-absorbing function for the finance system during times of potential difficulty.” Well, there is no function that they’re serving now except that they are causing the difficulty.

This week, they said Freddie’s president, Eugene McCquad, was quoted as saying: “The enterprises provide a source of stability to the market, mortgage, finance system.”

With that, Mr. Speaker, I would just like to conclude by saying that the problems that the GSEs have brought us to today—although we were warned by the administration and although many saw it and many people from this side of the aisle—were because of the failure to implement those regulations on a basis. We will discuss this further at a later date.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

(Mr. DeFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Burton) is recognized for 5 minutes.

(Mr. Burton of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UP-ARMORED HUMVEES AND THE PROTECTION OF AMERICAN SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Hunter) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I thought it might be appropriate at this time, when all of our focus is on the financial crises, to remember that we have just now passed the defense bill out of the House. It is awaiting passage in the Senate. At this time, we have Americans fighting in two theaters of action in Afghanistan and in Iraq, and their protection is paramount to the people of the United States, to this body and, of course, to the Armed Services Committee.

I thought it might be appropriate to talk about the precedent that has been established by the Armed Services Committee and by some great staff people of the Armed Services Committee who have helped to ensure that more Americans are protected earlier than they otherwise would have been in the conflicts in Iraq and Afghanistan.

We just passed the House bill in very difficult circumstances under the great leadership of Ike Skelton. His staff director, Erin Conaton, is doing a wonderful job, and the minority director, Bob Simmons, is also doing a wonderful job. With the team and with the team of staff members behind them and helping them, we managed to get a very complex bill through the House floor very quickly.

Back in 2004, we were seeing the roadside bombs increase in Iraq, and we started to see increased casualties WIA, wounded in action, and KIA, killed in action. We were seeing those increased figures flowing out of that combat theater as the insurgents placed more and more bombs along the roadside.

We moved very quickly on the Armed Services Committee to get as many armored vehicles, up- armored vehicles, known as Humvees, into theater as possible. In 2004, we looked at the plan, the blueprint, to get the 7,000 up- armored vehicles over there very quickly so that soldiers and marines in places like Mosul and Tikrit and Fallujah could have up- armored vehicles. But that that schedule took too long and that we saw those 7,000 vehicles coming into country around the end of the year in 2004.

So our great staff director, Bob Simmons, who had been an industrialist, who had been a CEO of an aerospace company in San Diego and who had known how to move components and how to move people quickly to get a product finished, went to the Army and asked them why the schedule was as long as it was. They said, you know, we think the driving factor here is the steel. Our schedule for receiving the steel is such that it’s not going to be until the end of the year when we get those up- armored Humvees protective vehicles, into theater.

So Bob Simmons said, “Why?” like any good CEO. They said it was the steel production.

So he went to the steel companies, and he asked them, “Why can’t you put on more shifts and get this steel produced earlier and get it out to the Army and get those Humvees over there?” They said, “You know, we don’t think we can get another shift on and we don’t think that the unions will help us here or will comply with adding another shift to the time schedule.”

So Mr. Simmons said, “Let me talk to the unions.” and he sat down with the union leaders, and our great staff director talked to them about what was happening in Iraq. They said, “You know, we have kids in Iraq, and we’ll put on another shift, and we’ll get that steel out.”

As a result of this, we accelerated the steel to the Army and to the Humvee makers, and we got those Humvees up- armored with more steel between those roadside blasts and those marines and soldiers inside those vehicles. We got those 7,000 Humvees into theater 7 months ahead of time.

I want to just say, Mr. Speaker, that it’s a blessing to have those honest brokers—those great staff members like Mr. Simmons—and like his great team. I’d like to mention a couple of them who worked this issue. John Wason was one of our great team members. Jesse Tolleson is another one. Steve DeTeresa is another.

You know, Steve DeTeresa with his team, in working with Lawrence Livermore and in working with DARPA, actually moved the first heavily armored trucks into Iraq, some 130 trucks that were double-hulled, that had two layers of steel and that had a layer of an inch and a quarter of what we call E-glass on the inside of that steel. I’ve seen some of those trucks that were hit with massive IEDs, with massive roadside bombs, and I’ve read letters back from the people who drove those trucks, saying, “Our lives were saved because of the steel on those trucks.”

To my knowledge, none of those 130 or so trucks that were directed to be built by the Armed Services Committee were ever penetrated by fragment from roadside bombs.

I want to Mr. Simmons and to his great team and to all of his wonderful staff folks on the Armed Services Committee.
The SPEAKER pro tempore. Under a previous order of the House, the gentle-
woman from Ohio (Ms. KAPTUR) is recog-
nized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gen-
tleman from North Carolina (Mr. McHENRY) is recognized for 5 minutes.

(Mr. McHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gen-
tleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gen-
tleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gen-
tleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING CONGRESSMAN JOHN
PETERSON

The SPEAKER pro tempore. Under the Speaker’s announced policy of Jan-
uary 18, 2007, the gentleman from Pennsylvania (Mr. ENGLISH) is recog-
nized for 60 minutes as the designee of the minority leader.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it’s a rare privilege for me to
rise here tonight.

As the senior Republican in the Pennsylvania delegation, I have cer-
tain opportunities and certain obliga-
tions. The one that I’m exercising this
evening is one that I am particularly
pleased to do, not without a certain re-
luctance, because I’m rising to honor a
colleague of ours who is retiring and
who has done a great deal for the State
of Pennsylvania.

I have known Representative JOHN
PETERSON, really, since 1981. JOHN
PETERSON came to this body in 1996, and
he has served with distinction for the last 12 years, but when I first knew
JOHN PETERSON, he was then a member of the State House. He had been elected
in 1977. He was recruited by local Re-
democrats as the obvious choice when
that vacancy occurred, and I first knew
him as one of the most energetic mem-
ers of the State House within the dis-
trict of my own and mentor who was then serving in the State Senate.

When Senator Kusse retired in 1984, again, JOHN PETERSON was the obvious
person to succeed him into the State
Senate. There, JOHN PETERSON became
known as one of the authorities on
rural health care and as one of the
strongest advocates for transportation improvements in western Pennsyl-

So it was an obvious thing in 1996 when Congressman Bill Clinger decided
to retire that JOHN PETERSON was an
obvious but not an uncontested can-
didate for that seat. After a vigorous
primary, which included some fairly fa-
mous names, JOHN PETERSON won the
Republican nomination and went on to
win a convincing election in the fall.

My colleague JOHN PETERSON has
made a great mark on this institution in 12 years.

When he came to the House, he, rath-
er rapidly, established himself as an
advocate for rural issues, not only in
western Pennsylvania but all over the
country, and he has always been a
prominent member of the Rural Cau-
ucus. Surprisingly, for a member of a
debate for the States, from a
Commonwealth that was one of the
original 13 colonies, he has also been a
leading member of the Western Caucus
because of the infinity of the issues
within his district with western con-
cerns.

Perhaps one of the great distinctions
about JOHN PETERSON is his rep-
resenting one of the largest districts, if
not the largest district, east of the
Mississippi. He has brought an extror-
dinary energy to the job of rep-
resenting a district that runs from the
Titusville area, in my neighborhood,
all the way down to some of the far-
thest bedroom communities within our
State capital area.

JOHN PETERSON, after a term in the
House, naturally gravitated to a higher
assignment, and he was selected by our
party to be a member of the Appropria-
tions Committee.

I have to tell you he has served there
with extraordinary distinction. Early
on, he has become an advocate and an
expert in rural health care, and he has
played a particularly critical role in
increasing Medicare reimbursements
for many rural health care providers.

As the individual who has rep-
resented the area that covers the Alle-
gheny National Forest, one of the gems
of our national forest system, he has
become a strong advocate consistently
for that area and for its potential to
be a economic driver as well as a source
of natural beauty in the region. As a
member of the Appropriations Com-
mittee, he has been a strong and con-
sistent advocate of resources for the
Allegheny National Forest and for
recreation in the region.

He has also been recognized as one of
the strongest advocates of rural eco-
nomic development, particularly in
western Pennsylvania but particularly
with a focus on job training. He has
played consistently a critical and ac-
tive role in encouraging local economic
development organizations to develop
a regional outlook and to become effec-
tive advocates across county lines.

He has been a strong advocate in this
Chamber of a pro-growth energy policy,
and it was JOHN PETERSON who before
most other Members of this body had
focused on the issue, and he became a
strong and consistent advocate of open-
ing up new opportunities for drilling
within the United States to reduce our
energy dependence.

It was JOHN PETERSON who repeat-
edly brought up within the Appropria-
tions Committee, in the face of oppos-
tion from some Democrats and also
from some Republicans, legislation to
open up the Outer Continental Shelf for
drilling, initially for natural gas
but also for petroleum.

JOHN PETERSON, before most people in
this Chamber saw the critical impor-
tance of this issue as a way of driving
the Turnip in transition to attempt to
become a strong advocate of addressing
this issue head-on in lifting the ban
that had been created by both Congress
and the executive branch on drilling.

And I think it is a great tribute to him,
as he retires, as he retires, that he has
been able to engage people on both
sides of the aisle on this issue and in a
way that has even reached out to many
people who he has initially disagreed
with.

I, myself, have never seen my col-
league more engaged than on the issue
of tolling Interstate 80. I partnered
with JOHN PETERSON just last year
when this issue came up in this body in
the wake of a decision by leaders in
Harrisburg in our State capital and by
the Pennsylvania house of representa-
tives to toll Interstate 80 utilizing a pilot project provision embed-
ne...
energy and try to channel it into others in this body.

I know we have a couple of other members of our delegation present here, and I’m particularly interested to yield to the gentleman from Pennsylvania, such time as he may consume, the gentleman originally from western Pennsylvania but now from southeastern Pennsylvania and a great advocate for the State, my friend, Mr. GERLACH.

Mr. GERLACH. I thank the gentleman for yielding, and I thank you very much for the opportunity to say a few words on behalf of Congressman JOHN PETERSON.

Before I do so, let me thank my distinguished colleague from Pennsylvania, Congressman ENGLISH, for his leadership in conducting this special order to honor JOHN. And it’s much appreciated by all of us that are in the Pennsylvania delegation.

I’m here tonight to honor my colleague, JOHN PETERSON, for his countless years of service to this great Nation. His strong presence and thoughtful contributions will be greatly missed in this body.

I’ve had the pleasure to know JOHN for a long time, first serving with him in the Pennsylvania State Senate and for the past 6 years here in the House. Throughout his time in the State Senate and in the House of Representatives, JOHN has been a strong and steady voice on a wide range of issues, notably world development, transportation, and energy. It’s been my honor to work with him over the years in promoting the interests of our constituencies and the good of this Nation.

His service has been an inspiration, and it has been my pleasure to witness this man in action over the years.

Over the past 12 years, JOHN has faithfully served the needs of the Fifth Congressional District of Pennsylvania. Time after time he has promoted the interests and the well-being of his constituents, the largest and most rural of all the districts in Pennsylvania. He accomplished throughout this effort to allow for job creation and economic development strategies, improve access to quality and affordable health care, and enhance the quality of life for his constituents. This tireless devotion to the residents of the Fifth Congressional District is just a glimpse of his compassion and devotion to our country.

As we wrap up his 30 years of service, I wish him all the best as he heads home to spend time with his wife, Sandy, and their wonderful family.

Mr. ENGLISH of Pennsylvania. I would now like to yield to the gentleman from Pennsylvania (Mr. ALTMIRE) such time as he may consume. We’re grateful for his presence here on the floor as well as his leadership.

Mr. ALTMIRE. I thank the senior Republican from the delegation. I stand here as the junior Democrat from the delegation, and I do appreciate the opportunity to address, in a very bipartisan way, my appreciation for the opportunity to have served with JOHN PETERSON here in the House of Representatives.

And I also want to thank the remarks from one of the former residents of the Fourth Congressional District. Congressman ENGLISH, who grew up in Elwood City and was a star running back for Rich School. So I was glad to hear from him as well.

One of the joys of being elected to Congress, as all of our colleagues know, is you get to serve with people who you may have known previously to getting into Congress. And I worked at the University of Pittsburgh Medical Center and got to know many members of the Pennsylvania delegation, including Congressman ENGLISH as well. And Congressman Peterson was somebody that I talked with, somebody that I knew and liked before I got to Congress.

So it was a pleasure and a treat for me to be able to serve for only one term with someone that I knew and somebody that I respected.

And the reason I liked JOHN PETERSON was because he was somebody who was very interested and very active on a variety of subjects. There are a lot of people in this Congress who know certain subject matters very well, and they’re experts in their fields of expertise. But, there is not everybody who seemed to know a little bit or maybe even a lot about a lot of different things.

And anyone who’s met with JOHN PETERSON over the years knows that if you engage him in a conversation, you better be ready to be there for a while because he’s going to tell you a lot of things that you didn’t know about that. And he’s going to offer his opinion, and he’s going to spar with you. He’s going to tell you what he knows and what you know what you’re talking about. And he’s going to engage in a friendly debate because he wants to learn and he enjoys that kind of combative spirit in a friendly way as you’re talking with him.

So it was an honor for me to know him before, but it was a pleasure to see him in action on the House floor and get to know him in meetings that we had with him.

And, of course, he represents a district in central Pennsylvania, but often he would fly home, as Congressman ENGLISH sometimes does, from Pittsburgh, from Washington to Pittsburgh; and he had an office, an office that was in the airport and we would talk about whatever the issue of the day was in Congress and what the topic of conversation around the Nation was. And we would have our own friendly debates on these issues, and we would test each other.

And I was always amazed at JOHN PETERSON’s ability to demonstrate expertise on any subject that came up. And my colleagues know what I’m talking about.

What I would say to the constituents of the Fifth District in Pennsylvania, those who’ve known JOHN PETERSON for many years, is you’re losing a great representative. He’s somebody who, as a Democrat, I did not always agree with, somebody who I did have differences with; but there’s nobody in this Congress who cared more about their district, who cared more about the institution that he represents.

And I can guarantee the people of the Fifth District in Pennsylvania, there is nobody who is going home with more accomplishment at the end of their term to take home with them in retirement than JOHN PETERSON.

This is somebody who spent his entire career talking about energy, especially natural gas and oil drilling. He is somebody who talked continuously about the need to expand our offshore drilling for oil and natural gas and could tell you all of the reasons why and all of the history therein, and he’s somebody who was successful in getting that done.

We are leaving this Congress, beginning next Wednesday, where a moratorium that was in place for 27 years on oil and natural gas drilling is expiring. And the restrictions are not going to be there anymore, and there is nobody in this House that can take more credit for that than JOHN PETERSON. That is one whale of an accomplishment to end your career on.

But as Congressman ENGLISH talked about, he also was passionate about Interstate 80 across Pennsylvania. JOHN PETERSON has the biggest district geographically in Pennsylvania. Interstate 80 is an east-to-west highway than ran right through his district. And he worked passionately to avoid the tolling of I-80 at the State level. It was a decision that had to be approved by the Federal Government.

And to make a long story short, over the course of several months, he was successful, along with Congressman ENGLISH—who deserves a lot of credit as well—in making sure that Interstate 80 was not tolled.

So although JOHN PETERSON is retiring, there is nobody in this Congress who is going home with more accomplishments and more benefit to their district than JOHN PETERSON.

So I just wanted to take a moment—and I do appreciate the opportunity to speak out of turn as I was in the chair—but to say the fondness for JOHN PETERSON was not a monopoly on the Republican side. We appreciated him as well, and it’s not just in Pennsylvania, it’s all of our colleagues in this Congress. We enjoyed serving with JOHN PETERSON. It was an honor to serve with him.

And the senior Better Member of Congress for having known him, and I wish him the best in his retirement.

Mr. ENGLISH of Pennsylvania. Reclaiming my time.
I would like to yield to the gentleman from Lehigh Valley, the distinguished Member, Mr. DENT, such time as he may consume.

Mr. DENT. Thank you, Congressman ENGLISH, for organizing this special order of business in recognition of our good friend, John Peterson. He has been certainly an extraordinary Member of Congress, a real character, and just been a good friend to so many.

John is one of those people who really makes this Congress a very special place. He does represent the Fifth District, as has been discussed tonight. I wanted to wish him and his wife, Sandy, well. This happens to be the anniversary of their wedding this weekend, so I wish both John and Sandy Peterson all the best on this anniversary weekend for them.

You know, I first met John Peterson back in 1991 when I was first sworn in to the House of Representatives. John was a State senator, and I was just a freshman in the State House; and John was always very kind to me. He would take time out of his busy life to mentor me, to talk to me about issues, just to be a good friend. And I always appreciated that about John.

And John, too, in Washington, perhaps, is best known for his advocacy on the issue of Outer Continental Shelf exploration for energy. What a lot of people don’t know is that probably listened to John Peterson over the years, he talked about that issue about American exploration for energy when it, perhaps, wasn’t as popular. But he would come down with charts and talk about the need to produce energy in America.

And what a lot of people don’t know about John Peterson is that he represents much of northwestern Pennsylvania, a very large, rural district. And in that district, is a town called Titusville where oil was first discovered by Colonel Drake. And so John was passionate on this issue of oil and gas exploration. It was something that he brought to this floor. He did a lot to educate many of us, many Members, about the situation in this country with respect to natural gas, especially. John would talk about it and talk about the need for us to develop more of our resources and how this extraordinary group of Pennsylvanians, particularly Pennsylvania’s manufacturers, and he was just passionate about it. And of course during this Congress, that issue of American energy exploration, the Outer Continental Shelf, is one that has really taken a very high profile in Pennsylvania’s manufacturers, particularly Pennsylvania’s manufacturers. And he was just passionate about it. And of course during this Congress, that issue of American energy exploration, the Outer Continental Shelf, is one that has really taken a very high profile in Pennsylvania’s manufacturers. And he was just passionate about it. And of course during this Congress, that issue of American energy exploration, the Outer Continental Shelf, is one that has really taken a very high profile in Pennsylvania’s manufacturers.
wood. It’s JOHN PETERSON who is up there in the weekends selling those products, talking to people about them because he understands them.

JOHN PETERSON is a grassroots politician. He understands the issues from the grassroots up, and this Congress is better today because of people like JOHN PETERSON, because of his knowledge of the issues. He is going to be missed significantly here in Congress because of that aspect of his knowledge on his grassroots issues and rural America and energy.

I want to make sure that I thank my colleague Mr. ENGLISH for organizing this Special Order tonight to thank JOHN PETERSON and also to say thanks and congratulations to JOHN and his wife Sandy who are celebrating a wedding anniversary.

As I said, I’m going to miss JOHN PETERSON personally. I know my colleagues will miss him in the Pennsylvania delegation. And I believe that America will miss JOHN PETERSON because of his advocacy of issues that are so, so important to America and especially to rural America.

So, with that, I thank the gentleman. Mr. Speaker, I think the remarks we’ve heard from the various Members of our delegation are a great tribute to the versatility and tenacity of Representative PETERSON, and I think give everyone an appreciation, whether they are from his district or have never met him before, of why he’s going to be missed and the large hole that he leaves in this institution.

I must tell you, I have some small experience in filling JOHN PETERSON’s shoes. When we did reapportionment in 2002, I had the opportunity to take over some territory from JOHN PETERSON. What I quickly discovered was that in terms of personal representation he had set the bar very, very high. There are few communities in that vast district that have a regular visitor to, that he wasn’t accessible to, that he wasn’t familiar with, that he didn’t have a personal contact with local leaders in the community. That is going to be a challenge to his successor, and it’s going to be a challenge to every Member of our delegation who tries to fill his role in our Pennsylvania leadership.

I want to thank you, Mr. Speaker, for the opportunity to provide this tribute, and I thank all of the Members of our delegation for participating.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to: (The following Members (at the request of Ms. WASSERMAN SCHULTZ) to revise and extend their remarks and include extraneous material:)

SPRATT, for 5 minutes, today. Ms. WOOLSEY, for 5 minutes, today. Mr. DeFazio, for 5 minutes, today. Ms. KAPTUR, for 5 minutes, today. Mr. HOLT, for 5 minutes, today. Mr. SHERMAN, for 5 minutes, today. Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. MCENYER, for 5 minutes, today. Mr. GARRETT of New Jersey, for 5 minutes, today and September 27. Mr. POE, for 5 minutes, September 27. Mr. JONES, for 5 minutes, September 27.

Ms. FOXX, for 5 minutes, today and September 27. Mr. TANCREDO, for 5 minutes, September 27.

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FILNER, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,980.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BORMAN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,275.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a Concurrent Resolution of the Senate of the following titles were taken from the Speaker’s table and, under the rule, referred as follows:

S. 2382. An act to require the Administrator of the Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense; to the Committee on Transportation and Infrastructure.

S. 3128. An act to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project; to the Committee on Natural Resources.

S. 3166. An act to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States; to the Committee on the Judiciary.

S. 3597. An act to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009; to the Committee on Agriculture.

S. 3598. An act to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality; to the Committee on Transportation and Infrastructure; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3605. An act to extend the pilot program for volunteer groups to obtain criminal history background checks; to the Committee on the Judiciary.

S. 3659. Concurrent resolution supporting "Lights On Afterschool!"; a national celebration of after school programs; to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were theretoon signed by the Speaker:

H.R. 6890. An act to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of the title IV of division B of Public Law 109-148, relating to elementary and secondary education hurricane recovery relief, and for other purposes.

H.R. 6894. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

ADJOURNMENT

Mr. ENGLISH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o’clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, September 27, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:


S. 3604. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — 2,4-D, Benisulide, Chlorpyrifos, DCPA, Desmedipham, Dimethoate, Fenamiphos, Metolachlor, Parathion, Tetrachlorvinphos, and Triallate: Tolerance Actions [EPA-HQ-OPP-2007-0674; FRL-8375-2] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

S. 3605. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — 2,4-D, Benisulide; Permanent and Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2007-1685; FRL-8375-4] received August 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

S. 3606. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Residues of Quaternary Ammonium Compounds, N-Alkyl (C12-18) di-methyl benzyl amine oxide on Food Contact Surfaces; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-
pursuant to 22 U.S.C. 2767(b); to the Committee on Foreign Affairs.
8737. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed license for the export of major defense services and defense articles to the Republic of Korea, the United Kingdom, New Zealand, Australia, Japan, Israel, Turkey, and Germany (Transmittal No. DDTC 069-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.
8738. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of technical data, defense services, and defense articles to the Kingdom of Norway (Transmittal No. DDTC 069-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.
8739. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period June 1 through July 31, 2008, pursuant to Section 620(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.
8740. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the United Kingdom, Germany, and France (Transmittal No. DDTC 059-06); to the Committee on Foreign Affairs.
8741. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the United Kingdom, Germany, and France (Transmittal No. DDTC 069-08); to the Committee on Foreign Affairs.
8742. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea, Canada, France, Germany, Italy, Spain, and Sweden (Transmittal No. DDTC 073-08); to the Committee on Foreign Affairs.
8743. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the United Kingdom, Germany, and France (Transmittal No. DDTC 073-08); to the Committee on Foreign Affairs.
8744. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea, Canada, France, Germany, Italy, Spain, and Sweden (Transmittal No. DDTC 073-08); to the Committee on Foreign Affairs.
8745. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea, Canada, France, Germany, Italy, Spain, and Sweden (Transmittal No. DDTC 073-08); to the Committee on Foreign Affairs.
8746. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea, Canada, France, Germany, Italy, Spain, and Sweden (Transmittal No. DDTC 073-08); to the Committee on Foreign Affairs.
8747. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the United Kingdom, Germany, and France (Transmittal No. DDTC 059-06); to the Committee on Foreign Affairs.
8748. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the United Kingdom, Germany, and France (Transmittal No. DDTC 069-08); to the Committee on Foreign Affairs.
8749. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period June 1 through July 31, 2008, pursuant to Section 620(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.
8750. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule Amendment to the International Arms Traffic in Arms Regulations: Rwanda Agreements (Public Notice: 02108-08) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.
8751. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a proposed removal from the U.S. Munitions List of a digital radio transceiver that was developed for military applications, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.
8753. A letter from the Acting Director, Office of Personnel Management, transmitting the Office’s final rule — Prevailing Rate Systems; Redefinition of the New Orleans, Louisiana, Appropriated Fund Federal Wage System Wage Area (RIN: 1230-AL58) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.
8754. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea, Canada, France, Germany, Italy, Spain, and Sweden (Transmittal No. DDTC 073-08); to the Committee on Foreign Affairs.
8755. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea, Canada, France, Germany, Italy, Spain, and Sweden (Transmittal No. DDTC 073-08); to the Committee on Foreign Affairs.
8756. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Governments of Georgia, Sweden, and Spain (Transmittal No. DDTC 091-08); to the Committee on Foreign Affairs.
8757. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from Taiwan (Transmittal No. DDTC 094-08); to the Committee on Foreign Affairs.
the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206L, 206L1, 206L2, and 206L4 Helicopters (Docket No. FAA-2008-0474; Amendment 2120-AA67) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

879. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rocky Creek, South Fork Coeur d'Alene River, and Soda Creek and Portions of Canyon Range, NM (Docket No. FAA-2008-0628; Airspace Docket No. 08-AAL-5) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

880. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Luke AFB, Phoenix, AZ (Docket No. FAA-2008-0294; Airspace Docket No. 08-AY-5) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

881. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Carson City, NV (Docket No. FAA-2008-0068; Airspace Docket No. 08-AAL-1) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the AGENCY’s final rule — Withdrawal of the Federal Water Quality Standards Use Designations for the Colorado River, Canyon Creek, South Fork Coeur d’Alene River, and Blackfoot River in Idaho (EPA-HQ-OW-2008-0895; FRL-87867-1) received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
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8794. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule Withdrawal of Federal Antitrust Policy--Support for All Workers United States within the Commonwealth of Pennsylvania (EPA-HQ-OW-2007-93; FRL-8761-2) received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8795. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department’s final rule — Schedule for Rating Disabilities; Evaluation of Scars (RIN: 2890-AM55) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.

8796. A letter from the Program Manager, Department of Veterans Affairs, and Human Services, transmitting the Department’s final rule — State Parent Locator Service; Safeguarding Child Support Information (RIN: 0970-AC01) received September 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


8798. A letter from the Commissioner, Social Security Administration, transmitting proposed legislation to make program and administrative improvements to the Old-Age, Survivors, and Disability Insurance (OASDI) program; to the Committee on Ways and Means.

8799. A letter from the Commissioner, Social Security Administration, transmitting proposed legislation to make amendments to the Old-Age, Survivors, and Disability Insurance program and the Supplemental Security Income (SSI) program; to the Committee on Ways and Means.

8800. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting commentary on H.R. 5924, the “Emergency Nursing Supply Reliance to Care Act,” to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOGOVERN: Committee on Rules. House Resolution 795. Resolution providing for consideration of the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes; to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 9510. A bill to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 7060. A bill to require Service Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 5129. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration (Rept. 110-894). Referred to the Judiciary Committee.

Mr. CONyers: Committee on the Judiciary. H.R. 7111. A bill to amend title 36, United States Code, to designate the Honor and Remember Flag created by Honor and Remember, Inc., as an official symbol to recognize and honor service members who died in the line of duty, and for other purposes; to the Committee on the Judiciary.

Mr. BERNSTEIN, Mr. SCHWARTZ, Mr. WEXLER, Mr. KLEIN of Florida, Ms. LORETTA SANCHEZ of California, Mr. LAMPS, Ms. BERKLEY, Mr. COSTA, Ms. LOVANO, and Ms. WASSERMAN SCHULTZ: H.R. 7112. A bill to impose sanctions with respect to Iran, to provide for the divestment of assets in Iran by State and local governments and other entities, and to identify locations of concern with respect to transshipment, reexportation, or diversion of certain items to Iran; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, Oversight and Government Reform, and Select Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

Mr. DRAKE (for herself and Mr. FORBES): H.R. 7114. A bill to amend title 36, United States Code, to preserve neighborhoods by permitting units of local government to purchase from the Secretary of the Treasury certain mortgages secured by vacant and deteriorated Commonwealth properties held by persons who are not less than 120 days in default in repaying the mortgage debts; to the Committee on Financial Services.

Mr. MARX: H.R. 7114. A bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to Independence at Home services in lower cost treatment settings, such as their residences, under a plan of care developed by an Independent at Home nurse practitioner; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. TOWNS, Mr. JEFFERSON, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. GELFALV, and Mr. PAYNE): H.R. 7115. A bill to require the Attorney General, through the Office of Justice Programs of the Department of Justice, to establish a 5-year competitive grant program to improve pilot programs to reduce the rate of occurrence of gun-related crimes in high-crime communities; to the Committee on the Judiciary.

By Mr. BUYER: H.R. 7116. A bill to amend the Elementary and Secondary Education Act of 1965 to require States to include certain students with disabilities in the calculation of graduation rates, and to assess limited English proficient students who have been in the United States for 5 or more consecutive years; to the Committee on Education and Labor.

By Mr. SMITH of Washington: H.R. 7117. A bill to establish a program to improve freight mobility in the United States, to establish the National Freight Mobility Infrastructure Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. CARNEY, Ms. GRIJALVA, and Mr. PAYNE): H.R. 7118. A bill to protect citizens and legal residents of the United States from unreasonable searches and seizures of electronic equipment at the border, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. CARNEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGLISH of Pennsylvania, and Mr. SCHADENDORF): H.R. 7119. A bill to impose certain limits on the exercise by the Secretary of the Treasury of certain actions under any other Act which authorizes the Secretary to purchase troubled assets, and for other purposes; to the Committee on Financial Services.

By Mr. CANNON: H.R. 7120. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning the distribution and citation of scientific research connected with the connection of dietary supplements, and for other purposes; to the Committee on Energy and Commerce.
H10130

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September 26, 2008

By Mr. CANNON:

H.R. 7121. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, to make a prize payment to the first person who develops a cure for clear cell sarcoma of the tendons and aponeuroses; to the Committee on Energy and Commerce.

By Mr. WAXMAN, Mr. BERRY, Mr. ROSS, Ms. DeLAURO, Mr. ALLEN, Mr. MARKY, Mr. MCDERMOTT, Ms. CAPTS, Mr. MILLER of California, Mr. CULBERTSON, Mr. HINCEY, and Mr. BERMAN:

H.R. 7122. A bill to amend title XIX of the Social Security Act to require State Medicaid plans to continue to cover non-emergency transportation to medically necessary services; to the Committee on Energy and Commerce.

By Mr. KIRK:

H.R. 7123. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the capital loss carryovers of individuals to $20,000; to the Committee on Ways and Means.

By Ms. SHADEEG for herself, Mr. KINSTON, Mr. CARTER, Mr. PERENKE, Mrs. MCIMORRIS RODGERS, Mr. WAMP, Mr. DANIEL E. LUNGREN of California, Mr. RADANOVICH, Mr. MILLER of Florida, Mr. BARRETT of South Carolina, Mr. WALKER, Mr. KUHL of New York, Mr. LATTA, Mrs. MYRICK, Mr. NEUERBAUER, Mr. HOEKSTRA, and Mr. BOEMANN:

H.R. 7124. A bill to establish procedures for causes and claims relating to the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes; to the Committee on Natural Resources.

By Mr. DeFAZIO (for himself, Mr. STARK, Mr. GREGORY MILLER of California, Ms. Slaughter, Mr. LEWIS of Georgia, Mr. HINCHY, Mr. HOLT, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. MCDERMOTT, Mr. SQUIRES, Ms. WOULLEY, Ms. LEE, Ms. EDWARDS of Maryland, Mr. WU, Mr. KUCINICH, Ms. HIRINO, Mr. MELANCON, Mr. CHANDLER, Mr. WELCH of Virginia, Mr. KAPTR, Mr. HERBERT, Ms. WATSON, Mr. JOHNSON of Georgia, Ms. ROYAL-ALLARD, Mr. COSTELLO, and Ms. WATERS):

H.R. 7125. A bill to amend the Internal Revenue Code of 1986 to impose a tax on securities transactions; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 7126. A bill to provide stability to the housing market in the United States by providing diligent notice and options to homeowners facing foreclosure, providing alternatives to the homeowner and mortgagee that can assist in the retention of the home while meeting the financial obligations of the mortgagee; to the Committee on Financial Services.

By Mr. SHAYES:

H.R. 7127. A bill to authorize the Secretary of Education to make grants to implement the Total Learning curriculum; to the Committee on Education and Labor.

H.R. 7128. A bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities; to the Committee on Energy and Commerce.

By Mr. STARK (for himself and Ms. SCHAKOWSKY):

H.R. 7129. A bill to provide for innovation in health care through a demonstration program to expand coverage under the State Children’s Health Insurance Program through an employer buy-in, through access to health benefits through regional State arrangements, and through State initiatives that expand access to health care for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 7130. A bill to provide for innovation in health care through a demonstration program to expand coverage under the State Children’s Health Insurance Program through an employer buy-in, through access to health benefits through regional State arrangements, and through State initiatives that expand access to health care for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. BROWN of South Carolina, and Mr. SPRATLY):

H.R. 7131. A bill to amend title XIX of the Social Security Act to establish a State plan option under Medicaid to provide an all-inclusive payment strategy for individuals who are medically fragile or have one or more chronic conditions that impede their ability to function; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself, Mr. PORTER, and Mr. HELLER):

H.R. 7132. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes; to the Committee on Natural Resources.

By Ms. BERKLEY:

H.R. 7133. A bill to establish the Gold Butte National Monument in Clark County, Nevada, to conserve, protect, and enhance the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, educational, and scenic resources of the area, to designate wilderness areas in the county, and for other purposes; to the Committee on Natural Resources.

By Mr. BOOZMAN:

H.R. 7134. A bill to authorize the Army to retain funds collected from the recreation fee to maintain the repair of flood-damaged recreation facilities; to the Committee on Transportation and Infrastructure.

By Mr. CALVERT:

H.R. 7134. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the gain from the sale or exchange of certain residences acquired before 2013; to the Committee on Ways and Means.

By Mr. CARSON (for himself, Mr. RYAN of Ohio, Ms. BRAN, Mr. RODRIGUEZ, Ms. SCHMITT, Mr. BECHTEL, Mr. WENGER, and Mrs. BOYDA of Kansas):

H.R. 7135. A bill to award grants to State educational agencies to expand the provision of financial education to high school students; to the Committee on Education and Labor.

By Mr. CONYERS:

H.R. 7136. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. CROWLEY:

H.R. 7137. A bill to authorize a loan forgiveness program of institutions of higher education who volunteer to serve as mentors; to the Committee on Education and Labor.

By Mr. DAVIS of Kentucky:

H.R. 7138. A bill to provide for the establishment and implementation of a National Security Career Development Program; to the Committee on Oversight and Government Reform.

By Mr. DAVID DAVIS of Tennessee (for himself, Mr. LEWIS, and Mr. JOHNSON of Illinois):

H.R. 7139. A bill to amend titles XVIII and XIX of the Social Security Act with respect to the provision of food services of a Medicare skilled nursing facility or a Medicaid nursing facility; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeGETTE (for herself and Mr. DOGGETT):

H.R. 7140. A bill to amend the Public Health Service Act with respect to the protection of human subjects in research; to the Committee on Energy and Commerce.

By Ms. DeGETTE (for herself and Mr. CASTLE):

H.R. 7141. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research and identification of stem cells as appropriate for the location of offshore renewable electric energy generation facilities, to provide funding for offshore renewable electric energy generation projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DELAHUNT (for himself, Mr. MICHAUD, and Mr. MCGOVERN):

H.R. 7142. A bill to provide for assessment and identification of stem cells as appropriate for the location of offshore renewable electric energy generation facilities, to provide funding for offshore renewable electric energy generation projects, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeLAURO:

H.R. 7143. A bill to establish the Food Safety Administration within the Department of Health and Human Services to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illnesses, and improving assurance of food from intentional contamination, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:

H.R. 7144. A bill to provide for a national biological data center, and for other purposes; to the Committee on Natural Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 7145. A bill to amend the Internal Revenue Code of 1986 to promote environmental protection and generate preservation efforts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself and Mr. DOYLE):

H.R. 7146. A bill to distribute emission allowances under a domestic climate policy to facilities in certain domestic energy-intensive industrial sectors to prevent an increase in greenhouse gas emissions at manufacturing facilities located in countries without commensurate greenhouse gas regulation,
and for other purposes; to the Committee on Energy and Commerce.

By Mr. JACKSON of Illinois (for himself, Mr. BRADY of Pennsylvania, Mr. SCOTT of Virginia, Mr. WATT, Mr. CONYERS, Ms. ZOR LOFIPAN of California, Mr. CAPUANO, Mr. GONZALEZ, Mr. DAVID of Alabama, Mrs. DAVID of California, Ms. LEE, and Mr. NADLER):

H.R. 7147. A bill to amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction where the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, and for other purposes; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself, Mr. RYAN of Wisconsin, Mr. LINDEN, Mr. BRADY of Texas, Mr. HERGER, Mr. CAMP of Michigan, Ms. GRANGER, Mr. THORNBERRY, Mr. VALENTINO, Mr. NEUMAM and Mr. PAUL):

H.R. 7148. A bill to amend title XVII of the Social Security Act to clarify the use of private contracts by Medicare beneficiaries for professional services and to allow individuals to choose to opt out of the Medicare part A benefit; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Mr. PAYNE):

H.R. 7149. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

By Mr. GRANGE (for himself and Mr. GILCHREST):

H.R. 7150. A bill to conserve the United States fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the people of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. KIND:

H.R. 7151. A bill to sustain wildlife on American public lands; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. HULAH, Mr. KUHL, of New York, Ms. LEE, Mr. SHAYS, and Mr. MURPHY of Connecticut):

H.R. 7152. A bill to require the Secretary of the Treasury to convene a conference of representatives of the international community on the commemoration of Mark Twain; to the Committee on Financial Services.

By Mr. ROS-LeHTINEN:

H.R. 7153. A bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LOEBBAC:

H.R. 7154. A bill to amend title IV of the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to award competitive grants to eligible entities to recruit, select, train, and support Expanded Learning and After-School Fellows that will strengthen expanded learning initiatives, 21st century community learning center programs, and after-school programs, and for other purposes; to the Committee on Education and Labor.

By Mrs. LOWERY:

H.R. 7155. A bill to amend the Internal Revenue Code of 1986 to protect the financial stability of activated members of the Ready-Reserve and National Guard while serving abroad; to the Committee on Ways and Means.

By Mr. MAHONEY of Florida:

H.R. 7156. A bill to amend title 49, United States Code, to provide for the restoration of air service to communities served by an airport that received scheduled air transportation as of December 31, 2007, but no longer receives such service; to the Committee on Transportation and Infrastructure.

By Mr. MARKNEY (for himself, Ms. LEE, Mr. WALDEN of Oregon, Mr. GONZALEZ, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, and Mr. SOUDER):

H.R. 7157. A bill to require that radios used in the satellite digital radio service be capable of receiving terrestrial digital radio signals; to the Committee on Energy and Commerce.

By Mr. MILLER of North Carolina:

H.R. 7158. A bill to provide for the establishment of a process for the management of beef and animal species; to the Committee on Science and Technology.

By Mr. MOORE of Kansas (for himself, Mr. MARIO DIAZ-BALART of Florida, Mr. HASTINGS of Florida, and Ms. ROS-LEHTINEN):

H.R. 7159. A bill to reauthorize the National Windstorm Impact Reduction Program, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE of Wisconsin (for herself, Mr. FRANK of Massachusetts, Mr. ISNA and Mr. SHAYS):

H.R. 7160. A bill to authorize United States participation in, and appropriations for the United States seat, limitation of international clean technology fund, and for other purposes; to the Committee on Financial Services.

By Mr. MURPHY of Connecticut (for himself, Mr. RODRIGUEZ, and Mr. HINOJOSA):

H.R. 7161. A bill to transfer the currently terminated FERC licenses for Projects numbered 19022 and 10823 and restate them to the "Town of Canton, Connecticut, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ORTIZ (for himself, Mr. RODRIGUEZ, and Mr. HINOJOSA):

H.R. 7162. A bill to establish certain standards for the adjudication of United States passport applications for United States passport holders or other United States citizens; to the Committee on Foreign Affairs.

By Mr. PALLONE:

H.R. 7163. A bill to amend the Solid Waste Disposal Act to require the Administrator of the Environmental Protection Agency to promulgate regulations on the management of medical waste; to the Committee on Energy and Commerce.

By Mr. PAYNE (for himself and Ms. JACKSON-LEE of Texas):

H.R. 7164. A bill to amend the Southern Africa Enterprise Development Fund (SAEDF) to conduct public offerings or private placements for the purpose of soliciting and acquiring private or public investment for other purposes; to the Committee on Financial Services.

By Mr. PAYNE (for himself and Mr. CRUNCHWA):

H.R. 7165. A bill to amend the Millennium Challenge Act of 2003 to authorize regional and sub-regional grants on the part of the Secretary of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SALI:

H.R. 7166. A bill to improve access to health care and health insurance; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 7167. A bill to amend title 38, United States Code, to expand the availability of health care provided by the Secretary of Veterans Affairs by adjusting the income level for certain priority veterans; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER:

H.R. 7168. A bill to amend title 10, United States Code, to require defense contractors to disclose certain information regarding former Department of Defense officials, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado, Mr. SALAZAR, Mr. MATHESON, Mrs. MORGAN, Mr. DEGETT, and Mrs. PALM of Nevada:

H.R. 7169. A bill to amend Public Law 106-392 to extend the authorizations for the Upper Colorado and San Juan River Basin engineering fish recovery projects and for other purposes; to the Committee on Natural Resources.

By Mr. WEINER (for himself, Mr. RYAN of Ohio, and Ms. SHEA-PORTER):

H.R. 7170. A bill to amend the Internal Revenue Code of 1986 to provide commuter flexible spending arrangements; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 7171. A bill to amend the Marine Mammal Protection Act of 1972 to allow federal, state, tribal, and private programs to conduct sport hunts in Canada; to the Committee on Natural Resources.

By Ms. YOUNG of Alaska:

H.R. 7172. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of its land entitlement under the Alaska Native Claims Settlement Act; to the Committee on Natural Resources.

By Mr. AKIN (for himself, Mr. WOLF, Mr. PETTS, Mr. MCGOVERN, and Mr. MCCUTCHEON):

H. Con. Res. 434. Concurrent resolution condemning the recent religious violence in India and calling on the Government of India to stop the violence and address its root causes; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself and Mr. EHLENS):

H. Con. Res. 434. Concurrent resolution authorizing the use of Emancipation Hall on December 2, 2008, for ceremonial activities held in connection with the opening of the Capitol Visitor Center to the public; to the Committee on House Administration.

By Mr. PAYNE (for himself and Mr. EHLENS):

H. Con. Res. 436. Concurrent resolution expressing support for designation of October
CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBEY

The provisions that warranted a referral to the Committee on Appropriations in H.R. 7110; the Job Creation and Unemployment Relief Act of 2008, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6233: Mr. GALLEGLY, Mr. KLINE of Minnesota, Mr. B RADY of Pennsylvania, Mr. SMITH of Washington, and Mr. ORTIZ.
The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

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PRAYER

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

Let us pray.

Eternal Spirit, the giver of every good and perfect gift, provide our Senators with strength and wisdom for today’s journey. Give them faith that Your sovereign providence will lead them and that they can accomplish all things through Your strength. Remind them that You are still in charge of our world and that no weapon formed against Your faithful servants will prosper. Give them patience and humility. Help them to be quick to hear, slow to speak, and slow to anger. May they utter the right words at the right time. Lord, empower them to make decisions that will bring honor to Your Name and will permit truth and justice to prevail.

Keep the United States in Your holy protection, as its citizens cultivate a spirit of subordination and obedience to Your will.

You are our Lord and Saviour. Amen.

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PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

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

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APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,
Washington, DC, September 26, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

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RECOGNITION OF THE MAJORITY LEADER

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

SENATOR DICK DURBIN

Mr. REID. Mr. President, I came to the floor and waiting was my friend, Senator DURBIN of Illinois, the assistant Democratic leader. He is always available. Whenever the Senate needs him or I have a problem, he is the first person I call. He gets little notoriety or credit for all the work he does.

We came to Washington together in 1982 as freshmen Members of the House of Representatives. I have had the good fortune of being able to serve with him for some 26 years. He is such a good friend, such a great orator, has such a great mind. He is such a great asset to the Senate, to me, and, of course, to the State of Illinois.

I appreciate calling him, as I do many mornings, and he is there very quickly. He helps me work through the day’s issues. I publicly acknowledge what a good Senator he is and what a good friend he is.

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SCHEDULE

Mr. REID. Mr. President, following the remarks of the leaders, if there are any, we will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each.

I ask that on the Democratic side—we are going to try to do this on a rotating basis—on the Democratic side Senator HARKIN and Senator SCHUMER be the first speakers.

Negotiations on the agreement to vote in relation to the stimulus legislation is ongoing. If we have a vote on that legislation, it will be at 11 or 11:30 a.m. today. That will be the only vote today. We hope to reach agreement so we can have that vote, as I indicated.

We also should tell everyone we are working very hard to do something on the bailout of our financial institutions. We know we have an obligation to do that. A lot of Senators have a lot of questions about where we are in this situation.

We were at the White House last night. Our meeting was reconvened on the second floor of the Capitol last night, and Secretary Paulson was here, Senator DODD, Senator GREGG, Chairman FRANK, and Chairman BAUCUS. They worked into the nighttime and finished at 10:30, 11 o’clock last night. They are going to reconvene this morning.

Right now, out of 100 percent of the Congress—we have the Democrats in the Senate, Republicans in the Senate, Democrats in the House, Republicans in the House—we only have three of those Members trying to work something out. The House has basically walked away from everything. We were doing pretty well until the meeting at the White House yesterday.

We are going to continue to work hard. We understand the urgency of addressing this situation. We will have more to say about this issue later. We are doing our very best.
I hope the two Presidential candidates will go to the debate tonight and leave us alone to get our work done here. It would be a great aid to what we are trying to do.

We are going to come in about 9:30 Saturday morning. We are going to vote at a very fast time on action CR. There is other business we can do tomorrow. We will try.

It is quite evident we will be in session next week. We have a lot of business to do that has not been done. I will mention a couple. We have the DOD authorization, which is very important, rail safety, Amtrak. Of course, I have already talked about the financial crisis legislation. We have the Indian nuclear agreement. I have had a number of conversations with Secretary Rice and President Bush on this issue. We have another bunch of bills a Republican Senator has held up, and we probably will have to file cloture on those before we leave.

There are a number of moving parts. We are going to try to put them together. We are going to do our very best to keep Senators advised as to what is going to happen chronologically. As everyone who serves in the Senate knows, we cannot be specific at any given time. We will do our best so people have an idea of what the weekend holds and what next week holds.

Next week, as I indicated before, is a little bit more complicated because we have a Jewish holiday starting at sundown on Monday, ending sundown on Tuesday. So we will not be working that period of time, that is for sure.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tem. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be time available for the transmittal of morning business, with Senators permitted to speak for up to 10 minutes each.

The senior Senator from New York is recognized.

FINANCIAL CRISIS

Mr. SCHUMER. Mr. President, of course, we live in very perilous times. Our economy, particularly our debt markets and our credit markets, is in very serious shape. To paraphrase Chairman Bernanke, the arteries of the patient—our financial system—are clogged and the patient will have a heart attack. We don’t know if it will be tomorrow or 6 months from now or a year from now but, unfortunately, if we don’t act, a heart attack will occur. So we must act.

I know there are some—particularly some very ideological people on the hard right—who say do nothing and let everyone learn their lesson; there are a lot of people, particularly at the high end of the economic spectrum, who should learn their lesson. But there are millions of innocent people who will be hurt if we do nothing; the auto worker who will be laid off because we will sell fewer cars; the small businesswoman who has struggled to build her business over 15 or 20 years and can’t get a loan; the waitress at a restaurant of a chain that happens to lose business last hard because it can’t get credit. Average people get hurt when our financial arteries are clogged, even though they are blameless. That is the difficulty of our world. It is not fair, it is not right, but it is how it is.

We must act in a bipartisan way to unclog those arteries, and we must do it soon. We should not leave here until we have a plan, whether it takes a day, several days, 1 week, or even more. We cannot abandon the American people just because we didn’t pass something.

The President’s initial offering was received with, let’s say, lack of popularity, to put it kindly, by both Democrats and Republicans in this Chamber and people back in America. It is because it was a $700 billion blank check. There was no help for taxpayers’ protection so they got paid back first. There was no help for homeowners.

Chairman Bernanke tells us that housing is the root cause of the problem and if we don’t find a floor to the housing markets, we may need bailout after bailout, unfortunately. This bill had no protection for homeowners.

I know Secretary Paulson said the Government owns a large share of the bonds, that they will have more ability to renegotiate mortgages and avoid foreclosures but, frankly, that is hope over reality because the bonds are now broken up in 40 tranches. If the Government owns 10, 15, 20, 25, or even 30 of them, if 1 tranche holder objects to refinancing, it won’t happen.

We need help for homeowners beyond what is in the legislation. We need oversight, tough oversight. This is a democracy. We are known for our checks and balances. It has served America well for over 200 years. And all of a sudden, in an unprecedented talking of power, to give so much power to the Treasury Secretary with no one looking over his shoulder would be, frankly, not the American way. So we need tough and strong oversight.

Point 1, we will work until we get this done, even if it means staying past recess. We must. We have an obligation.

Point 2, we will pass a better plan than the President’s plan. We will work with the President, but we need protection for homeowners, taxpayers, and oversight.

The third point I wish to make is this: This cannot pass without strong bipartisan support. There will be some in both parties who will not vote for any plan. So neither party has a majority, neither the Democrats—we are a majority by a small margin—nor the Republicans, who are close to a majority. But we will need strong bipartisan support. You cannot just walk away from the Treasury—let the Treasury move on Didn’t think that was a basis to take to Secretary Paulson. It did far more for taxpayers, for homeowners, for oversight than the existing bill.

Unfortunately, however, we needed a four-legged stool, and one leg just vanished—the House Republicans—in a way that none of us still understand. In addition, Senator MCCAIN’s desire, even though he had not been involved in this legislation at all, to fly in another floor and create more trouble. I have not heard Senator MCCAIN offer one constructive remark. We don’t know what he supports. Does he support the House plan? Does he support the President’s plan? Does he have an own plan? By all reports, he hardly spoke at the meeting, which was his opportunity to try and do something. He spoke at the end and didn’t say what his views were as to whether he supported each plan.

So we need two things on the Republican side: We need President Bush to take leadership. We need President Bush, first and foremost, to get the Republican House Members to support his plan or modify it in some way to bring them on board yet keep the Democratic House Members, the Republican Members of the Senate, and the Democratic Members of the Senate on board.

Second, we need the President to respectfully tell Senator MCCAIN to get out of town. He is not helping. He is harming.

When you inject Presidential politics into some of the most difficult negotiations, under normal circumstances, it is fraught with difficulty. Before McCain made his announcement, we were making great progress. After his announcement, we are behind the eight ball and we have to put things back together again.

So this is a plea to President Bush, for the sake of America: Please get your party in line. Get the House Republicans to be more constructive. Get Senator MCCAIN to leave town and not feed the flames and maybe we can get something done. In fact, not maybe, we have no choice but to get something done.

So, again, to reiterate my three points: No. 1, we will work until we have a product. The perilous state of
Look what we have reaped from this. We have now an economic crisis—to quote the Secretary of the Treasury and the Chairman of the Federal Reserve—that has been generated by this market philosophy. So at the end of the day, we need to put in place sensible, responsible regulation so taxpayers are protected and the people who count on these investment houses can have some assurance their money will be returned. That is the bottom line, and we will not have time to do that before the term of this Congress is due to come to an end. It must be done. It must be part of it.

The second point I will make is this—and I see Senator Harkin has come to the floor: There is a great deal of empathy and concern for those on Wall Street whose businesses are facing failure. I have some concern too. But I have more concern for the homeowners across America who are losing literally thousands of homes to foreclosure because of the tricks and traps which these same entities put in their mortgage instruments.

I think of people I have met in Chicago—retirees living on Social Security lured into these rotten mortgage arrangements, about to lose their homes because someone brought them into a room and had them sign a stack of papers with a reset that took the home away when the monthly costs went beyond their Social Security check. That is an outrage. How many tears have been shed by the families put in mortgage instruments? What we hear from this administration is it is their misfortune; they made bad decisions. We have to honor the sanctity of the contract. Sanctity is a word that, in my religion, connotes holiness—a sacred quality. What in the world is holy or sacred about these subprime mortgages, which were brokered for the purpose of making a fast buck and then abandoned on the insurance victims behind who are about to see their homes foreclosed. I would like to see at least a modicum of sympathy for some of the people facing foreclosure. But when we bring this up in the negotiations over this bailout plan, we are told absolutely, no. We can do nothing for the homeowners at the end of the day.

Well, I will tell you, it isn’t just a matter of sympathy or a matter of talking a moral position, it is good economics. If we don’t stem the tide of foreclosures among homeowners at the base of our economy, then these mortgage instruments will continue to decline in value and there will be further instability in the credit markets. It is not just a matter of doing the right thing; it is the proper thing economically to get us back on track. But I can’t sell that. You know why. Because the banks and the mortgage lenders, the same people who authored this mess, own the sanctity of the contract. Well, I wish to tell you something: If we were dealing with the sanctity of the contract, we wouldn’t be talking about bailout, we wouldn’t be talking about $700 billion from hard-working taxpayers in Iowa or Illinois coming to the rescue of a lot of people who have been reaping multimillion dollar annual bonuses from the messes they have created on Wall Street. The sanctity of a contract. Give me a break.

Let’s have some respect for the people across America—the families who are the strength of this Nation; those middle-income and hard-working Americans who get up and go to work every day and struggle with this economy and who may have been lured into a bad mortgage and now face the greatest economic catastrophe of their lives. This critical Presidential debate this bailout? Exactly nothing. Nothing. There is nothing on the table to help them. That, to me, is unconscionable and unacceptable.

I think we should have a balanced approach. Yes, take this economic crisis seriously at the top, but don’t forget that at the bottom of the pyramid are the hard-working families of America that have been exploited by these people on Wall Street and deserve a break that is part of our contract.

The final point I will make is that I am glad John McCain is back on the Presidential trail. His visit to Washington didn’t help a bit. It hurt. It riled up and red up all the pyramiders in this town because he summoned the Presidential campaign to Capitol Hill. That didn’t help one bit. He needs to get back running for President. He needs to show up in Mississippi tonight for Bill. I wish to thank Senator Durbin so portal. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, first, I wish to thank Senator Durbin for what he said because I have come to the floor to talk about that bottom of the pyramid; to talk about a vote we will be having in another hour and a half or so on a stimulus package that goes directly to the kind of people Senator Durbin is talking about, the people at the bottom. They are unemployed. They need help—they need food stamps, they need unemployment benefits extended, and they need infrastructure jobs to rebuild our economy. Yet we are not talking about that.

I wish to thank Senator Durbin so much for pointing that out because I wish to talk about that for awhile. Before I do that, I ask unanimous consent that following my remarks Senator Grassley be recognized to speak for up to 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC RECOVERY PACKAGE

Mr. HARKIN. Mr. President, following what Senator Durbin was
talking about, all the news, of course, all the time, is about this bailout for the financial institutions. They are talking about $700 billion, but actually it is about $1 trillion. When you take in AIG and you take in Freddie Mac and Fannie Mae, you are into a trillion dollars. But what about the honest, working, play-by-the-rules citizens at the bottom of this pyramid who are left in the ruins? They are left in the ruins after years of mismanagement and outright malpractice by the titans of the financial industry.

So I wish to talk about the economic recovery package, the Reid-Byrd economic recovery package that I think we will be voting on very shortly—otherwise called the stimulus package. It meets the urgent needs of working families all across America, with a special emphasis on those hardest hit by the economic downturn. There is no question that we need this stimulus package.

The first stimulus package we had, that was White House driven, and it was to send checks out to almost everybody. So we sent the checks out. Well, I have to admit I voted for it, but I kind of wish now I hadn’t. But I voted for it—and a lot of those checks went out, and who knows what happened to that money. Some of it may have been saved; OK. Some of it may have been spent to reduce credit card debt; OK. Some of it may have been used to buy a new flat-screen TV made in China, or a new car made in Korea, or to put money for them to spend on housing, transportation, daycare—other things that stimulate the economy and which has been proven economically that, for every dollar you put in, you will get more than a dollar back in economic activity.

The unemployment rate has been rising for 8 straight months. Home prices, as we all know, are down. Millions of Americans face the prospect of foreclosure and losing their homes. Prices have risen sharply for staples such as food, gasoline, electricity, and home heating oil. So we urgently need this second stimulus measure. Winter is coming on, and people are hurting. Instead of just sending out checks, this bill targets it to those who have been suffered the most. It injects money into infrastructure projects to create jobs directly and to generate new economic activities.

The bottom line is we need a package that actually provides the maximum stimulus for each dollar spent. We know what works. We have the data. We have history.

We get the biggest bang for the buck, stimulus-wise, No. 1, by expanding food stamp benefits. That is the best. The second best way is by extending unemployment benefits. Third, immediately pumping money into infrastructure projects will employ people and create jobs.

Let me discuss a few of the things that come under the jurisdiction of my Subcommittee on Labor, Health and Human Services, Education and Related Agencies. The package extends unemployment insurance for 7 weeks in all and 13 weeks in high unemployment areas. It temporarily increases food stamp benefits by 10 percent and includes a $5.1 billion increase for the Women, Infants and Children’s Program that goes to the lowest income people in America to get our kids started right in life. It provides $60 million for senior meals programs. It also provides $500 million for the weatherization program.

Now, this is in addition to some of the money we have in the continuing resolution for the Low-Income Home Energy Assistance Program. Now, get this, in the continuing resolution we have $5.1 billion for the Low-Income Home Energy Assistance Program to low income and elderly, and $250 million for weatherization. Well, when you give $5.1 billion to low-income elderly and others, guess where that money goes. It goes up the chimney. Of course, people do need it. But we should be putting more emphasis on weatherization so they do not have to spend so much money on heating their homes. We know that $500 million for weatherization works, too. It provides jobs and it will help our seniors and our low-income folks cut down on their energy bills this winter and next year. That is why in stimulus we put in $500 million for weatherization programs.

For every dollar spent on food stamps, according to Moody’s Economy.com, we create $1.73 in new economic activity. That is the most of any of these.

When food stamp recipients spend every penny of benefits they receive—they spend every penny on food which is produced, packaged, transported, and sold here in America, so that money is produced, packaged, transported, and sold here in America. You show us that $127 million has translated into over $1 billion of construction. What a great multiplier effect that has. We know schools need to be renovated all over America. That is in this stimulus package. There are going to be more than 20,000. It will provide over $500 million in loans and grants for rural water and wastewater improvements. We have a huge backlog of needed projects that are ready to go, but no money to pay for it. It is critical to the health and well-being of people who live in rural America.

This bill also provides up to $3.4 billion in loans and loan guarantees for single-family homes in rural areas.

There is a huge backlog of infrastructure projects. Many of them are already on the books ready to go. Again, a lot of what I am talking about will probably be funded and built sometime in the future. We are not going to continue to let our schools deteriorate into nothing. So why not do it now, when unemployment is going up: when people on the bottom are hurting because of increased energy prices, fuel prices, food prices; when a lot of their housing values are going down? Isn’t this the time to get the jobs that are needed in America that should not have been taken by the Wall Street titans and oligarchs.

There is another item in this bill and that goes to the safety and security of Americans. This stimulus also provides
$400 million for the Byrne Justice Assistance Grants to make up for the devastating cuts that were made last year as a result of President Bush’s vetoes and veto threats. I have been helping to restore this funding. It is absolutely critical for law enforcement. My amendment for funding was adopted in 2007. In Iowa alone, the Byrne Grant-supported task forces seized illegal drugs valued at more than $31 million and netted more than 2,000 criminal convictions. They responded to terrorist threats. Mr. President, 85 percent of Iowa’s drug cases originated from these task forces.

It is not only on the enforcement side but it is on the rehabilitation side that these grants were used. Over 560 drug offenders received treatment in Iowa to get them off it and get them started back on the right path again. Again, Iowa law enforcement agencies are struggling to maintain crucial law programs in the wake of last year’s cuts. This funding in the stimulus would allow them to pick up and redouble their efforts against crime and drugs.

The two last things I want to mention are the area of biomedical research, public health, and job training. In the package, funding for the National Institutes of Health is included—$1.2 billion. Why did we put that in there? Because the funding for the National Institutes of Health has declined in real terms by over 10 percent in the last 3 years. What has happened is we are losing cutting-edge biomedical research, we are losing a generation of talented scientists who can pursue treatments and cures. This $1.2 billion in the stimulus for NIH will be sufficient to fund approximately 3,300 new research grants in the areas such as cancer, diabetes, Alzheimer’s, and heart disease.

Senator Arlen Specter and I worked very hard, along with others here, to double the funding of NIH between 1998 and 2003. We did it. We got it up and we got it up so it would be on the level and 2003. We did it. We got it up and we put more into the top it will trickle down, by the time everybody takes a piece. You put it up high you get the biggest bang for the buck and it does trickle up, it helps our own economy. That is why food stamps have the biggest multiplier effect, because you are getting help at the bottom. But you put in things up at the top and it trickles down, by the time everybody takes their cut, it never quite gets down to help people at the bottom.

The plan that is out floating around, “The plan is a trickle-down approach from banks to Main Street,” said Alan S. Blinder, a professor at Princeton University. “But if you reduce the flood of foreclosures and defaults—which it would have the government do by buying loans directly, then renegotiating the terms—it will make mortgage-backed securities worth more.”

Something that might help ordinary Americans, but it would be difficult to administer.

Difficult to administer? I don’t think so. It might be a little more difficult than giving a bushel basket of money to Wall Street—yes, that is easy. But that something is a little more difficult, should that be an argument why we should not do it?

The article goes on:

“There is a kind of suggestion in the Paulson proposal that if only we provide enough money to financial markets, this problem will disappear,” said Joseph Stiglitz, a Nobel prize winning economist. But that does nothing to address the fundamental problem of bleeding foreclosures and the holes in the balance sheets of banks.

Now, again, everything is being rushed here. Everything is being rushed on the bailout. “We have got to do it now. Now. Now. We have got to do it yesterday.”

Ten days ago this was not as big a problem. Quite frankly, Mr. Paulson—with Mr. Bernanke, but Mr. Paulson came out and said the sky is falling, thus sort of putting out there a self-fulfilling prophecy. In fact, I would go so far as to say the credit crunch we see happening in America today, the drying up of credit, is happening in part because of Mr. Paulson’s statements, scaring everybody that the sky is falling. Yet it has been there for 2 years and 3 months and has been saying that “things are fine.”

As late as May of this year, Secretary Paulson said—I do not have the exact quote in front of me, but basically: The credit crunch, the worst is behind us. Well, I have to ask, was he wrong for 2 years and right now or right for 2 years and wrong now? Nevertheless, his posture of last week of raising the stakes, scaring everyone. He put us into panic mode. As I said, 10 days ago, 2 weeks ago, no one was in a panic mode; credit was flowing. Things were a little tight.
I have to say that if people are coming to the Government and asking the taxpayers of this country to bail them out, that is like being on the Government payroll. And if they are going to be on the Government payroll, they ought to show what they are paid. And what Government employees are paid. I would even go so far as to say that they can get paid as much as the President, but they should not get paid any more than the President of the United States, period. But that is not what we are facing.

Now, if they want to have a package that says: Okay, here is $250 billion, and they may also get another $100 billion, they put $250 billion in retirement, and the Congress ought to come back and see where we are, see how much more money we need, see if the compensation things have been working right, see if we are getting equity, without ever coming to Congress, is not going to let the economic system go under. So what we do is going to be determined. We will give it to you. The bank is going to want to get their money back. What are they going to do without ever coming to the Committees, and then let's have a more deliberate debate and consideration of what we might want to do in January or February when we come back. Well, we raised this with Mr. Paulson the other day. He was adamant: No, we have to have the $700 billion. We have to have it all now because that will give the confidence to the market that we have enough money to buy all of this worthless paper, $9 trillion. This was the Congress giving some assurances to the American people that we are going to be here, we are going to give them some money, but we want to make sure they do it right, folks. We are going to guard against that. And yes, we will be back in January; yes, we will be back here in February; if we need to do more, we can do more then in a more deliberative manner than what we are being rushed to do now because that will give the confidence to the market that we have enough money to buy all of this worthless paper. I do not see anything in this bailout plan that will stop that either.

Lastly, there are a couple of other things I must say about this bailout. You know, if a company comes into the Congress, let's say they are facing bankruptcy, and then they say, we need the money, go to the bank to get help. Do you think the bank will just give them money? Oh, you need money? What is it you want? We will give it to you. The bank is going to want to see their books, not just their balance sheet, they want to know how they got in that situation, what kinds of models they used to buy their securities to get to that point where they are right now, and what their valuation may be. Well, I suggested to Mr. Paulson that we should do that to every one of those investments firms that comes in. If they come in and they are putting their bids in to sell their securities, if I understand, in a reverse-auction kind way, the Government, if a Government, if a Government, the taxpayers to buy this questionable security or whatever it might be, well, it would seem to me that one of the conditions ought to be that they open their books, that we get to see exactly what it was that they are in deciding how they decided how much to pay for that investment. What got them to this point?

I have a sneaking suspicion that a lot of them do not want us to know that because, quite frankly—and I will say this very frankly and forthrightly—I think there was a lot of accounting fraud going on. I am selling to you, you sell to me, I sell to you, and every time we come back, we sell it. Well, that doesn't really work, folks. But it seems to me that a lot of that was going on. But we need to know. Yet I do not see anything in this bailout plan that will mandate that we have independent auditors go in and understand what the government will be getting for its money. What were their internal models, their proprietary models that they used in conducting their business? We need to know that. Quite frankly, I do not see that in this bailout.

Lastly, we have to make sure there is no arbitrage going on where you have people from foreign countries or hedge funds dumping near worthless papers into banks later on—later on, in January and February and March—and we keep filling the swamp buying near worthless paper. I do not see anything in this bailout plan that will stop that either.

So, again, I did not mean to get off track much on the bailout plan. I will have more to say about that later. I wanted to make my point that we are going to be voting on a stimulus package that will go out to help people on the bottom of the economic pyramid, to help them get through the winter, to give them jobs, to build schools, to get infrastructure projects going. This is $56 billion. That is compared to a $1 trillion we are going to be asked to spend on the bailout if you include the stimulus. This is about $56 billion. That is compared to a $1 trillion we are going to be asked to spend on the bailout if you include what we have already done. About 5 percent of what we are spending and what we are asking us to do for Wall Street, we are saying let's do for Main Street America. That is the least we can do.

There is one thing I also wanted to add. I have heard rumors that they might want to put this on the continuing resolution. I can tell you nothing would be worse, nothing could be worse than to try to put the bailout on the continuing resolution to keep our Government going. The continuing resolution provides money that is needed for disaster assistance, for the military, for our veterans. I hope that is just a rumor. I hope that does not happen, as an appropriator and as a senior member of the Appropriations Committee. As I said, I still have not made up my mind on the bailout. We will see how it develops. But the one thing is, if there are efforts to put it on the CR, it will cause great problems.

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

TAX POLICY

Mr. GRASSLEY. I thank my friend from Iowa. On that last point, my colleague from Iowa speaks of something that I would like to emphasize. And I presume one of the reasons he would
not like to see it on the continuing resolution is that it would jeopardize all of the relief in there for the flood victims we have in Iowa?

Mr. HARKIN. Exactly.

Mr. GRASSLEY. I would supplement also—I hope now that the same thing Senator HARKIN did, but let me supplement something Senator HARKIN said about suspicions that something could be wrong here and we need some sort of investigation.

Maybe my colleague from Iowa heard that about 2 or 3 days ago, there was an announcement by the FBI that they were investigating four of these institutions. If the FBI thinks something is wrong, you might not be far off that something is bad and needs to be investigated.

I wish to put my remarks this morning in the perspective of what I have been saying since June and July, and then we had the August summer break, and now we're in the middle of two previous occasions. So on maybe four or five previous occasions throughout the summer, I have come to the floor to speak about the differences of the tax policies of the two candidates for President, I come for that same purpose.

But I wish to also say that my purpose in coming is twofold—one, so that people will pay more attention to the tax policies of the two Presidential candidates and consider those tax policies in light of some of the history I have brought to their attention, the history from a couple of standpoints: what had been said in previous elections and then what actually happened after those Presidents were sworn in, and maybe it was not exactly as they said it was in the Presidential election. So take that into consideration during this election.

The other one is to point out the history of different tax policy, when we have one party, a Congress and a President of the same political party. So we take that into consideration when we want to analyze the checks and balances of Government working well for good tax policy. Why concentrate on tax policy? Because tax policy is a very important part of overall economic policy. Will we have a tax policy—here, an economic policy—that grows the economy and creates jobs?

What this generation of policymakers ought to be all about is having an economic policy—and tax policy being part of it—that will advance opportunities for the next generation so we continue down the American trend of each generation succeeding, living better than the generation of mom and dad.

Starting in the third week of July, I have come to the floor to compare the tax policies of Senator McCain and Senator Obama. They are the two Presidential candidates. During this series of visits with my colleagues, I have talked about the relationship between party control and the likelihood of tax hikes or tax cuts. I use this famous thermometer chart. Well, I don't know whether it is famous, but I think it is a pretty good indicator of some things I have stated. There is a big difference between what the Congress, where the Congress and the President are of the same political party. A different tax policy emerges when the House and Senate may be of one party and the President of another. Financial sector. Needless to say, from a fiscal policy standpoint, we are sailing into uncharted waters. I am sure everyone realizes there is always a large gap between what a Presidential candidate promises and what that candidate is able to deliver, if elected. We still need to carefully examine the plan that both my colleagues are putting forth during this election season. While neither plan is likely to be enacted exactly as laid out in the campaign, we can evaluate how realistic those plans are, and also gain some insight into the candidate’s vision of the Tax Code.

For a long time now, I have been saying we should stop calling the tax relief enacted in the 2001 and 2003 bills the Bush tax cuts and call it the bipartisan tax bill because it is bipartisan, or the McCain plan, especially the 2001 bill, were passed with Democratic support in Congress where the Republican majority was narrow. My colleagues of the other party enjoy referring to it as the Bush tax cuts, because the Bush tax cuts, if they had been enacted the way he campaigned said it was in the 2001 and 2003 tax relief bills became law only with the support of Senate Majority Leader Bill Frist. The implication that President Bush or Republicans were able to impose this legislation by themselves is ridiculous.

The 2001 and 2003 bipartisan tax relief bills became law only with the support of Majority Leader Bill Frist. In confirmation of what I have been saying, that both bills were bipartisan, in those 2001 and 2003 tax relief bills we find that both major campaigns have adopted what is essentially the meat and potatoes of both bills. To illustrate how both campaigns have adopted significant parts of the 2001 and 2003 tax relief package, I
present this chart. It is taken not from a partisan group but by the Tax Policy Center. This chart shows, as we can see, the fiscal impact of how both plans would change current law. The Tax Policy Center shows that Senator McCain’s recent tax cut if enacted would lose revenue of $4.2 trillion over 10 years. That is the red bottom line. Senator Obama’s plan, which would include some widespread tax increases, would also contribute to the deficit. The Tax Policy Center shows that number for the Obama plan would be $2.9 trillion. Remember, the Congressional Budget Office looks ahead 10 years, so I am talking about 10-year figures.

I have another chart. This chart assumes current law levels of tax relief in effect and then compares Senator McCain’s and Senator Obama’s plans. The Tax Policy Center also produced the data I am using in this chart. This chart shows Senator McCain’s plan would lose revenue of $220 billion over 10 years. Senator Obama’s tax plan would raise $600 billion more than current tax policy.

I respect the analysis done by veteran analysts at the Tax Policy Center. They have worked hard to develop a large database of data for policymakers, as such as those of us in this Senate, for our use. If, however, we were processing legislation, it would be scored by the nonpartisan Joint Committee on Taxation, not by the Tax Policy Center. So the Tax Policy Center data is helpful, but we must note that the Joint Committee on Taxation will be the decisive scorekeeper of any legislation that either candidate would propose in their budgets after they are sworn in.

The Tax Policy Center has acknowledged that both candidates’ plans lack detail. Necessarily then, the analyses and conclusions reached by the Tax Policy Center are qualified and need to be. There is a key caveat in these tables. Both plans assume revenue-raising offsets that lack specificity to be scored. Senator Obama has specified about $100 billion in defined revenue-raising proposals. That is close to the most aggressive accounting of revenue raisers in the congressional inventory. I am going to refer to a snapshot of the revenue raisers the House Ways and Means Committee has developed. It is in what I have referred to as the revenue raisers that have been reclassified. This is important because that is modified from time to time, but I have been using it in the Senate for well over a year.

As this chart shows, roughly $90 billion in revenue-raising offsets have been defined, scored, and approved by the House Ways and Means Committee. That figure is considerably higher than revenue raisers approved by the Senate Finance Committee. Some of these offsets will be used in legislation we hope to pass shortly. This well chart gives us a rough idea of what is available. In other words, it is to bring some realism to what is politically accomplishable within the House and the Senate or between the two. This chart gives us that rough snapshot.

Let’s then give the candidates the benefit of the doubt and round that $90 billion up to $100 billion. Let’s also look at the track record of tax-writing committees over the last few years. If you look at that history, you will find the committee generates about $1 billion per month. That is about—you can add it up—$12 billion per year. So let’s gross-up the defined revenue raisers, then, to $220 billion. Now, if you take that conservative number of $220 billion, how do the plans of the two candidates for President stack up? Senator Obama’s tax plan contains $920 billion in unspecified, unverified tax increases. If we net that number against the $220 billion—that looks a little more realistic—we find that Senator Obama’s plan is short of specified revenue raisers by $700 billion. To be evenhanded, Senator McCain is carrying $365 billion in unspecified, unverified tax increases. If we net that number against the known revenue raiser number of $220 billion, we find that Senator McCain’s plan is short of revenue raisers by $145 billion. It means the deficit impact of Senator Obama’s plan is understated by about $700 billion. As against the current policy baseline, it means the plans are not as far apart as they might appear.

So let’s go back to the current policy baseline. This is the Tax Policy Center’s chart I have referred to two times already. It means we need to raise Senator McCain’s deficit impact number from $5.3 trillion to $5.45 trillion. Likewise, we need to raise Senator Obama’s deficit impact number from $3.9 trillion to $4.15 trillion. Keep in mind that the current policy baseline shows a revenue loss of $4.1 trillion. That is what the ranking Republican on the Ways and Means Committee, Mr. McCrery, calls the “reality baseline.”

In recent weeks, Senator Obama has indicated he might revisit the marginal rate increases and increases in tax rates on dividends and capital gains after the election. I hope he will because his tax plan will stop growth in our economy. It is very bad when you have a recession. He said, if elected, he might reconsider them in light of the current economic situation. That might be in recession. So the deficit impact of Senator Obama’s plan might be further understated.

If the candidates were just proposing tax changes, the deficit impact of their numbers would end with these figures I presented on these various charts. That would assume neither candidate would be doing anything on the spending side. There is no Congressional Budget Office estimate of the two candidates’ plans. If enacted, the National Taxpayers Union, has published analyses and estimates of the two candidates’ plans. I would use this chart that I do not think I have shown to Senators before. You can also find a comparative analysis at the National Taxpayers Union’s Web site.

Let’s take a look at Senator McCain’s tax plan first. The National Taxpayers Union, a nonpartisan public policy research organization, NTU, says that Senator McCain’s plan would include new spending of $68.5 billion per year. You can find the document, again, on the NTU Web site.

Senator McCain has made it clear he wants to cut spending. That is consistent with his career in the Senate. He has been a spending cutter. Sometimes he has found it to be a very lone-
I think you need to think of the history of past campaigns, of what can happen to spending or tax policy enunciated in a campaign but not carried out after that President is elected, as evidenced by President Clinton in 1993, passing tax cuts that had been proposed during the campaign. I hope Senator Obama is not up to that same game. If he is, he ought to be alert, too, to make sure, as to things Senator McCain is saying, that if he is President, you have that to measure against. We need to keep candidates intellectually honest, not to promise too much on the campaign trail; when they get sworn in, they do not have so many promises to keep. But we should expect Presidents to keep promises.

Mr. President, out of respect for my colleagues—I had more to say, but it was in a little different version—I am going to give up the floor. But is anybody on the record to speak after the Senator from Michigan is done?

The ACTING PRESIDENT pro tempore.

The Senator from Iowa has 1 minute remaining, also. I would notify him.

Mr. GRASSLEY. Senator HARKIN?

The ACTING PRESIDENT pro tempore.

No. You have 1 minute remaining.

Without objection, it is so ordered.

The Senator from Michigan is recognized.

THE ECONOMY

Ms. STABENOW. Thank you, Mr. President.

Mr. President, today I wish to speak in support of what I consider to be the people's benefit, the people's bailout, the people's plan. We have been part of this stimulus—that we are going to be voting on shortly to invest in jobs in Michigan and all across the country and why we need to do that, why we need the President to finally support us in doing that, and why we need to have bipartisan support to do that. But first I wish to share with you some of what the people in Michigan are feeling right now about what is going on.

We in Michigan have known for a long time that things were not going well, that the fundamentals of the economy were not strong. We have known for a long time. I have been sounding the bell. Other colleagues of mine here in the majority have been sounding the bell. We have been putting forward solutions in the last 18 months, holding investigative hearings, proposing strategies to address the housing market and what needs to be done for jobs in the future. All we have heard from the other side of the aisle is—President, the President has been: The fundamentals of the economy are strong. And now, all of a sudden, they come to us and say we are at the edge of a cliff. Well, unfortunately, I believe we are.

Contrary to all of the information or misinformation that was given to us in leading up to the war in Iraq, where, after listening very carefully and intently, I did not believe what was being said about the crisis or sense of urgency and voted no, in this case, where we are hearing from people around the country and I am hearing from people around Michigan in terms of what is happening—the inability to get credit to be able to start a business, what is happening in terms of potentially more job loss—I think this is, in fact, a crisis.

But what is outrageous to me is that this is not an accident. This is a crisis brought about because of a failed philosophy and a failed set of policies that have got us to this point. People in Michigan are mad about it. And I am mad about it. I am mad about the position in which we find ourselves because, in fact, if people cannot get a car loan, my auto dealers are not going to be able to stay in business, my auto workers are not going to be able to have the opportunity to build those great automobiles. So I know this is serious. If, in fact, folks cannot get a college loan, that impacts the families whom I represent. If they cannot get a line of credit, if somebody takes an early out at one of our auto companies and decides they are going to set up their own small business and they cannot get credit, they cannot get a line of credit to set up that business, they are in trouble. My communities are in trouble. But what is an outrage is what has gotten us to this point and the fact that when families in Michigan have been not only on the edge of the cliff but falling off the cliff—thousands of them a month, losing jobs, losing homes, can't get the health care they need for their family, squeezed on all sides, don't have a way to get the support from this administration or the bipartisan support we have needed to be able to help the families who fall off the cliff every day. So the people in Michigan are mad, and I don't blame them, because I am mad too.

We have had a failed set of philosophies that has gotten us to this point. While we know now—or I believe that—unfortunately, we do have to do something because the people in my State are desperately seeking jobs gone if we don't. I also believe it is incredibly important that we investigate, and that we demonstrate that we know what happened, the policies that failed, and that we are not going to let it happen again. I believe, frankly, there is only one way to do that, and that is by changing the philosophy, changing the White House in this country.

But let's look at where we are: massive deregulation. I know from the facts of State of Ohio, and the facts of this Office faces the very same concerns I do. Massive deregulation: Let's not watch what is going on. No accountability. Tax breaks for the wealthiest Americans, while middle-class people lose their jobs, and then step back and let greed reign, with no accountability.

Now, that is what has gotten us to this point. People can try to mask it over in a thousand different ways, but the facts are the facts. This philosophy—the Republican philosophy of deregulation, coupled with more concern about tax cuts for the wealthy than what is happening to our country in
terms of debt or investment, has gotten us where we are. The reality is that the American people one more time are in a situation where they are going to pay for it if we act and they are going to pay for it if we don’t act. So we have to sort through what is the most responsible and proceed. I know that American families are counting on us to get it right.

I received an e-mail from my brother last night—a small businessman in Michigan, working hard every day. He raised two great daughters; one is in college and one is out. He understands what it is like to try to pay the bills. He sent me an e-mail from a friend of his who has been going around—and this will give you an idea about what people in Michigan feel about all this. Just with AIG alone, what was done in terms of the bailout for AIG—$85 billion, my brother’s friend sent an e-mail that said: You know, they figured out that if you looked at every American 18 years of age and older, you would take that money up, and then you took minus taxes, because everybody in America is playing by the rules and is stepping up and paying their taxes, and what you would end up with for every American 18 years of age or older, just from that one company: $297,500—Mr. President, $297,500, just from that one company, or a husband and wife: $595,000.

Now, what could a family do with $595,000? Everyone goes out and buys a house? Could they start a business? Could they make sure their kids can go to school and come out without a bunch of debt? Maybe it is as simple as making sure you can pay the gas payment, the heating payment, and put food on the table and know you don’t have to go to sleep at night and say: Please, God, don’t let the kids get sick.

We know financial markets are complicated and it is not that easy. I wish it were that easy, but we know it is not.

We know what has been built here, because of deregulation and lack of oversight and irresponsibility, has been a house of cards, and it is complicated.

People don’t even know who holds their mortgage now and, chances are, it is divided up and lots of different folks have it somewhere, and you can’t even figure out how to negotiate to be able to have a chance to get back on the right track. We know it is complicated, and we also know the reality is in the American marketplace that if credit is not available, then businesses can’t keep the payrolls going, which is where the rubber meets the road, and what I care about, and I know the President’s Office cares about.

So this is serious. This is serious. We do need to fix it in a responsible way. But you know what. We also need to express the outrage people feel about getting us to this point. We have seen 605,000 people since January. I have been on the floor I can’t even count how many times talking about the fact that we need to focus on good-paying jobs. For those who lost their jobs, we need to extend unemployment compensation so they can pay the mortgage and stay in their house while they are trying to find another job. Our economic stimulus plan that is before us now, put forward by our leader, Senator HARRY REID, and Senator BYRD and the Democrats, extends that unemployment compensation and is absolutely critical. But it is even worse than that, because we have had 8 years—8 years—of not paying attention to middle-class families. In manufacturing alone, in the great State of Michigan, in the great State of Ohio, people who not only make automobiles but appliances and furniture and all the things that keep the economy running, have been overlooked. We have lost 3.5 million jobs; in fact, that number is going up. Even as we have this chart, it is, it is, the number that said 3.8 million. This number keeps going up and up and up, of lost manufacturing jobs since this failed Republican strategy started in 2001.

So we all understand we are at the edge of a cliff, but we have a lot of people who have fallen off already and are saying: What about me? What about my family? What are you going to do about my family? Don’t I count anymore? Is it only the wealthy people who count? Is it only the people on Wall Street who count? What about me, and what about my family?

That leads me to the economic stimulus plan that has been put before us, because this is our downpayment as the Democratic majority, and I am so hopeful it is going to be bipartisan. I am so hopeful. This is a downpayment on the fiscal relief for the help the American people need. Now, it is about 8 percent of the bailout of the fiscal crisis situation, being asked to deal with; about 8 percent of the $700 billion is what we are asking for with this amount.

Mr. President, if I might receive unanimous consent for an additional 2 minutes, I realize you have the gaggle, you have the gavel.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. STABENOW. Thank you very much.

What we have in front of us is the ability to come together and—I see people of goodwill. I see our leader on finance, our ranking member, and we work together all the time, I am hopeful we are going to come together on this one.

We have in front of us the ability to create jobs with this package. Overall, the cost of it is only 8 percent of what we are being asked to do to deal with the overall financial crisis. It is not everything, what we are being asked to do in the broader sense, but I tell you what: This will work, because this will put people back to work. This will extend unemployment compensation. It will invest—and I wish to thank our leadership for taking my recommendation—in advanced battery technology research, which is part of how we get to the advanced vehicles, to invest $300 million so we can create jobs that are not being made overseas. Jobs and rebuilding America are in this plan. It is only 8 percent of what we are being asked to do to be able to deal with the crisis in the financial markets. I know that is true.

We need a responsible plan for the broader crisis: No golden parachutes for CEOs; we need to help homeowners; We need to have accountability. Frankly, we need to investigate and find out exactly what happened and who is responsible. We need to have a lot of people in Michigan who are watching to see if we are going to also pay attention to what is happening; the crisis in their lives. This stimulus package we have in front of us right now is a first step to doing that, to say: We hear you. We get it. It matters what happens in people’s lives. I hope we are going to support it.

I thank the Chair.

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

Mr. INHOFE. Mr. President, it is my understanding that the Senator from Iowa deferred in order to finish his speech in a very short period of time. I ask unanimous consent that when he finishes, I then be recognized for not more than 10 minutes, and then the senior Senator from Washington be recognized after me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Iowa is recognized.

AMT

Mr. GRASSLEY. Mr. President, there is a provision in the bill we passed Tuesday on taxes with only two dissenting votes that hasn’t been discussed much, and I wish to refer to that provision. It is a modification of the alternative minimum tax credit allowance against incentive stock options. So the important words there are “incentive stock options.” Because of how stock options are treated by the AMT, the economic downturn in 2000 created a situation where individuals owed tax on income they never realized. This is because they owed tax on the value of their stock options when they were exercised and not on what the value of the stock actually was when the shares were sold. Many people owed tax that was several times their actual income. Congress acted to remedy this situation through past legislation, but that did not completely
solve the problem. Many families are still facing an IRS lien on collecting liabilities owed now, despite the fact that those liabilities would be offset by credits in the near future. This means that the IRS was—and could, in the future—start looking to seize assets such as family homes to satisfy present tax liabilities that would be eliminated within the next few years under current law.

One Iowa family caught in this AMT trap is the Speltz family of Ely, IA, near Cedar Rapids. Ron and June Speltz found themselves in the cross-hairs of the IRS after Ron used stock options to purchase several shares of stock of his employer. I ask unanimous consent that an editorial printed in the Des Moines Register on July 24, 2006, that describes the Speltz family ordeal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

(From the DesMoinesRegister.com, July 24, 2006)

CONGRESS SHOULD FIX UNFAIR TAX QUIRK
(By the Register Editorial Board)
The government has ruined the financial lives of Ron and June Speltz of Ely.

Here’s how it happened: In 1992, Ron took a job with McLeodUSA, then a small telecommunication start-up. Compensation included stock options, which he saved for a family nest egg. In 2000, he and June consulted a financial adviser on the best way to cash out the options. The adviser told them to exercise the stock options and hold the stock for a year to take advantage of low tax rates on capital gains.

Then the stock price fell. What was once worth about $700,000 became worth about $2,000. Yet, they owed more than $250,000 in state and federal taxes due to a quirk in the Alternative Minimum Tax law that targets Incentive Stock Options (ISO-AMT).

When we wrote about the Speltzes and other Iowans in similar straits earlier this year, we received a few letters to the editor stating it was their greed and desire to avoid paying taxes that landed them in such a predicament.

Yes, they tried to take full advantage of tax law. Who doesn’t? But at the end of the day, Americans don’t have to pay taxes on money they never collected. It amounts to the U.S. government taking money from people it shouldn’t be entitled to. It’s hard to believe Congress intended such consequences for people whose employers, like McLeod, go bankrupt.

It’s devastating families and driving them into bankruptcy, too. The Speltzes have had to borrow money from banks and family members to try to pay the tax. They have lost everything they had saved for retirement and their children’s education.

But perhaps the greatest tragedy is that they have taken every possible step to get the government to respond to their case. And they’re still waiting for help.

They’ve traveled to congressional hearings in Washington, repeatedly contacted members of Congress, and gotten involved and round with the Internal Revenue Service. They even took their case to the 8th Circuit Court of Appeals, which on July 14 affirmed the IRS position in accordance with current law. That means the Speltzes and probably a lot of other people spread around Iowa, California, and other places where high-tech was a big thing in the 1990s, their assets will be needlessly seized from them if we do not fix this problem.

This is not a political issue either. The original legislation to fix this problem was introduced in the Senate by Senator KERRY, and in the House by Congressman CHRISS VAN HOLLEN. Both bills were cosponsored by Members of both parties. Even the National Taxpayer Advocate, in her Fiscal Year 2009 Objectives Report, agreed that this problem demanded immediate action.

Commissioner Shulman has given us all the window we need to pass an additional tax law. The problem remains crushed in the grip of incentive stock option AMT liability. Any delay in enacting the Senate-passed legislation is to aid and abet the seizure of the Speltz family’s assets and those of many other families.

According to the latest Small Business Administration report, issued in December 2007, all net new private sector jobs in 2006 were created by small businesses. According to the National Federation of Independent Business, almost half of those job-creating businesses are owned by taxpayers who are targeted with a marginal rate increase of 17 percent to 33 percent. Since these small businesses cannot pay state or retain new jobs, maybe we could get a bipartisan agreement not to raise their taxes on small business.

I yield the floor.

The ACTING PRESIDENT pro tem...
There are problems out there. We have been arguing on the floor of the Senate, and the Democrats refuse to increase the supply or vote for any increase in oil or gas in America.

We have the Outer Continental Shelf discussion that is going on. This bill doesn’t lift the moratorium in Congress allowing us to produce from our own resources. With just 6 weeks until election day, Democrats have finally relented.

We held a news conference yesterday. We all celebrated the fact that we are going to allow these two moratoria to expire. This bill will stop the expiration of the moratorium on oil shale.

The Interior Department estimates that the Outer Continental Shelf contains 19 billion barrels of undiscovered recoverable oil. That equals 35 years of imports from Saudi Arabia.

We can see that while the Outer Continental Shelf is great, we want to remove that moratorium. It is even more important we do it with oil shale because of the sheer size. As I say, the vote doesn’t affect the Outer Continental Shelf, but it does affect oil shale.

Americans spent more than $327 billion to import oil in 2007. These oil imports accounted for 46 percent of the Nation’s $711 billion trade deficit last year. By opening the Outer Continental Shelf and the oil shale, America can cut that trade deficit in half.

Assuming a $130 price per barrel of oil in America, we will trade more than $35 billion to Saudi Arabia and Venezuela for oil imports this year.

Outer Continental Shelf and oil shale production can stop this transfer of oil and keep hundreds of billions of dollars at home within our economy creating jobs at home instead of overseas.

America is not running out of oil and gas or running out of places to look for oil and gas. America is running out of places where the Democrats in Congress are allowing us to look for oil and gas.

We had a great celebration on Wednesday that the moratorium would be lifted in both areas. This bill would extend the moratorium on shale, the largest opportunity we have and potential we have for reserves and for lowering the price of gas at the pump that we will be dealing with this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, before I speak, I ask unanimous consent that following my remarks on the Democratic side, Senator BAUCUS be allowed to speak, and following Senator BAUCUS, Senator HARRIS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STIMULUS BILL

Mrs. MURRAY. Mr. President, as all of us are aware, J.P. Morgan has agreed to buy Washington Mutual, which is based in my home State of Washington. I have been in touch with J.P. Morgan and with WaMu about their plans, and I have been assured that the transition will go smoothly and that Washington Mutual’s banking customers will not see any interruption in service. And that is good news.

It is, of course, still too early to know the impact of the failure of WaMu, but the moratorium will have on local jobs, but it is further evidence to me that the economic crisis has spilled over into our communities. I am very saddened that it is having an impact on families and our economy, and yet it shows that we must find a bipartisan solution now.

We are working together quickly to reach an agreement. We have rejected the President’s $700 billion blank check because it did not offer the sovereign protection for our taxpayers. But Democrats and Republicans in the Senate are working with the House Democrats, the Treasury, and the Fed to come up with a solution that keeps this crisis from hitting more communities. We are hopeful that the House Republicans will come to the table and work with us on a solution that protects American taxpayers.

As we do this, I firmly believe we must also offer the American people a hand and a helping hand in our communities. Long before this economic crisis rippled across our financial system, middle-class families were already reeling under the impact of failed policies that were implemented by President Bush and backed by John McCain, and it is not enough just to help those families, those small businesses, State and local governments get back on their feet. The bill I am hoping we will vote on shortly will do just that.

This bill brings security to seniors who are facing a stack of medical bills they cannot afford to pay and offers help to families who have seen the value of their homes drop below the amount they owe. It ensures that the most vulnerable Americans can continue to put food on their table and keep a roof over their heads. It creates jobs at a time when billions of workers have been laid off and billions more are worried that their job is going to be next.

The Bush-McCain economic philosophy of “hands off” has done its damage. It is time that we now put the interests of the American people first.

This bill I hope we will vote on shortly will do just that. I wish to take a few minutes this morning to underscore the importance of what this bill will do.

First of all, dropping home values and dwindling business revenues have put our State governments under extraordinary financial stress at a time when they cannot afford it. As a result of the White House’s failed policies, Republican and Democratic Governors are facing drastic cuts in services from health care to education to law enforcement, and they are looking and asking for relief from Washington.

Already, State-supported health clinics and hospitals are closing, schools are pushing more and more students on fewer teachers, and fully trained police officers are being asked to hand in their badges because their departments can no longer afford to keep them on the beat.

This bill will allocate about $20 billion to help our States continue to provide the services on which our citizens depend.

Next, this package puts workers on the job immediately by providing $8 billion for highway projects in every one of our States. As chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, I have been watching with my own eyes the consequences of our economy has endured hundreds of thousands of layoffs over the last several months.

Construction jobs play a critical role in our economy. They provide a living wage that enables families to keep food on their tables. But the construction industry is now facing its highest unemployment rate in 13 years.

A couple of months ago, an estimated 783,000 jobless laborers, carpenters, plumbers, pipedfolders, and other tradesmen were looking for work wherever they could find it. With that in mind and watching that happen, I helped to work to craft a transportation and housing infrastructure package that is in this bill that addresses our most critical needs.

It requires that we spend the money fast so that we will see an immediate impact on our economy in every one of our communities. Every State across this Nation has a highway, transit, or airport maintenance project that is ready to go to construction, but they lack the money to buy the rebar or purchase the timber or order the concrete or even pay the workers.

This bill will give grants that will allow those projects to get up and running right now when we desperately need those jobs. This funding will create more than 278,000 family-wage jobs in a sector that has taken it on the chin over the last year, and it does it fairly and it does it responsibly.

This bill requires those highway dollars be spent according to the formula that was established in our SAFETEA-LU highway law. There are no earmarks, no special projects. States have to use these dollars within 90 days.

Now, all of us have heard about the increasing demand for public transportation as gas prices have gone through
the roof. For example, Amtrak, our Na-
tion's railroad, continues to set records
now for its ridership. Well, the bill we
are considering makes urgently needed
investments in Amtrak and mass tran-
sit. It provides $2.35 billion in funding
to improve our bus and rail systems,
including $350 million to re-
pair railcars and make other necessary
improvements to the Amtrak network.
Most importantly, that will put an-
other 70,000 Americans back to work.
This bill provides $600 million for cap-
ital projects at our Nation's air-
ports and $44 million to modernize our
Nation's shipyards to make them com-
petitive and efficient. It provides
money to ensure that Americans who
rely on public housing will continue to
have a roof over their heads. It will
help address a growing problem in our
communities—renters who have lost
their homes because their landlords
were foreclosed on. This bill includes
$200 million to help those tenants find
immediate shelter and long-term hous-
ing. It includes $250 million so our pub-
lic housing authorities can rebuild
those vacant units and fill those units
with tenants again.
Finally, this bill will increase bene-
fits for those jobless Americans who,
at a time when unemployment is at the
highest since 2003, need to know they
can keep food on their tables. Our
economy creates jobs every single
month this year. Hundreds of thou-
sands of workers are wondering how
they are going to pay their mortgages
or pay for their food or their heat.
The jobless rate now stands at 6.1
percent. In hard economic times, it
is worse in those States where manufac-
turing and auto industries have fa-
ter for years. This bill reaches out
to those families by extending un-
employment benefits by just 7 weeks
across the cost, and 13 weeks in States
where the jobless rate is the
highest. And it invests in our work-
force by helping those laid-off workers
search for a new job or earn skills so
they can go into the job market and
be competitive.
It also helps our teenagers get job ex-
perience and helps them find long-term
employment. I want our colleagues to
know teenagers are among the hardest
hit by the economic crisis today. Al-
most 20 percent of our teenagers are
unable to find a job, and the number is
even higher among minorities. So it is
crITICAL that we enable these young
people to get work experience now.
Because they lose out, they are less
likely to move into a career later.
Teens without jobs are more likely,
as we all know, to turn to crime or gangs
in these difficult times, and that is
going to cost our communities millions
in law enforcement and lost produc-
tivity.
Mr. President, I ask unanimous con-
sent for 3 additional minutes.

The ACTING PRESIDENT pro tem-
po re. Without objection, it is so or-
dered.

Mrs. MURRAY. Mr. President, this
bill helps support part-time jobs after
school, paid internships, and commu-
nity service jobs for older youth. Those
programs will pay off in the long run.
I have talked about a few of the pro-
grams in this package which I believe
are a critical shot in the arm to help
our economy, and it is not going to
come a moment too soon. The eco-
nomic crisis we are facing is a direct
result of failed policies by this Presi-
dent, this administration, in the long
run.
We are hearing now we need to bail
out Wall Street. Well, this package be-
fore us will help the average citizen
across our country get the security
they need as they face this troubling
crisis. I urge my colleagues to work
with us to get to a vote and send a mes-
sage across the country that we in the
Senate and the Congress stand behind
them, the working families in this
country.
I yield the floor.

The ACTING PRESIDENT pro tem-
pore. The senior Senator from Montana
is recognized.

Mr. BAUCUS. Mr. President, the
noted economist John Kenneth Gal-
brath once wrote:

There are two kinds of economists in
the world: Those who don't know the
future, and those who don't know that
they don't know the future.

In that sense, we are all economists
now. We are all uncertain about our
economic future. What we do know is
that the stakes for our economic future
are high, and we do know the economy
is doing poorly right now.
During the last 8 months, more than
600,000 people lost their jobs. Housing
prices have been falling. Last month,
the median home sales price fell 9.2
percent. That is the largest decline
since recordkeeping began in 1989. The
experts say we have not yet hit bot-
tom.
Last month, there were more than
300,000 foreclosures. That is a 12-per-
cent increase from the previous month
and a 27-percent increase from the year
before.
Consumer confidence is low. Last De-
MBER, the Conference Board's Index
for consumer confidence was above 90.
Now it is below 57. Last month, retail
sales fell by three-tenths of a percent.

In this downturn, Congress acted rel-
tively early. In February, on a bipar-
tisan basis, we passed an economic re-
covery bill and included in that bill
was a tax rebate that put money in
people's pockets. Lots of people spent
that money, and the second quarter
gross domestic product was larger than
it otherwise would have been. But al-
most all those checks have now been
sent and spent, and the economy is
still in bad shape.
We need another economic recovery
package, and that is what this bill
would provide. This bill includes help
for workers who have lost their jobs. It
includes a further expansion in the
number of weeks for unemployment
benefits and much more.
In June, Congress passed an exten-
sion of the number of weeks of unem-
ployment benefits. That extension pro-
vided that those who had exhausted
their regular 26 weeks of benefits
would become eligible for an additional
13 weeks of benefits. We tried to add in
a provision for another 13 weeks for
those unemployed when State systems,
but some of our colleagues and the
President opposed that provision so it
was dropped in conference.
In August, unemployment hit 6.1 per-
cent. That is the highest level in 5
years as Wall Street and our country
and the economy is still struggling. In
fact, it is in worse shape. It is not easy
to find a job that pays well. In October,
for example, it is anticipated that 775,
000 workers will exhaust the 13 weeks
of additional benefits we provided in
June. Another 363,000 workers will
exhaust these benefits in November
or December. That is a total of
more than a million workers.
Extra weeks of unemployment benefits
will help stimulate the economy.
People who are unemployed lose the
income from their jobs. They generally
don't have the income they need. So if
they receive more money, they are
likely to spend it. When State-
extended unemployment benefits kick in
during times of disaster. This bill will
provide much needed help for overbur-
dened State unemployment systems.
We are a society that cares about all
its people. In addition to providing
additional weeks of unemployment
benefits to people who cannot find a
job is clearly the right action to take.
But there is another reason providing
extra weeks of unemployment benefits
will help stimulate the economy.
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job is clearly the right action to take.
assistance programs like Medicaid. And that increases the demand for State spending.

Almost all of the States have balanced budget requirements. During a time of economic weakness, when revenue drops and the need for expenditures increases, States may have to raise taxes or cut other spending in order to keep their budgets balanced. Unfortunately, that’s precisely the wrong fiscal policy.

If State residents pay higher taxes, it reduces the purchasing power of its residents and firms. And that can lead to further economic decline.

Reductions in State spending also lower the purchasing power of those persons or firms that would receive the State funds.

Unfortunately, the current economic weakness is pressuring many States to either raise taxes or cut spending. According to the Center on Budget and Policy Priorities, 30 States had to take action under their budget rules for fiscal year 2009, which began on July 1 of this year. And of these 30 States, 13 are facing additional budgetary shortfalls that appeared after they enacted their budgets. These 30 States face cuts about $52 billion of shortfalls. If States raise taxes or cut spending by that much, it would place a significant drag on the national economy.

During the last economic downturn, Congress increased the Federal matching rate for the Medicaid program by about 3 percentage points for five quarters. This freed up $10 billion for the States so that they did not have to cut Medicaid benefits. And that helped States to avoid cutting other expenditures or raising taxes. Most economists thought that this fiscal assistance measure for the States worked well.

In February, the Finance Committee reported out an economic recovery bill that included a Federal Medicaid matching rate increase of an increase in the Medicaid matching rate. Unfortunately, that provision was not agreed to on the Senate floor.

But the fiscal situation of the States is now worse than it was at the beginning of the year. And so, we should try to help the States. So this bill includes State fiscal relief in the form of an increase in the Medicaid matching rate. Unfortunately, that provision was not agreed to on the Senate floor.

The legislative clerk proceeded to call the roll.

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

The Acting President pro tempore. Without objection, it is so ordered.

The senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise today in support of the Reid/Byrd economic stimulus package. Over the past week, congressional leaders have been working with administration officials to craft a bailout package for Wall Street. But if we are going to bail out Wall Street, we also need to help Main Street. The President’s failed fiscal policies have resulted in higher unemployment, hardship in coping with rising food costs, higher energy costs, and increased dependence on foreign oil.

If the President thinks that a $700 billion bailout of Wall Street is good for America, he should certainly support a $56 billion investment program to create jobs on Main Street.

The unemployment rate now stands at 6.1 percent, the highest rate since September 2003. The unemployment rate is 4.4 percentage points since last August. The U.S. economy has lost jobs every month this year, a total of 605,000 jobs. The stimulus package extends unemployment benefits by 7 weeks in all States and another 13 weeks in the 30 States with the highest unemployment rates.

Food prices have increased by 7.5 percent this year after increasing 4.9 percent in 2007. In order to help low-income individuals cope with rising food prices, the stimulus package temporarily increases Food Stamp benefits by 10 percent and includes $450 million for the Women, Infants, and Children—WIC—program, which would allow 625,000 women and children to receive benefits. $50 million is included for food banks. $550 million is included for the commodity supplemental food program, and $60 million for senior meals programs, providing 18 million more meals to seniors.

There are consequences for failing to invest in America. Bridges fall into rivers. Roads and subways are congested to the breaking point. FEMA cannot respond to a major disaster. Fuel prices go through the roof.

This stimulus package includes $10.8 billion for building and repairing highways, bridges, mass transit, airports, and AMTRAK, creating 384,000 jobs; $50 million for the Economic Development Administration to help communities impacted by massive job losses due to corporate restructuring; $560 million for the COPS program to hire 6,500 police officers; $600 million for clean water systems that would create 24,000 jobs; and $2 billion for school construction that would create 32,300 jobs.

Twenty-nine States are facing a $52 billion shortfall in revenues in their fiscal year 2009 budgets, resulting in cuts in health care, education, and other programs. The stimulus package includes $19.6 billion to reduce the States’ share of Medicaid costs by increasing the Federal share by 4 percent.

Energy prices have increased by 22.4 percent in 2008. This stimulus bill includes major investments promoting energy independence and a clean environment, including funds for advanced battery research, for local governments to improve energy efficiency, for environmental clean up, and weatherizing homes.

Over 22 percent of the world’s energy supply is under the Arctic ice cap. The Russian President has stated that Russia should unilaterally claim part of the Arctic, stepping up the race for the disputed energy-rich region. We are not going to go along with that. No. Hell no. Russia has a fleet of 20 heavy icebreakers and is nearing completion of the first of their newest fleet of nuclear-powered icebreakers in an effort to control energy exploration and maritime trade in the region. Thanks to the Bush administration, the United States has only one functioning heavy polar icebreaker, and it has only 6 years left of useful life. Shame.

Mr. President, $925 million is included for the National Security Agency to provide what the Navy and the Air Force call, “an essential instrument of U.S. policy” in the region.

Funding is included to promote safety and energy efficiency in public housing. Implement provisions of the recent housing law, give housing assistance to tenants displaced by foreclosure, and fund FBI investigations of fraud in the mortgage market.

To promote education and job training, $2 billion is included for school repairs, $36 billion for homeless education, and $400 million for the secure rural schools program. Job training funds would provide 160,000 displaced workers and youth with training and job placement assistance.

Mr. President, $1.2 billion is included for the National Institutes of Health. America’s small businesses, the lifeblood of our economy, face an ever-tightening credit market in the wake of struggling financial markets. The stimulus provides $205 million to support $16 billion in reduced-fee loans to small businesses, delivering needed relief to small businesses on Main Street.

I urge Senators to vote for this bill to send a message to the White House that Main Street matters.

I ask unanimous consent that information relating to rule XLIV of the Standing Rules of the Senate be made a part of the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

The Constitution vests in the Congress the power of the purse. The Committee believes strongly that Congress should make the decisions on how to allocate the people’s money.

As defined in Rule XLIV of the Standing Rules of the Senate, the term “congressional

S9572
Mr. REID. Mr. President, has my friend completed his statement?

Mr. BYRD. Yes. I thank the majority leader.

Mr. REID. I join in the statement of the distinguished chairman of the Appropriations Committee, former major- ity leader and minority leader, assistant leader, secretary—no one has a more astounding and accomplished record in the Senate than Senator RON- ERT BYRD of West Virginia.

Mr. REID. Mr. President, this will be the last time this year we will be able to vote on an economic recovery package. The plan we vote on today will provide targeted investments that will help working people now, not weeks or months from now. The dollars we invest in this legislation will come right back to our economy by creating jobs, rebuild our crumbling infrastructure and help small businesses grow.

With 605,000 jobs lost this year alone, this legislation extends unemployment benefits by 7 weeks across our country and by 13 weeks States with particularly high unemployment rates.

With States across America facing budget shortfalls as revenue dries up, this legislation provides funds to prevent State services like health care and education from deteriorating.

We invest in energy efficiency and clean energy programs to help Americans switch to cleaner energy sources that will cost less as oil prices continue to reach record highs.

We invest in our crumbling infrastructure, which will not only help small and large businesses but will create nearly 400,000 good jobs.

We help Americans who are at risk of losing their homes by supporting the Federal Housing Administration, providing tools to stop mortgage fraud, and funding legal assistance for foreclosure prevention.

This legislation also invests in job training, health care and small businesses to give our working Americans and our economy a desperately needed boost.

As I have said before, Members of Congress from both parties will continue working as long as it takes to resolve the bailout legislation.

But we do not have to wait until that bill is passed and implemented to help struggling American families and businesses. I urge all my colleagues to support these wise investments in the places and people that need help the most.

TO EXTEND FOR 5 YEARS THE PROGRAM RELATING TO WAIVER OF THE FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 5571 and we now proceed to its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 5571) to extend for 5 years the program relating to waiver of foreign country residence requirement with respect to international medical graduates and for other purposes.

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

Mr. REID. I ask unanimous consent the bill be a third time, passed, the motion to reconsider be laid upon the table, and if there are statements I ask consent that they be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 3606) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3606

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

SECTION 1. SHORT TITLE.

This Act may be cited as "Special Immigrant Nonminister Religious Worker Program Act.

SEC. 2. SPECIAL IMMIGRANT NONMINISTER RELI- GIOUS WORKER PROGRAM.

(a) EXTENSION.—Subclause (II) and sub- clause (III) of section 101(a)(27)(C)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(i)(I)) are amended by striking "October 1, 2008," both places such term appears and inserting "March 6, 2009".

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) issue final regulations to eliminate or reduce fraud related to the granting of special immigrant status for special immigrants described in subclause (II) or (III) of section 101(a)(27)(C)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(i)(I)); and

(2) submit a certification to Congress and publish notice in the Federal Register that...
such regulations have been issued and are in effect.

(c) Report.—Not later than March 6, 2009, the Inspector General of the Department of Homeland Security shall submit to Congress a report on the effectiveness of the regulations required by subsection (b)(1).

(d) Effective Date.—The amendments made by subsection (a) shall take effect on the date that the Secretary of Homeland Security submits the certification described in subsection (b)(2) stating that the final regulations required by subsection (b)(1) have been issued and are in effect.

EXTENDING THE PILOT PROGRAM FOR VOLUNTEER GROUPS TO OBTAIN CRIMINAL HISTORY BACKGROUND CHECKS

Mr. REID. Mr. President, I now ask that we proceed to S. 3605, introduced earlier today by Senator BIDEN.

The Acting President pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3605) to extend the pilot program for volunteer groups to obtain criminal history background checks.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, that we proceed to a bill relating to the

GROUND CHECKS

EXTENDING THE PILOT PROGRAM

For Volunteer Groups to Obtain Criminal History Background Checks

Mr. REID. Mr. President, I now ask that the bill be considered as having been made, there be debate by Senator BIDEN.

The Acting President pro tempore. The clerk will report the bill by title.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, that we proceed to a bill relating to the

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ECONOMIC RECOVERY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I now ask that the bill be considered as having been made, there be debate by Senator BIDEN.

The Acting President pro tempore. The clerk will report the bill by title.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, that we proceed to a bill relating to the

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent morning business be closed.

The Acting President pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3604

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S. 3297 be set aside and that it be in order for the majority leader to move to proceed to a bill relating to the stimulus initiative that was introduced earlier today and that is at the desk; that the motion be considered as having been made, there be debate by Senator ALLARD for up to 3 minutes, and that there be an opportunity for Senator DEMINT to offer a unanimous consent request, and that upon completion of the debate time would be on the motion to proceed and the motion be subject to an affirmative 60-vote threshold; that if the motion receives 60 affirmative votes, then it be as if cloture had been invoked on the motion and time would be in effect; that if the motion does not receive an affirmative 60-vote threshold, then it be withdrawn, and the motion to proceed to S. 3297 recur, with the above occurring with no intervening action or debate.

The Acting President pro tempore. Is there objection?

Mr. REID. Mr. President, I say to my good friend, you should quit while you are ahead. I object.

The Acting President pro tempore. Objection is heard.

Mr. REID. Is there an objection to the majority leader’s request?

Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask that the bill be considered as having been made, there be debate by Senator BIDEN.

The Acting President pro tempore. The clerk will report the bill by title.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, that we proceed to a bill relating to the

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent morning business be closed.

The Acting President pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent morning business be closed.

The Acting President pro tempore. Without objection, it is so ordered.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ECONOMIC RECOVERY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008—MOTION TO PROCEED

The Acting President pro tempore. Under the previous order, the motion to proceed to S. 3604 is considered made by the majority leader.

The Senator from Colorado is recognized for 3 minutes.

Mr. ALLARD. Mr. President, I rise in opposition to the stimulus package. This stimulus package attempts to turn oil shale development into a $66-month and insert a "78-month".

This provision would maintain the status quo of sending 78.9 billion barrels of oil out of reach. This is an energy source larger than our proven reserves of Saudi Arabia. Let me repeat that again. We are talking about an energy source larger than the proven reserves of Saudi Arabia.

Democratic-controlled Congress is completely ignoring the needs of our Nation. It is not only unfortunate but also insulting to the American people who are struggling to pay these high fuel prices at the pump.

Mr. LEVIN. Mr. President, the Democratic-controlled Congress needs to take action to stimulate the slumping economy in ways that create jobs and help average middle-class Americans. So I am pleased that today the Senate is voting on a second economic stimulus package of $56.2 billion aimed at creating jobs and helping people suffering from higher prices at the pump and at the grocery store, reduced State services, high unemployment, home foreclosures and otherwise feeling the economic pain in their daily lives.

We clearly need an economic stimulus, especially in States like Michigan. I hope my colleagues will join me in supporting this bill.

Importantly, this package includes a much needed unemployment extension. In August, Michigan’s unemployment rate rose from 8.5 percent to 8.9 percent. The Nation’s unemployment rate also increased by 0.4 percent, to 6.1 percent, the highest since 2007. These are very hard economic times. Unemployment rates are rising and since January 2001 we have lost 3,686 million manufacturing jobs nationally and 253,800 manufacturing jobs in Michigan. Since 2000, we have lost more than 450,000 jobs in Michigan across all industries.

The unemployment insurance extension which was signed into law on June 30 as part of the supplemental war appropriations bill included a 13-week extension of UI benefits for all States. Since then, workers who started receiving the 13-week extension in mid-July under the current program will have their benefits cut off starting October 5. This means that an estimated 42,600 workers in Michigan will be cut
off in October, and 775,000 workers across the Nation. By the end of this year, the number of individuals who would have exhausted their unemployment benefits will rise to 58,000 in Michigan and 1.1 million nationally.

The 2008 residential insurance extension included in this economic stimulus package is essential. This extension will ensure that hard working Americans have an additional 7 weeks as they continue to find jobs. In high unemployment states like Michigan and other states, recipients will receive an additional 13 weeks. We must ensure that those individuals who have lost their jobs and are looking for work, during a time when industries are losing jobs and the price of food and energy are rising, are not also struggling to put food on their table, pay their utility bills, and cover their mortgages.

With States facing billions of dollars in shortfalls in revenue collection, they are forced to cut health care, education and other programs that average people depend on. This bill will help States facing shortfalls by providing $19.6 billion to reduce the State's share of Medicaid costs by increasing the Federal share by 4 percent.

The bill also includes $10.8 billion for building and repairing highways, bridges, mass transit and airports. I have been calling for additional infrastructure spending because infrastructure investment creates jobs and promptly puts people to work. This type of investment strengthens our economy and it gives us better roads and safer bridges.

President Bush had opposed providing infrastructure funding as an economic stimulus claiming there is a lag time to get infrastructure projects going and Federal funding could not be spent fast enough to spur the economy in the short term. But there are plenty of ready-to-go projects in Michigan and other states that can put people to work right away.

Infrastructure spending for projects that are ready to begin construction could immediately create high-paying jobs in the short term. Once built, the new infrastructure would enhance economic output over the long term. Investment in transportation, water and sewer projects, navigational systems, and other public infrastructure projects would create jobs and provide the means for future economic growth. Specifically, Michigan has at least $263 million of transportation projects that could be started this year.

The Great Lakes navigational system also faces a backlog in construction and operations and maintenance projects. The Army Corps of Engineers estimates $62 million could be used this year to address the backlog in dredging projects to help ensure that shipping—one of the state’s most important industries—remains competitive and the raw materials. Great Lakes coal trade for the year totals about 24 million tons, totaling $500 million in manufacturing plants. In total, Great Lakes vessels transport about 115 million tons of cargo each year, fueling our Nation’s industries and manufacturing plants. This funding is critical for our industrial base and is required as much as triple the amount being spent now— if we are to meet this challenge in the U.S. Over time, Japan and other Asian governments have invested significantly more money in these technologies and are reported to manufacture their manufacturing base. We need a similar strong commitment in the U.S.—both in exploratory research and development and in development of advanced battery manufacturing capabilities—to ensure that the next generation of energy technology is made here in America. The additional $300 million included in the stimulus will take a giant step in the right direction.

This legislation also includes valuable funding for law enforcement and border security. It includes $776 million for Byrne grants to support State and local police and $500 million for the COPS hiring grant program, which will put 6,500 new officers on the street across the country. Further, the bill includes $776 million for border construction at CBP-owned inspection facilities at land border ports of entry.

Mr. President, with the economic crisis on Wall Street looming before us Congress must act to help people on Main Street now more than ever. The bill before us does this and I will vote for it.

Mr. DOMENICI. Mr. President, with the backdrop of gas prices soaring to new heights this past summer and the continued threat of sending hundreds of billions of dollars overseas to purchase oil from foreign regimes, I am told that the majority leader seeks to reinstate a moratorium on final regulations for the commercialization of oil shale. Ironically he is doing it on a bill that is being called a stimulus. Well, it certainly won’t stimulate domestic production of energy. If brought to fruition it will give the majority in the Senate the dubious distinction of being the antiproduction than the majority in the House.

I have heard my friends on the other side say that they are not standing in the way of oil shale, but at the same time, they are doing exactly that. In the next sentence, they argue that there is nothing about oil shale that will bring relief to the American consumers. I find it difficult to understand these statements, and so do a majority of Americans. Over the summer, the majority did everything it could to oppose any domestic production. The majority cancelled an appropriations committee markup to avoid the issue of drilling on the OCS
companies could be provided with cer-
of the road for future Western oil shale
investments have a clear sense of rules
on where to make significant capital
leasing would begin now, but what it
does mean is that companies that need
progress. I could not agree more with this
assessment. Additionally, the Department of
the Interior recently testified that final-
izing oil shale regulations is a critical
component to realize the vast potential
of America's vast oil shale resource
may be intended to become permanent
in nature. The extension of this mora-
tory may well have a chilling effect
on our efforts to develop this resource
in the future." I could not agree more with this
assessment.

The USGS estimates that there is a
potential total of 2.1 trillion barrels of
resource in the Green River Basin of
Colorado and Wyoming. The Strategic
Unconventional Fuels Task Force and Rand
Corporation have estimated that 800 billion barrels of oil
equivalent is technically recoverable.
This is enough to replace the amount of
oil we currently import at today's
pace for more than 160 years. With oil
prices above the $100 mark for a sus-
tained period of time and with tech-
nologies advancing rapidly, the poten-
tial development of large quantities of
oil shale is a reality. American compa-
nies stand ready to continue the nec-
essary work, but a moratorium placed
on oil shale casts a large shadow of un-
certainty. We must remove that shad-
ow immediately.
If we did not act in 2005, and developing Western oil shale. They
prevented a real debate and a real vote
on energy. Finally, we saw a break-
through from the House. After dodging
the energy reality for months, they
passed a continuing resolution without
the moratorium on oil shale regula-
tions and without the moratorium on the
OCS. This was a great development
and not one we should turn back by re-
imposing an oil shale ban.
Several recent polls inform us that a
strong and growing majority of the
American people want us to produce
more of our own American energy re-
sources. The development of Western
oil shale will not be upon us today, but
an indefensible moratorium on regula-
tions would ensure that the development
of oil shale will not be upon us tomor-
row, either. And, therefore, relief for
the American people will be delayed as
well. Let me tell you what I know
about oil shale, and the moratorium
that the other side supports.
Oil shale is a rock from which oil can
be extracted through technologies such as
in-situ heating and surface retort-
ing. I moved out to Colorado and I
have seen the vast commitments that
private industries are making to help
make oil shale production a reality in
this country. But make no mistake
about it—with this moratorium, the
other side seeks to stand in the way of
that progress.
In 2005, we passed the Energy Policy
Act. Working across party lines in both
the Senate and the House, Senator
BINGAMAN and I brought together broad
bipartisan support behind a conference
report that each and every Senator from
Western States supported. In that bill we
set up an oil shale pilot program with research and
development leases. We also set forth a
time frame for the development of final
regulations for commercial leasing.
This would allow commercial leasing to begin now, but what it
does mean is that companies that need
to make long-term planning decisions
on where to make significant capital
investments have a clear sense of rules
of the road for future Western oil shale leasing.
If these regulations were completed,
companies could be provided with cer-
tainty and stability. Recently, Chevron
joined other companies who have pub-
lically called for the lifting of the mora-
torium on oil shale regulations. The
final regulations would provide a road-
map on diligence requirements, royalty
rates, conversion costs, and environmental requirements such
as reclamation requirements. Both pri-
vate industry and localities would
know the terms and conditions nec-
essary for this American energy
project. That is why we included this
provision in the bipartisan 2005 Energy
bill. Two years after that bill passed,
along came an appropriations morato-
ry quietly written into a large omni-
bus spending bill. In other words, Con-
gress has prevented the Department of
the Interior from doing the work nec-
essary to make oil shale a reality.
Shell Oil Company recently testified
before the Senate Energy Committee
that, "the extension of this morato-
rrium on potential future development
of America's vast oil shale resource
will remain untapped at a time when
our Nation is searching for ways to fur-
ther its energy security." And recently
Utah's Governor—a voice from the
ground—requested that Congress re-
move this moratorium, writing, "I rec-
ognize the economic restrictions like
Utah is home not only to substantial
oil shale reserves...but also to busi-
nesses willing to develop oil shale
using new technology that will make
extraction cleaner and more efficient.
We have State and Federal regulators
who are capable of ensuring that this
resource is developed in an environ-
mentally responsible manner." So, de-
spite this coalition of industry, local
support, and a Federal agency eager to
do the needed work even the
Speaker and the majority in the
House—the majority in the Senate is
asking us to stand in the way of this
progress.
For all of the above reasons, I intro-
duced a bill in May that lifts this un-
necessary and harmful oil shale mora-
torium. We pushed and prodded and
pushed some more until the House ma-
Jury listened to the American people.
Now, I am sending the same message to the
Senate. Ending this moratorium
would send a clear message to the world
that America is serious about Western oil
shale development. I urge my col-
leagues on the other side to reaffirm
their bipartisan commitments made
during the Energy bill of 2005 and help
us join the House in removing the oil
shale moratorium. If we do that, we
will take a step in the right direction
of reducing our great dependence on
foreign oil and we will strengthen our
Nation's energy security.

Ms. MIKULSKI. Mr. President, I rise
today in support of the bill offered by
Majority Leader REID and Chairman
BYRD. I commend them for their lead-
ership during this economic crisis. This
bill helps families who are struggling
with rising food and fuel costs and it
creates jobs by investing in America's
infrastructure. Simply put, this bill
says to the American people—your gov-
ernment is on your side and help is on
the way.
We need this bill to show Americans
whose side we are on. Americans are
mad as hell. They have watched Wall
Street executives pay themselves lav-
ish salaries, engage in irresponsible
lending practices, practice casino eco-
nomics and gamble on risky invest-
ment mechanisms. Now those very
same Americans were hard and played by the rules, who were pru-
dent investors, prudent savers, and
prudent citizens are asked to pay the
bill for those who didn't.
Now, it is for these people that gov-
ernment must do something. It is for
people that this bill is so impor-
tant. We have to show them that we
are fighting for the middle class. Since
we're about to shell out $700 billion to
help Wall Street, we need to put gov-
ernment on the side of those who need
it.
I agree with the President that Con-
gress must act promptly in order to re-
store confidence to our markets. But
there are still tough questions to be
asked. Congress will act with resolve
but we will not be a rubberstamp. The
administration originally sent us a
plan for a blank check. The blank
checks and no checks without bal-
ances. I will continue to work in the
oversight and accountability into
this plan. This plan needs to work.
I will fight for the middle class and for
the people who play by the rules.
I am supporting the Reid-Byrd stimu-
lus bill for three reasons. First, it pro-
vides a safety net for families. Second,
the bill creates jobs in America with
infrastructure investments. Third, it
fights price gouging and fraud.
The stimulus is a safety net for
America's families. It is for families
who are struggling to pay for food, en-
ergy, and housing. It also extends un-
employment insurance up to 13 weeks
in States with high unemployment.
It increases Medicaid payments to States,
so States with shortfalls can continue
health care. It also helps the elderly
pay their energy bills.
The stimulus makes important in-
vestments in America's physical infra-
structure, which will create jobs. Spe-
cifically, it provides: $8 billion to build
and repair bridges and highways; $2 billion for mass transit systems, including important work to improve and expand bus, subway, and light-rail services; and $350 million for AMTRAK to help repair tracks and tunnels. These investments in our infrastructure will create 384,000 jobs. The bill also provides $600 million for water and sewer grants to fix aging sewer systems; helps take burden off ratepayers and protects public health and the environment. These investments will create 24,000 jobs.

The stimulus fights price gouging and fraud on American taxpayers. The foreclosure crisis is ruining lives and ruining neighborhoods. The FBI Director told the CJS Subcommittee that mortgage fraud investigations are growing rapidly. The Reid-Byrd stimulus provides $5 million to increase the FBI’s investigations of mortgage fraud, which will allow the FBI to add at least 80 new agents and support staff to keep up with the rising caseload. And the stimulus includes $13.1 million for the Commodity Futures Trading Commission for increased oversight of commodity, energy, and food pricing.

As we move forward, Justice, Science Subcommittee, I am pleased this bill includes important funding to make America’s communities safer and stronger. This bill makes America’s neighborhoods safer; safer for all—from the elderly, to the children, and the communities. The bill provides $490 million for Byrne grants, which is the main Federal grant program that helps State and local law enforcement pay for police training, antidrug task forces and equipment like radios and computers. Specifically, this funding will help keep over 6,000 cops on the beat in our local communities and install almost 45,000 mobile laptops in police vehicles. The 2008 Omnibus provided just $170 million for Byrne grants because the President threatened to veto the CJS bill. The $490 million in the Reid-Byrd bill will result in a final 2008 Byrne grant amount of $660 million. This is the level in the Senate passed 2008 CJS bill. The Reid-Byrd bill also includes $500 million for the COPS hiring program, the competitive grant program that pays for new cops on the beat. This funding will put 6,500 new cops on the street in neighborhoods around the Nation. This is the first time since 2005 that the COPS hiring program would receive substantial dedicated funds to help communities hire new police. I’m so pleased the Reid-Byrd stimulus bill includes $50 million to enforce the Adam Walsh Child Protection Act. This funding will enable the U.S. Marshals to hire 150 new deputy marshals devoted to apprehending fugitive sex offenders who prey on our children.

In the area of science and innovation, I’m pleased the bill includes $250 million for NASA to help shorten the 5-year gap between the Space Shuttle’s retirement in 2010 and the availability of our new vehicle in 2015. During this 5-year gap, the only way U.S. astronauts will be able to go into space is aboard Russian vehicles. The United States of America must remain a leader in science, innovation and space exploration. The Reid-Byrd bill helps close our gap in space access.

The stimulus fights targeting by those who are struggling that is on the way and that your government is on your side. The bill makes important investments in our infrastructure and creates jobs. It makes our communities and our Nation safer. I urge my colleagues to support the Reid-Byrd stimulus bill. I yield the floor.

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

Mr. COCHRAN, Mr. President, I appreciate the leadership permitting me to comment on the schedule for consideration of the Appropriations bills before the Senate. What this bill actually contains is the fiscal year 2009 Homeland Security Appropriations bill as well as the Defense Appropriations bill, and the Military Construction and Veterans Affairs appropriations bill. It also contains a continuing resolution to fund the rest of the Government through March 6, and a substantial disaster supplemental in response to floods, wildfires, and hurricanes.

There was no opportunity for the Senate to carefully review all of this bill in the time that is being allotted for its consideration this morning, there was no opportunity for most Members—whether they were members of the Appropriations Committee or otherwise—to advocate for specific requests, no forum for offering amendments, no meetings in which to argue policy or air grievances, there was no meeting of a conference committee.

A few elements of the bill have been previously considered, but only a few, by the Senate. Only the Military Construction and Veterans Affairs bill was debated on the floor of the other body. The regular order has been thrown out the window and we have failed to give the Senate and the people we represent an opportunity to know exactly what this bill tells us to do. Not one of the individual appropriations bills has been brought to the Senate floor. But in spite of that, we have to appropriate the money, we have to vote in support of an appropriations bill. I rest my case. I hope we can do better in the future than we have done in this cycle.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to proceed to S. 3604. Mr. REID, Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) would have voted "nay." The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—52

Akaka
Baucus
Bingaman
Brown
Byrd
Cantwell
Cardin
Carper
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin

Not Voting—6

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burris
Chambliss
Coons
Corker
Coryn

The PRESIDING OFFICER. Pursuant to previous order, the motion not having attained 60 votes in the affirmative, the motion is withdrawn.

Mr. SALAZAR. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table. The motion to lay the motion on the table was agreed to.

ADVANCING AMERICA’S PRIORITIES ACT—MOOTION TO PROCEED

The PRESIDING OFFICER. The motion to proceed to S. 3297 is pending.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understood we were in a position to move forward on the IP bill, plus a number of judges who are in the GMI bill. As Members know, in a rather extraordinary fashion, I expedited the consideration of 10 judges, notwithstanding...
the Thurmond rule and the late date and had gotten support from my side for not holding them over the normal time. I had understood we had an agreement to move forward on the IP bill, plus four or five of these judges this morning. That seems to be somewhat of a delay. According to the House, the IP bill has to go over now. All these matters, I suppose, we could bring them up next year, but I would rather get them done this year.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Before there is a request propounded, I think it would be useful to have a conversation. I think it ought to be possible for us to work out all of these; that is to say, judges and the IP bill. We need a little more conversation in order to do so. I am personally ready to do it right now if the chairman is willing.

Mr. LEAHY. Mr. President, I am going to momentarily suggest the absence of a quorum. We are interested in the 5-minute window to work it out. I respect the rights of all Senators. The suggestion that the IP wait until next year, it is strongly supported by the Chamber of Commerce, the National Association of Manufacturers, about every Republican group there is. We had worked that out and included things that Republican Senators wanted. As a practical matter, though, if it has to wait any longer, we can assume it is dead. I assume I will still be chair- man of the Judiciary Committee next year. I am perfectly happy to bring up all these judges and IP enforcement next year, if that is what my friends on the other side wish.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUNNING. Mr. President, I do not wish to interfere with the negotiations going on and the potential of an agreement being reached on the judges and the other things that are being discussed, but I do have about 15 minutes on the current situation in the markets, and I would like to speak on that. So I think it would be helpful for them to finish their negotiations or go ahead and speak as though in morning business, depending on the ruling of the Chair.

The PRESIDING OFFICER. Is there objection to the Senator from Kentucky proceeding for up to 15 minutes as in morning business?

Without objection, it is so ordered.

Mr. BUNNING. Thank you, Mr. President.

FEDERAL RESERVE POLICY

Mr. President, I rise to speak about the current economic situation and the bailout bill that will soon be coming to the floor of the Senate. Let me start by saying I am as concerned about what is going on in the financial markets and the economy as everyone else. I know there are extreme tensions in the credit markets, and those problems could soon have an impact on businesses and individuals who had nothing to do with them. I do not agree that the bill we have been discussing, and would probably come to the floor of the Senate, will fix those problems.

I also strongly disagree with the Senators who have come to the floor and declared that this crisis is a failure of the free markets. No. The root of the crisis is the failure of Government. It comes from a failure of regulation and, most importantly, monetary policy. In the long term, we certainly need to update our financial regulations to reflect the realities of our modern economic system. But it is just plain wrong to blame failures of our regulations and regulators on the markets. The fact is that our financial regulations are based on structures put in place during the Great Depression. Our laws simply do not reflect the current landscape of the financial markets. Once upon a time, banks may have had a hard time raising capital that were a danger to the entire financial system, but it is now clear that other institutions are now so big and connected that we cannot ignore them in the future. Also, many of today's complex instruments did not even exist 20 years ago, much less when our laws were written.

But our regulatory structure is not the only problem. The real fuel on the fire of this crisis has been the monetary policy of the Federal Reserve. I have been a vocal critic of the Fed for many years and have been warning that their policies would hurt Americans in the short and long run. For most of these years, I did not have the support of my analysis. Economists and commentators have recently joined me in my criticism of the Fed.

During the second half of his time as Fed Chief, former Chairman Alan Greenspan tried to micromanage the economy with monetary policy. Any economy is going to have its ups and downs, and it foolish to try to stop that. But Chairman Greenspan did it anyway. By trying to smooth out those bumps, he overshot to the high and low sides, creating bubbles and then recessions.

I have spoken many times on the floor about the Fed policies that led to the housing bubble, but a few parts are worth repeating. Everyone remembers the dot-com bubble, which itself was partly a result of the easy money pumped into the system by the Fed in the late 1990s. Well, Chairman Greenspan set out to pop that bubble and keep raising interest rates in the face of a slowdown, driving the economy into recession.

In order to undo the problems created by his tight money, he then over-shot the other way, taking interest rates as low as 1 percent for a year and below 2 percent for nearly 3 years. In turn, that easy money ignited the housing market by bringing mortgage interest rates to all-time lows. Low-cost borrowing encouraged excessive risk taking by the financial world, led investors to pump borrowed funds into all kinds of investments, including the various mortgage lending vehicles.

In 2004, Mr. Greenspan encouraged borrowers to get ahead of mortg- ages because of all the money they would save. Four months later, he started a series of 17 interest rate increases that helped make those mortgages unaffordable for the hundreds of thousands of borrowers who listened to his advice. I warned him about that advice the following day after his speech, but that warning fell on deaf ears.

Then, in 2005, rising interest rates and housing price appreciation over- came the ability of borrowers to afford higher mortgage payments. Regulated banks were allowed to keep most of the income from the party going, borrowers, lenders, inves- tors, rating agencies, and everyone else involved lowered their standards and kept mortgages flowing to less credit- worthy borrowers who were buying expensive, expensive homes.

Chairman Greenspan also let investors and homeowners down by failing to police the banks and other lenders as they wrote even more risky mortg- ages. Regulated banks were allowed to keep most of the income from the party going, borrowers, lenders, inves- tors, rating agencies, and everyone else involved lowered their standards and kept mortgages flowing to less credit- worthy borrowers who were buying expensive, expensive homes.

Before turning to the coming legislation, I wish to mention a few more failures of Government that have contributed to this mess. Federal regulations require the use of ratings from rating agencies that have proven to be wrong on the biggest financial failures of the last decade. The Community Re- investment Act forced banks to make loans to low-income areas, but they would not make them based on the credit history of the bor- rower. The Securities and Exchange Commission, under former Chairman Donaldson, failed to establish meaning- ful oversight and leverage restrictions for investment banks. Freddie Mae and Freddie Mac used the implied backing of the Government to grow so large that their takeover by the Government effectively doubled the national debt. They were pushed by their executives and the Clinton ad- ministration to make leveraged lending standards and write the loans that drove the companies to the point of being bailed out by the taxpayers.
Finally, the same individuals who have come to this building to ask for the latest bailout set the stage for the very panic they are using to justify the bailout. The Secretary of the Treasury and the Fed Chairman set expectations for the intervention when they bailed out Bear Stearns in March. The markets operated all summer with the belief that the Government would step in and rescue failing firms. Then they let Lehman Brothers fail, and the markets realized that Wall Street would have to take the losses for Wall Street’s bad decisions, not the taxpayers. That new uncertainty could be the most significant contributing factor to why the markets panicked last week. What is more, the panic today is a result of the high expectations set last week when the Secretary and Chairman announced their plan. When resistance in Congress and the public began to arise, it became clear, the markets walked back to the edge of panic.

**Bailout Proposal**

Now I wish to talk about the bailout bill that we expect to have on the floor of this Chamber tonight. The bailout proposal is an attempt to do what we so often do in Washington, D.C.—throw money at the problem. We cannot make bad mortgages go away. We cannot make the losses that our financial institutions are facing go away. Someone must take those losses. We can either let the people who made the bad decisions bear the consequences of their actions or we can spread the pain to others. That is exactly what Secretary Paulson proposes to do: take Wall Street’s pain and spread it to Main Street, the taxpayers.

We all know it is not fair to taxpayers to pick up Wall Street’s tab. But what we do not know is if this plan could even work. All we have is the word of the Treasury Secretary and the Fed Chairman. But they have been wrong throughout this whole housing mess. They have previously told us that their programs would not spread and the economy was strong. Now they say we are on the edge of a severe recession or maybe the second-largest depression in the history of this great Republic.

Well, I am not buying it, and neither are many of our Nation’s leading economists. If some sort of Government intervention is needed to fix the mess created by the Government failure I talked about earlier, we need to get it right. Congress owes it to the American people to slow down and think this through. We need to know that whatever we do is going to fix the problem, protect the taxpayers, not reward the same bad decisions, and make sure this does not happen again. But we cannot do that in 1 week as we are all trying to rush home. Congress needs to take this seriously and stay until we find the right solution, not just throw $700 billion at Wall Street as we walk out the door.

Now, Mr. President, before I yield the floor, I ask unanimous consent that
Pennsylvania); Lodesma, Patricia (Northwestern University); Lee, Lung-fei (Ohio State University); Leeper, Eric M. (Indiana University); Leuz, Christian (University of Chicago); Levine, David T. (UC Berkeley); Levine, David K. (Washington University); Levy, David M. (George Mason University); Ljungqvist, Erzo G.J. (University of Minnesota); Lott, Jr., John R. (University of Maryland); Lucas, Robert (University of Chicago—Noel Laureate); Luethi, Erwin G. (University of Minnesota); Manski, Charles F. (Northwestern University); Martin, Ian (Stanford University); Mayer, Christopher (Columbia University); Mazzeo, Michael (Yale University); McDonald, Robert (Northwestern University); Meadow, Scott F. (University of Chicago)
Mehra, Rajnish (UC Santa Barbara); Mian, Atif (University of Chicago); Middlebrook, Art (University of Chicago); Miguel, Edward (UC Berkeley); Miravete, Eugenio (University of Texas at Austin); Miron, Jeffrey (Harvard University); Moretti, Enrico (UC Berkeley); Moriguchi, Chiaki (Northwestern University); Moro, Andrea (Vanderbilt University); Morse, Adair (University of Chicago); Mortensen, Dale (University of California—San Diego); Mortimer, Julie Holland (Harvard University); Murialdharan, Karthik (UC San Diego); Nanda, Dhananjay (University of Minnesota); Nevo, Ariv (Northwestern University); Ohanian, Lee (UCLA); Pagliari, Joseph (University of Chicago); Papaniolaou, Dimitris (Northwestern University); Pazar, Jonathan (Northwestern University); Paul, Evans (Ohio State University); Pejovich, Svetozar (Steve) (Texas A&M University); Pelzman, Sam (University of Chicago); Perri, Fabrizio (University of Minnesota); Phelan, Christopher (University of Minnesota); Piazzesi, Monika (Stanford University); Piskorski, Tomasz (Columbia University); Rampini, Adrian (Duke University); Reagan, Patricia (Ohio State University); Reagan, Michael (UC Berkeley); Reuben, Ernesto (Northwestern University); Roberts, Michael (University of Pennsylvania); Robinson, David (Wright State University); Rogers, Michael (Northwestern University); Rotella, Elyce (Indiana University); Ruud, Paul (Vassar College); Safford, Sean (University of Virginia); Salucci, Martin (University of Pennsylvania); Sapienza, Paola (Northwestern University); Savor, Pavel (University of Pennsylvania); Scharfstein, David (Harvard University); Seim, Katja (University of Pennsylvania); Seru, Amit (University of Chicago); Shadlen, Wei (Columbia University); Shimer, Robert (University of Chicago); Shore, Stephen H. (Johns Hopkins University); Siegel, Ron (Northwestern University); Smith, David C. (University of Virginia); Smith, Vernon L.—(Chapman University—Nobel Laureate); Sorensen, Michael (University of Chicago); Spindt, Matthew (Yale University); Stevenson, Betsey (University of Pennsylvania); Stokey, Nancy (University of Chicago); Stulz, Roman E. (Boston College); Strebulaev, Ilya (Stanford University); Suffi, Amir (University of Chicago); Tabarrok, Alex (George Mason University); Tan, Jun (University of California); Thompson, Tim (Northwestern University); Tschoegl, Adrian E. (University of Pennsylvania); Uhlig, Harald (University of Chicago); Ulrich, Maxim (Columbia University); Van Buskirk, Andrew (University of Chicago); Vissing-Jorgensen, Annette (Northwestern University); Wacziarg, Romain (UCLA); Well, Pierre-Guillaume (UCLA); Williamson, Samuel H. (Miami University); Witte, Mark (Northwestern University); Wolfers, Justin (University of Pennsylvania); Winters, Justin (University of Chicago); Zingales, Luigi (University of Chicago); Zitzewitz, Eric (Dartmouth College)

We, the undersigned economists, write to strongly advise against the proposed $700 billion bailout of the financial services sector as a response to current trends in the market. Granting the Treasury broad authority to purchase troubled assets from private entities poses a significant threat to taxpayers while failing to address fundamental problems that have created a bloated, over-leveraged financial services sector.

Such a large intervention would create changes whose effects will linger long into the future. The Treasury plan would fundamentally alter the workings of the market, transferring the burden of risk to the taxpayer. At the same time, the $700 billion proposal does not offer fundamental reforms required to address the current problem. Many of the troubles in today’s market are the result of past government policies (especially in the housing sector) exacerbated by loose monetary policy. Congress has been reluctant to reform the government sponsored enterprises that lie at the heart of today’s troubled markets, and the necessary reforms will be implemented in the wake of a bailout. Taxpayers should be wary of such an approach.

In addition to the moral hazard inherent in the proposal, the plan makes it difficult to move resources to more highly valued uses. Successful firms that may have been in a position to acquire troubled firms would no longer have a market advantage allowing them to do so; instead, entities that were struggling would now be shored up and competing on equal footing with their more efficient competitors.

Although it is clear that the financial sector has entered a downturn, it is by no means evident that providing the U.S. Treasury with $700 billion will purchase troubled assets will resolve the crisis. It is clear, however, that the federal government will be facing substantially higher deficits and taxpayers will be exposed to a significant new burden just as the looming crisis in entitlement spending is increasing. For these reasons, we find the proposed $700 billion bailout an improper response to the current financial crisis.

Sincerely,

Dick Armey, FreedomWorks Foundation; Wayne Brough, FreedomWorks Foundation; Alan C. Stockman, University of Rochester; Ambassador Alberto A. Piedra, Institute of World Politics; Arthur A. Fleisher III, Denver Metropolitan State College of Denver; Bryan Caplan, George Mason University; Bert A. Abrams, University of Delaware; Cecilia E. Bohanan, Ball State University; Charles N. Steele, Hillsdale College; Charles L. Ferguson, State University East Bay; D. Eric Shangbes, Indiana University Southeast.

Donald L. Alexander, Western Michigan University; CUNY; Ed Stringham, Trinity College; Erik Gartzke, University of California, San Diego; Frank Falero, California State University, Bakersfield; George Solg, West Virginia University; Howard Baetjer, Jr., Towson University; Ivan Pourech, Northern Illinois University; James L. Huffman, Clark University; James McClure, Ball State University; Joe Pomykal, Towson University; John P. Cochran, University of Denver; Kishore G. Kulkarni, Metropolitan State College of Denver; Lawrence H. White, University of Missouri-St. Louis; M. Joseph Buergeman, St. John’s University; Melvin Hinich, University of Texas, Austin; Nikolai G. Wenzel, Hillsdale College; Norman Bailey, Institute on Economic Growth; Robert H. Paul Evans, Ohio State University; Randall Holcombe, Florida State University; Richard W. Rahn, Institute for Global Economic Growth; Robert Heilbr, Indiana University School of Law, Bloomington.

Rodolfo Gonzalez, San Jose State University; Rodrigo Coiro, John Locke Foundation; Samuel Bostaph, University of Dallas; Scott Bradford, Brigham Young University; Soheila Farshande, Towson University; Stephen J. Covev, California State University East Bay; T. Norman Van Cott, Ball State University; Walter Block, Loyola University New Orleans; William H. Loy, Loyola University New Orleans; William F. Shughart II, University of Mississippi; William Niskanen, Cato Institute.

[From the New York Times, Sept. 30,1999]

FANNIE MAE EASES CREDIT TO AID MORTGAGE LENDING

(By Steven Holmes)

In a move that could help increase home ownership rates among minorities and low-income consumers, the Fannie Mae Corporation is easing the credit requirements on mortgage companies that charge much higher mortgage rates in areas designated as a response to current trends in the mortgage market, increasing the burden of risk to the taxpayer. At the same time, the $700 billion proposal does not offer fundamental reforms required to address the current problem. Many of the troubles in today’s market are the result of past government policies (especially in the housing sector) exacerbated by loose monetary policy. Congress has been reluctant to reform the government sponsored enterprises that lie at the heart of today’s troubled markets, and the necessary reforms will be implemented in the wake of a bailout. Taxpayers should be wary of such an approach.

In addition to the moral hazard inherent in the proposal, the plan makes it difficult to move resources to more highly valued uses. Successful firms that may have been in a position to acquire troubled firms would no longer have a market advantage allowing them to do so; instead, entities that were struggling would now be shored up and competing on equal footing with their more efficient competitors.

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Dick Armey, FreedomWorks Foundation; Wayne Brough, FreedomWorks Foundation; Alan C. Stockman, University of Rochester; Ambassador Alberto A. Piedra, Institute of World Politics; Arthur A. Fleisher III, Denver Metropolitan State College of Denver; Bryan Caplan, George Mason University; Bert A. Abrams, University of Delaware; Cecilia E. Bohanan, Ball State University; Charles N. Steele, Hillsdale College; Charles L. Ferguson, State University East Bay; D. Eric Shangbes, Indiana University Southeast.

Donald L. Alexander, Western Michigan University; CUNY; Ed Stringham, Trinity College; Erik Gartzke, University of California, San Diego; Frank Falero, California State University, Bakersfield; George Solg, West Virginia University; Howard Baetjer, Jr., Towson University; Ivan Pourech, Northern Illinois University; James L. Huffman, Clark University; James McClure, Ball State University; Joe Pomykal, Towson University; John P. Cochran, University of Denver; Kishore G. Kulkarni, Metropolitan State College of Denver; Lawrence H. White, University of Missouri-St. Louis; M. Joseph Buergeman, St. John’s University; Melvin Hinich, University of Texas, Austin; Nikolai G. Wenzel, Hillsdale College; Norman Bailey, Institute on Economic Growth; Robert H. Paul Evans, Ohio State University; Randall Holcombe, Florida State University; Richard W. Rahn, Institute for Global Economic Growth; Robert Heilbr, Indiana University School of Law, Bloomington.

Rodolfo Gonzalez, San Jose State University; Rodrigo Coiro, John Locke Foundation; Samuel Bostaph, University of Dallas; Scott Bradford, Brigham Young University; Soheila Farshande, Towson University; Stephen J. Covev, California State University East Bay; T. Norman Van Cott, Ball State University; Walter Block, Loyola University New Orleans; William H. Loy, Loyola University New Orleans; William F. Shughart II, University of Mississippi; William Niskanen, Cato Institute.

[From the New York Times, Sept. 30,1999]
subprime market went to black borrowers, compared to 5 per cent of loans in the conventional loan market.

In moving, even tentatively, into this new area of lending, Fannie Mae is taking on significa-
sificantly more risk, which may not pose any difficulties during flush economic times. But the government-subsidized corporation may not survive an economic turn-
ut, prompting a government rescue similar to that of the savings and loan industry in the 1980's.

"From the perspective of many people, in-
cluding me, this is another thrift industry
growing up around us," said Peter Wallison a
citizen fellow at the American Enterprise
Institute. "The government will have to step up and bail them out the way it
stepped up and bailed out the thrift indus-
try."

Under Fannie Mae's pilot program, con-
sumers who qualify can secure a mortgage
with an interest rate one percentage point
above that of a conventional, 30-year fixed
rate mortgage of less than $240,000—a rate that currently averages about 7.78 per cent. If the borrower makes his or her monthly payments on time for two years, the one per-
cent discount is dropped.

Fannie Mae, the nation's biggest under-
writer of home mortgages, does not lend
money directly to consumers. Instead, it
writes guarantees for loans that banks make on what is
called the secondary market. By expanding the
type of loans that it will buy, Fannie
Mae is hoping to spur banks to make more
loans to people with less-than-stellar credit
ratings.

Fannie Mae officials stress that the new
mortgages will be extended to all potential borrowers who qualify for a mortgage. But they add that the move is intended in part to increase the number of minority and low income home owners who tend to have worse credit ratings than non-Hispanic
whites.

Home ownership has, in fact, exploded
among minorities during the economic boom of the 1990's. The number of mortgages ex-
tended to Hispanic applicants jumped by 87.2 per cent from 1993 to 1998, according to Har-
vard University's Joint Center for Housing
Studies. At the same time, the number of
African Americans who got mortgages to
buy a home increased by 71.9 per cent and the number of Asian Americans by 46.3 per cent.

In contrast, the number of non-Hispanic
whites who received loans for homes in-
creased by 31.2 per cent.

Despite these gains, home ownership rates
for minorities continue to lag behind non-
Hispanic whites, in part because blacks and
Hispanics in particular tend to have on aver-
age worse credit ratings.

In July, the Department of Housing and
Urban Development proposed that by the year
2001, 50 percent of Fannie Mae's and
Freddie Mac's portfolio be made up of loans
to low and moderate-income borrowers. Last
year, 44 per cent of the loans Fannie Mae
purchased were from these groups.

The change in policy also comes at the
same time that HUD is investigating allega-
tions of racial discrimination in the auto-
mated systems used by Fannie Mae and
Freddie Mac to determine the cred-
it-worthiness of credit applicants.

Mr. BUNNING. Mr. President, I yield the
floor.

The PRESIDING OFFICER. The Sen-
ator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I believe I am next in line to make re-
marks as in morning business, and I
wish to do so.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much.

FINANCIAL CRISIS

Mrs. FEINSTEIN. Mr. President, to date I have received from Californians
more than 50,000 calls and letters, the great bulk of them in opposition to any
form of meeting this crisis with finan-
cial help from the Federal Govern-
ment. I wanted to come to this floor to
to very simply state how I see this and
some of the principles that I hope will be forthcoming in this draft. Before I
do so, I wish to pay particular com-
menation to Senator Dodd, Senator
SCHUMER, Senator BENNETT, and others
who have been working so hard on this
issue. I have tried to keep in touch—
I am not a negotiator; I am not on
the committee—but California is the big-
gest State, the largest economic en-
gine, and people are really concerned.

The crisis that we face is a result of an
economic crisis in 75 years right now.

Swift and comprehensive action is cru-
cial to the overall health of our econ-
omy. None of us wants to be in this po-
sition, and there are no good options
otherwise. Not only will it take massive sums of Government money to rescue major corporations from
their bad financial decisions. But no one also
should be fooled into thinking this
problem only belongs to the banks and
that it is a good idea to let them fail.

The pain felt by Wall Street one day is
defeated there, and then 2, 3, 4 weeks down
the pike, it is felt on Main Street.

The turbulence in our financial sec-
ctor has already resulted in thousands
of layoffs in the banking and finance
sectors, and that number will sky-
rocket if there is a full collapse. The
shock waves of failure will extend far
beyond the banking and finance sec-
tors. A shrinking pool of credit would
affect the home loans, credit card lim-
its, auto loans, and insurance policies
of average Americans. I am receiving
calls from people who tell me they want to buy a house, but they can't get
the credit or the mortgage to do so.

Why? Because that market of credit is
drying up more rapidly one day after
the other. It would have a major im-
 pact on State and local governments
which would lose tens of millions of
dollars, if not hundreds of millions of
dollars. With the collapse of Bear Stearns, Lehman Broth-
ers, AIG, Fannie Mae, and Freddie Mac.

If nothing is done, the crisis will con-
inue to spiral out of control, and one by one the dominos will fall.

Now, this isn't just about Wall Street. Because we are this credit soci-
ety, the financial troubles facing major
economic institutions will ricochet through this Nation and affect ev-
everyone. So I believe the need for action is

clear. But that doesn't mean Con-
gress should simply be a rubberstamp
for an unprecedented and unbridled
program.

My constituents by the thousands
have made their views clear. I believe
they are responding to the original 3-
page proposal by the Secretary of the
Treasury. It is clear by now that that
3-page proposal is a nonstarter. It is
dead on arrival and that is good. Sec-
retary Paulson's proposal asked Con-
gress to write a $700 billion check to an
economic czar who would have been
empowered to spend it without any ad-
ministrative oversight, legal require-
ments, or legislative review. Decisions
made by the Treasury Secretary would be nonreviewable by any court or agen-
cy, and the fate of our entire economy
would be committed to the sole discre-
tion of one man alone—the man we
know today, and the man whom we don't know after January.

Additionally, the lack of governance
or oversight in this plan was matched
by the lack of a requirement for reg-
ular reports to Congress. This proposal
stipulated that the economic czar
was created in order to report to Con-
gress after the first three months with
work reports every 6 months after that.

This was untenable. Six months is an
eternity when you are spending billions a week. The Treasury Secretary asked Congress to approve this massive program without delay or interference. It is hard to think of any other time in our history when Congress has been asked for so much money and so much power, and it would be in the hands of one person. It is a nonstarter.

Yesterday, shortly before we met for the Democratic Policy Committee lunch, we were told there had been a bipartisan agreement on principles of a possible legislative package. Many of us were deceived. We know that our Members, both Republican and Democrat, have been working hard to try to produce something that was positive. Then, all of a sudden, it changed. One Presidential candidate parachuted into town which proved to be enormously destructive to the process. Now, negotiations are back on the table, and as I say, we have just received a draft bill of certain principles.

I would like to outline quickly those principles that I think are important. First is a phase-in. No one wants to put $700 billion immediately at the discretion of one person or even a group of a very few people, no matter how bright, how skilled, how informed they might be on banking or finance principles. The funding should come in phases and Congress should have the opportunity to make its voice heard if the program isn’t working or needs to be adjusted.

The second point is accountability, and governance. The Treasury Secretary should not and must not have unbridled authority to determine winners and losers, essentially choosing which struggling financial institution will survive and which will not. The original plan placed all authority in the hands of one man, and this is why I say it was DOA—dead on arrival—at the Congress. We must assure that controls are in place to watch these banks and make sure they are well-spent fixing the problem, and that oversight by a governance committee and the Banking Committees are strong, and that they give the best opportunity for the American people to recover their investment and, yes, even eventually make a profit from that investment. That can be done and it has been done in the past. I believe that frequent reporting to Congress is critical. Transparency, sunlight, political control. The Congress should receive regular, timely briefings, perhaps weekly for the first quarter, on a program of this magnitude. A proposal should mandate frequent reporting and the public should be ensured of transparency to the maximum extent possible.

I also believe that within the first quarter—and this, to me, is key—a comprehensive legislative proposal for reform must be put forward. We must reform those speculative practices that impact the price function of markets. We must deal with the unregulated practices that have furthered this crisis.

Look. I represent a State that was cost $40 billion in the Enron episode during 1999 and 2000 by speculation, by manipulation, and by fraud. There still is inadequate regulation of energy commodities sold on the futures market. And that is just one point in all of this. We must prevent these things from happening. It is to that point that we must improve the transparency of all markets. No hidden deals. Swaps, in my view, should be ended. The London loophole should be ended.

We have to outline rules for increasing transparency in the mortgage-backed securities market, along with comprehensive oversight of the mortgage industry and lending practices for both prime and subprime lending.

Senator Martínez of Florida and I had a part in the earlier housing bill, which included our legislation entitled the SAFE Mortgage Licensing Act. We found that the market was rife with fraud. We found there was one company that hired hairdressers and others who sold mortgages to those who didn’t know what they were doing. We found there were unscrupulous mortgage brokers out there unlicensed, preying upon people, walking off with tens of thousands of dollars of cash. This has to end. It has to be controlled. It has to be accounted for.

So I believe the crisis of 2008 stems from the failure of Federal regulators to rein in this Wild West mentality of those Wall Street executives who led those firms and who thought that nothing they did was out of bounds. Every quick scheme was worth the time, and worth a try. Congress cannot ignore this as the root cause of the crisis. It was inherent in the subprime marketplace, and it has now spread to the prime mortgage marketplace.

It is also critical that accurate assessments of the value of these illiquid mortgage-related assets be performed to limit the taxpayers’ exposure to risk and structure purchases to ensure the greatest use of our investment. Taxpayer money must be shielded at all costs from risk to the greatest extent possible.

Reciprocity is not a bad concept if you can carry it out. The Government must not simply act as a repository for risky investments that have gone bad. An economic rescue effort that serves taxpayers well must allow them to benefit from the potential profits of rescued entities. So a model—and it may not be perfect—must be developed to ensure the taxpayers are not only the first paid back but have an opportunity to share in future profits through warrants and/or stocks.

As to executive compensation limits, simply limiting executive compensation is because he believes that an executive then will not bring his company in to partake in any program that is set up. Here is my response to that: We can put that executive on his boat, take that boat out in the ocean, and set it on fire. If that is how he feels, that is what should happen, or his company doesn’t come in. But to say that the Federal Government is going to require every single dollar of executive salaries, golden parachutes, whether they are a matter of contract right or not, is not acceptable to the average person whose taxpayer dollars are used in this bailout. That is just not right.

The one proposal that was made by one of the Presidential candidates that I agree with is that there should be a limit of $400,000 on executive compensation. If they don’t like it, too bad, don’t participate in the program. As I have talked with people on Wall Street and otherwise, they don’t believe it is true that an executive, if his pay is tailored down, will not bring a company in that needs help. I hope that is true. I believe there should be precise limits on executive pay.

Finally, as to tangible benefits for Main Street in the form of mortgage relief, there have been more than 500,000 foreclosures in my home State of California so far this year. In the second quarter of this year, foreclosures were up 300 percent over the second quarter of 2007. More than 800,000 are predicted before this year is over.

I have a city in California where 1 out of every 25 homes is in foreclosure. This is new housing in subdivisions. As you look at it, you will see garage doors kicked in. You will see houses vandalized. You will see the grass and grounds dry. You will see the street sprinkled with “For Sale” signs, and nobody buys because the market has become so depressed.

This crisis has roots in the subprime housing boom that went bust, and it would be unconscionable for us to simply bail out Wall Street while leaving these homeowners to fend for themselves.

Everything I have been told, and I have talked to people in this business, here is what they tell me: It is more cost-effective to renegotiate a subprime loan and keep a family in a house than it is to foreclose and run the risks of what happens to that home on a depressed market as credit is drying up, as vandals loot it, as landscaping dries up, as more homes in the area become foreclosed upon; the way to go is to renegotiate these mortgages with the exiting homeowner wherever possible. I feel very strongly that should be the case.

I don’t know what I or any of us will do if we authorize this kind of expenditure and we find down the pike in my State that the rest of the year, 800,000 to 1 million Americans are being thrown out of their homes despite this form of rescue effort. Think of what it means. Mr. President, in your State. You vote for this, any other Senator...
votes for it, and these foreclosures continue to take place and individual families continue to be thrown out of their homes. It is not a tenable situation.

I hope, if anybody is listening at all, that in the negotiating team, they will make a real effort to mandate in some way that subprime foreclosures be renegotiated, that families, wherever possible, who have an ability to pay, have that ability to pay met with a renegotiated loan. I have done this now in cases with families who were taken advantage of. We called the CEO of the bank, and the bank has seen that the loan was renegotiated, in one case in Los Angeles down to 2 percent. That is better than foreclosing and running the uncertainty of the sale of the asset in a very depressed housing market.

These are my thoughts. Again, it is easy to come to the floor and give your thoughts. It is much more difficult to sit at that negotiating table.

I once again thank those Senators on both sides of the aisle who really understand the nature of this crisis—that it isn’t only Wall Street, that it does involve Main Street, and if there is a serious crash, it will hurt tens of millions of Americans, many of them in irreparable ways. So we must do what we must do, and we must do it prudently and carefully.

I yield the floor. I suggest the absence of quorum.

The PRESIDING OFFICER. The clerks will call the roll.

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

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

MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask unanimous consent that we go into morning business with Senators to be recognized at 10-minute intervals.

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

ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS ACT OF 2008

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 964, S. 3325.

The PRESIDING OFFICER. The clerks will report the bill by title.

The bill clerk read as follows:

A bill (S. 3325) to enhance remedies for violations of intellectual property laws, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Enforcement of Intellectual Property Rights Act of 2008”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reference.
Sec. 3. Definition.

TITLE I—AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL

Sec. 101. Civil penalties for certain violations.

TITLE II—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

Sec. 201. Criminal copyright infringement.
Sec. 202. Trafficking in counterfeit works bearing infringing marks.
Sec. 203. Trespass damages in counterfeiting cases.
Sec. 204. Statutory damages in counterfeiting cases.
Sec. 205. Transmission and exportation of goods bearing infringing marks.
Sec. 206. Importation, transshipment, and exportation.

TITLE III—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

Sec. 301. Criminal copyright infringement.
Sec. 302. Trafficking in counterfeit labels, packages, and works that can be copyrighted.
Sec. 303. Unauthorized recording of motion pictures.
Sec. 304. Trafficking in counterfeit goods or services.
Sec. 305. Forfeiture under Economic Espionage Act.
Sec. 306. Forfeiture, destruction, and restitution under Economic Espionage Act.
Sec. 307. Forfeiture under Economic Espionage Act.

TITLE IV—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND PIRACY

Sec. 401. Intellectual property enforcement coordinator.
Sec. 402. Definition.
Sec. 403. Joint strategic plan.
Sec. 404. Report.
Sec. 405. Savings and repeals.

TITLE V—DEPARTMENT OF JUSTICE

Sec. 501. Local law enforcement grants.
Sec. 502. Improved investigative and forensic resources for enforcement of laws related to intellectual property crimes.
Sec. 503. Additional funding for resources to investigate and prosecute criminal activity involving computers.
Sec. 504. International intellectual property law enforcement coordinators.
Sec. 505. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

Sec. 601. GAO study on protection of intellectual property of manufacturers.
Sec. 602. Sense of Congress.

SEC. 2. REFERENCE.

Any reference in this Act to the “Trade-mark Act of 1946” refers to the Act entitled “An Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 3. DEFINITION.

In this Act, the term “United States person” means—

(1) any United States resident or national,
(2) any domestic establishment of any foreign concern, and
(3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern, except that such term shall not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1) or (2).

TITLE I—AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL

SEC. 101. CIVIL PENALTIES FOR CERTAIN VIOLATIONS.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

“SEC. 506a. CIVIL PENALTIES FOR VIOLATIONS OF SECTION 506.

“(a) IN GENERAL.—In lieu of a criminal action brought under section 506, the Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 504(a)(1)(B) of title 18 and restitution to the copyright owner aggrieved by the conduct.

“(b) OTHER REMEDIES.—In addition to a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law, or administrative remedy which is available to the United States or any other person.

“(2) OFFSET.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section.”.

(b) DAMAGES AND PROFEITS.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) by inserting “, or the Attorney General in a civil action,” after “The copyright owner”, and

(ii) by striking “him or her” and inserting “the copyright owner”; and

(B) in the second sentence by inserting “, or the Attorney General in a civil action,” after “the copyright owner”; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting “, or the Attorney General in a civil action,” after “the copyright owner”; and

(B) in paragraph (2), by inserting “, or the Attorney General in a civil action,” after “the copyright owner”."

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

“Sec. 506a. Civil penalties for violations of section 506.”.

TITLE II—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

SEC. 201. REGISTRATION OF CLAIM.

(a) LIMITATION TO CIVIL ACTIONS; HARMLESS ERROR.—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting “CIVIL” before “INFRINGEMENT”;

(2) in subsection (a)—

(A) in the first sentence, by striking “no action” and inserting “a civil action” and

(B) in the second sentence, by striking “an action” and inserting “a civil action”;

SEC. 202. IMPROVED INVESTIGATIVE AND FORENSIC SERVICES.

SEC. 203. STATUTORY DAMAGES IN COUNTERFEITING CASES.

SEC. 204. STATUTORY DAMAGES IN COUNTERFEITING CASES.

SEC. 205. TRANSMISSION AND EXPORTATION OF GOODS BEARING INFRINGING MARKS.

SEC. 206. IMPORTATION, TRANSSHIPMENT, AND EXPORTATION.

SEC. 207. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.

SEC. 208. TECHNICAL AND CONFORMING AMENDMENTS.

SEC. 209. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE COUNTERFEITING ACTIVITIES INVOLVING COMPUTERS.

SEC. 210. INTERNATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATORS.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

SEC. 212. SENSE OF CONGRESS.

SEC. 213. DEFINITION.

In this Act, the term “United States person” means—

(1) any United States resident or national,
(2) any domestic establishment of any foreign concern, and
(3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern, except that such term shall not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1) or (2).
(3) by redesignating subsection (b) as subsection (c); (4) in subsection (c), as so redesignated by paragraph (3), by striking "§506 and sections 506 and 507 of such Act", and (5) by inserting after subsection (a) the following:

"(b)(1) A certificate of registration satisfies the requirements of this section and section 412, regardless of whether the certificate contains any inaccurate information, unless—

"(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

"(B) the [Inaccurate] inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration."

(2) In any case in which inaccurate information has been included in a certificate of registration, if the Register of Copyrights has been notified, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration."

(b) TECHNICAL AND CONFORMING AMENDMENTS—

(1) Section 412 of title 17, United States Code, is amended by striking "§411(b)" and inserting "§411(c)".

(2) The section caption relating to section 411 in the table of sections for chapter 4 of title 17, United States Code, is amended to read as follows:

"§411. Registration and civil infringement actions.

SEC. 202. CIVIL REMEDIES FOR INFRINGEMENT.

(a) In General.—Section 503(a) of title 17, United States Code, is amended—

(1) by striking "and of all plates" and inserting "of all plates or"; and

(2) by striking the period and inserting "and", and of records documenting the manufacture, sale, or receipt of things involved in such violation. The court shall enter judgment for three times such profits or damages, whichever amount is greater, together with a reasonable attorney's fee, if the violation consists of—

"(1) intentionally using a mark or designation that has been impounded. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used.

(b) PROTECTIVE ORDERS FOR SEIZED RECORDS.—Section 34(d)(7) of the Trademark Act (15 U.S.C. 1116(d)(7)) is amended to read as follows:

"(7) Any materials seized under this subsection shall be taken into the custody of the court. For such materials or designation, the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been seized. The protective order shall provide for appropriate procedures to ensure that confidential information contained in such records is not improperly disclosed or used.

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(b) PROTECTIVE ORDER FOR SEIZED RECORDS.—Section 34(d)(7) of the Trademark Act (15 U.S.C. 1116(d)(7)) is amended to read as follows:

"(7) Any materials seized under this subsection shall be taken into the custody of the court. For such materials or designation, the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been seized. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used.

(b) PROTECTIVE ORDER FOR SEIZED RECORDS.—Section 34(d)(7) of the Trademark Act (15 U.S.C. 1116(d)(7)) is amended to read as follows:

"(7) Any materials seized under this subsection shall be taken into the custody of the court. For such materials or designation, the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been seized. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used.
SEC. 304. UNAUTHORIZED RECORDING OF MOTION PICTURES.

Section 2319(b) of title 18, United States Code, is amended by striking the second sentence and inserting: “The Secretary of Homeland Security shall issue regulations by which any person may, upon payment of a small registration fee, be entitled to notification by United States Customs and Border Protection of the importation of copies or phonorecords that appear to consist of unauthorized fixations of the sounds or images of a live musical performance.”

SEC. 305. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

(a) In General.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Whoever” and inserting “(1) Whoever”;

(B) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by striking “and inserting”;

(2) by amending subsection (b) to read as follows:

“(1) PROPERTY SUBJECT TO FORFEITURE.—

The following property is subject to forfeiture to the United States Government:

(A) Any article, the making or trafficking of which is an offense against the customs laws of the United States, except that nothing in section 509 shall be construed to require the forfeiture of such articles:

(i) constituted or derived in any manner or part from or as an offense of a counterfeit article or component of an article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law; and

(ii) infringing items or other property described in subparagraph (A) of section 115(a) of title 18, United States Code, is amended by striking the end of the following:

“and” and inserting “or”;

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 305(a) of title 18, United States Code, is amended by striking “and 509” and inserting “and 509, 510,”

(2) Section 115(c) of title 17, United States Code, is amended—

(A) in subsection (b), by striking “and 509”;

(B) in paragraph (2), by striking “and 509”;

(C) in subparagraph (A) of paragraph (7), by striking “and 509”;

(D) in paragraph (12), by striking “and 509”;

(E) in paragraph (14), by striking “and 509”; and

(F) in paragraph (15), by striking “and 509”.

(c) RESTITUTION.—

When a person is convicted of an offense under section 509 or 1204 of title 17, or section 2318, 2319, 2319A, 2319B, 2319C, or 2320, of title 18, the court, pursuant to sections 3500, 3663A, and 3664 of this title, shall order the person to pay restitution to any victim of the offense referred to in subparagraph (A) of section 115(a) of title 18, United States Code, is amended by adding at the end the following:

“Restitution.—At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States or other federal or state agency that has been notified of the proceedings in accordance with section 3663A(c)(1)(A)(i) of this title.”

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 109(b) of title 17, United States Code, is amended by striking “605,” and inserting “and 509,”

(2) Section 111 of title 17, United States Code, is amended—

(A) in subsection (b), by striking “and 509”;

(B) in paragraph (2), by striking “and 509”;

(C) in paragraph (3), by striking “sections 509 and 510” and inserting “section 510”;

(D) in paragraph (4), by striking “and section 509”;

(E) in subsection (e)—

(i) in paragraph (1), by striking “and 509”;

(ii) in paragraph (2), by striking “and 509”;

(iii) in paragraph (3), by striking “and 509”;

(iv) in paragraph (4), by striking “and section 509”;

(F) in subsection (f)—

(ii) in paragraph (3), by striking “and 509”;

(G) in paragraph (13), by striking “and 509”; and

(H) in paragraph (15), by striking “and 509”.

(2) Section 122 of title 17, United States Code, is amended—

(A) in paragraph (6), by striking “sections 509 and 510” and inserting “section 510”; and

(B) in paragraph (7)(A), by striking “and 509”;

(C) in paragraph (8), by striking “and 509”;

(D) in paragraph (13), by striking “and 509”;

(E) by inserting at the end the following:

“(1) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 2318(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)), is amended by striking “or 509”.

2. "Forfeiture; restitution, and destruction relating to this chapter shall be subject to section 2322, to the extent provided in that section, in addition to any other similar remedies provided by law."
SECTION 401. INTELLECTUAL PROPERTY ENFORCEMENT ADVISORY COMMITTEE.

(a) INTELLECTUAL PROPERTY ENFORCEMENT ADVISORY COMMITTEE.—The President shall appoint, by and with the advice and consent of the Senate, an Intellectual Property Enforcement Coordinator (in this title referred to as the “IPEC”) to serve within the Executive Office of the President. As an exercise of the rulemaking power of the Senate, any nomination of the IPEC submitted to the Senate for confirmation referred to a committee, shall be referred to the Committee on the Judiciary.

(b) DUTIES OF IPEC.—(1) IN GENERAL.—The IPEC shall—

(A) chair the interagency intellectual property enforcement advisory committee established under subsection (b)(3)(A);

(B) coordinate the development of the Joint Strategic Plan against counterfeiting and piracy by the advisory committee under section 403;

(C) assist in the implementation of the Joint Strategic Plan by the departments and agencies listed in subsection (b)(3)(A); and

(D) facilitate the issuance of policy guidance to departments and agencies on basic issues of policy and interpretation, to the extent necessary to assure the coordination of intellectual property enforcement policy and consistency with other law;

(2) REPORT.—The IPEC shall, within 60 days of taking office, report directly to the President and the Congress regarding domestic and international intellectual property enforcement programs;

(3) REPORT TO CONGRESS.—The IPEC shall report to Congress, as provided in section 404, on the implementation of the Joint Strategic Plan, and make recommendations to Congress for improvements in Federal intellectual property enforcement efforts; and

(4) OTHER FUNCTIONS.—The IPEC shall carry out such other functions as the President may direct.

(2) LIMITATION ON AUTHORITY.—The IPEC may not control or direct any law enforcement agency in the exercise of its investigatory or prosecutorial authority.

(3) ADVISORY COMMITTEE: twist copy.

(A) ESTABLISHMENT.—There is established an interagency intellectual property enforcement advisory committee composed of the IPEC, who shall chair the committee, and Senate-confirmed representatives of the following departments and agencies who are involved in intellectual property enforcement, an individual who are, or are appointed by, the respective heads of those departments and agencies:

(i) The Office of Management and Budget.

(ii) The Office of the United States Trade Representative.

(iii) The United States Patent and Trademark Office and other relevant units of the Department of Commerce.

(iv) The Office of the United States Trade Representative.


(vi) The Office of the United States Attorney General.

(vii) The United States Copyright Office.

(viii) The United States Customs and Border Protection.

(ix) The Department of Justice.

(x) The Department of Commerce.

(x) The Department of State.

(x) The United States Trade Representative.

(x) The United States Immigration and Customs Enforcement.

(x) The Food and Drug Administration of the Department of Health and Human Services.

(x) The United States Copyright Office.

(x) Any such other agencies as the President determines to be substantially involved in the efforts of the Federal Government to combat piracy and counterfeiting, including the heads of relevant enforcement agencies.

(A) ESTABLISHMENT.—There is established an interagency intellectual property enforcement advisory committee composed of the IPEC, who shall chair the committee, and—

(i) Senate-confirmed representatives of the following departments and agencies who are involved in intellectual property enforcement, an individual who are, or are appointed by, the respective heads of those departments and agencies:

(I) The Office of Management and Budget.

(II) The Office of the United States Trade Representative.

(III) The United States Patent and Trademark Office and other relevant units of the Department of Commerce.

(IV) The Office of the United States Trade Representative.

(V) The Department of State, the United States Agency for International Development, and the Bureau of International Narcotics Law Enforcement.

(VI) The Department of Homeland Security, United States Customs and Border Protection, and United States Immigration and Customs Enforcement.


(VIII) The Department of Agriculture.

(V) Any such other agencies as the President determines to be substantially involved in the efforts of the Federal Government to combat counterfeiting and piracy;

(ii) the Register of Copyrights, or a senior representative of the United States Copyright Office appointed in accordance with section 5312 of title 5; and

(B) FUNCTIONS.—The advisory committee established under subparagraph (A) shall develop the Joint Strategic Plan against counterfeiting and piracy by the advisory committee established under section 403.

(C) COMPENSATION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following: “United States Intellectual Property Enforcement Coordinator.”.

SEC. 402. DEFINITION.

For purposes of this title, the term “intellectual property enforcement” means matters relating to the enforcement of laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, inclusive of matters relating to combating counterfeiting and piracy infringing goods.

SEC. 403. JOINT STRATEGIC PLAN.

(a) PURPOSE OF JOINT STRATEGIC PLAN.—(1) The Federal Government objectives of the Joint Strategic Plan against counterfeiting and piracy infringing goods referred to in section 401(b)(1)(B) are the following:

(1) Reducing counterfeit and pirated infringing goods in the domestic and international supply chain.

(2) Identifying and addressing structural weaknesses, systemic flaws, or other unjustified impediments to effective enforcement action, including the financing, production, trafficking, or sale of counterfeit or pirated infringing goods.

(3) Ensuring that information is identified and shared with relevant departments and agencies, to the extent permitted by law and consistent with law enforcement protocols for handling information, to aid in the objective of arresting and prosecuting individuals and entities that are knowingly involved in the financing, production, trafficking, or sale of counterfeit or pirated infringing goods.

(4) Disrupting and eliminating domestic and international counterfeiting and piracy infringing networks.

(5) Strengthening the capacity of other countries to protect and enforce intellectual property rights, and reducing the number of countries that fail to enforce laws protecting intellectual property rights, including the financing, production, trafficking, and sale of counterfeit and pirated infringing goods.

(6) Working with other countries to establish international standards and policies for the effective protection and enforcement of intellectual property rights.

(b) TIMING.—Not later than 12 months after the date of the enactment of this Act, and not later than December 31 of every third year thereafter, the IPEC shall submit the joint strategic plan to the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate, and to the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(c) IN GENERAL.—(1) Not later than 1 year after the date of enactment of this joint strategic plan, the IPEC shall provide assistance to, and coordinate the meetings and efforts of, the appropriate officers and employees of departments and agencies represented on the advisory committee appointed under section 401(b)(3) who are involved in intellectual property enforcement; and

(2) may consult with private sector experts in intellectual property enforcement matters to work with the IPEC and other members of the advisory committee; and

(d) RESPONSIBILITIES OF OTHER DEPARTMENTS AND AGENCIES.—In the development and implementation of the joint strategic plan, the heads of the departments and agencies identified under section 401(b)(3) shall—

(1) designate personnel with expertise and experience in intellectual property enforcement matters to work with the IPEC and other members of the advisory committee; and

(2) share relevant department or agency information with the IPEC and other advisory committee members.

(e) CONTENTS OF THE JOINT STRATEGIC PLAN.—Each joint strategic plan shall include the following:

(1) A detailed description of the priorities identified for carrying out the objectives in the joint strategic plan, including activities of the IPEC and the Committee on Appropriations relating to intellectual property enforcement.

(2) A detailed description of the means and methods to be employed to achieve the priorities identified under paragraph (1), including the means and methods for improving the efficiency and effectiveness of the Federal Government’s enforcement efforts against counterfeiting and piracy infringing goods.

(3) Estimates of the resources necessary to fulfill the priorities identified under paragraph (1).

(4) The performance measures to be used to monitor results under the joint strategic plan during the following year.

(5) An analysis of the threat posed by violations of intellectual property rights overseas by—

(A) working with other countries and exchanging information with appropriate law enforcement agencies about the problems relating to counterfeiting and piracy infringing goods; and

(B) building a formal process for consulting with companies, industry associations, labor unions, and other interested groups in other countries with respect to intellectual property enforcement.

(4) ANNUAL REPORT.—(a) IN GENERAL.—Each joint strategic plan shall include an annual report to the Congress, as provided in section 404, on the implementation of the joint strategic plan, and on the status of the implementation of such strategic plan.

(b) CONTENTS.—Each annual report shall include the following:

(1) A description of the Federal Government’s enforcement efforts against counterfeiting and piracy infringing goods.

(2) An analysis of the means and methods employed to achieve the objectives in the joint strategic plan.

(3) An analysis of the performance of the IPEC and the Committee on Appropriations relating to intellectual property enforcement, including the means and methods employed, the results of those efforts, and an analysis of the resources utilized.

(4) An analysis of the impact of the enforcement of intellectual property rights overseas by the Federal Government on the United States resulting from violations of intellectual property rights.

(5) An assessment of the capacity of the Federal Government to protect and enforce intellectual property rights, and the steps taken by the Federal Government to improve the protection and enforcement of intellectual property rights.
intellectual property laws, and the threats to public health and safety created by counterfeit and pirated infringing goods.

(4) The manner in which the relevant departments and agencies are working together and the need for coordination to strengthen intellectual property enforcement.

(5) An assessment of the successes and shortcomings of the efforts of the Federal Government and the departments and agencies represented on the committee established under section 401(b)(3).

(6) Recommendations for any changes in enforcement statutes, regulations, or funding levels that the advisory committee considers would significantly improve the effectiveness of the effort of the Federal Government to eliminate counterfeit and pirated infringing goods and other intellectual property enforcement, including through the elimination or consolidation of duplicative programs or initiatives.

(7) The progress made in strengthening the capacity of countries to protect and enforce intellectual property rights.

(8) The successes and challenges in sharing with other countries information relating to intellectual property enforcement.

(9) The progress made in working with foreign governments to enhance intellectual property enforcement.

(f) ENHANCING ENFORCEMENT EFFORTS OF FOREIGN GOVERNMENTS.—The joint strategic plan shall include programs to provide training and technical assistance to foreign governments for the purpose of enhancing the efforts of such governments to enforce laws against counterfeit and pirated infringing goods.

(g) DISSEMINATION OF THE JOINT STRATEGIC PLAN.—The joint strategic plan shall be submitted to Congress, and disseminated to the public through other means as the IPEC may identify.

SEC. 404. REPORTING.

(a) ANNUAL REPORT.—Not later than December 31 of each calendar year beginning in 2009, the IPEC shall submit a report on the activities of the advisory committee during the preceding fiscal year. The annual report shall be submitted to Congress, and disseminated to the people of the United States, in the manner specified in subsections (b) and (g) of section 403.

(b) CONTENTS.—The report required by this section shall include the following:

(1) The progress made on implementing the strategic plan and on the programs toward fulfillment of the priorities identified under section 403(e)(1).

(2) The progress made in efforts to encourage Federal, State, and local government departments and agencies to accord higher priority to intellectual property enforcement.

(3) The progress made in working with Federal, State, and local government departments and agencies to coordinate efforts to prosecute entities and individuals involved in the financing, production, trafficking, and sale of counterfeit and pirated infringing goods.

(4) The manner in which the relevant departments and agencies are working together and the need for coordination to strengthen intellectual property enforcement.

(5) An assessment of the successes and shortcomings of the efforts of the Federal Government and the departments and agencies represented on the committee established under section 401(b)(3).

(6) Recommendations for any changes in enforcement statutes, regulations, or funding levels that the advisory committee considers would significantly improve the effectiveness of the effort of the Federal Government to eliminate counterfeit and pirated infringing goods and other intellectual property enforcement, including through the elimination or consolidation of duplicative programs or initiatives.

(7) The progress made in strengthening the capacity of countries to protect and enforce intellectual property rights.

(8) The successes and challenges in sharing with other countries information relating to intellectual property enforcement.

(9) The progress made in working with foreign governments to enhance intellectual property enforcement.

SEC. 405. SAVINGS AND REPEALS.

(a) REPEAL OF COORDINATION COUNCIL.—Section 653 of the Treasury and General Government Appropriations Act, 2000 (15 U.S.C. 1128) is repealed.

(b) TRANSITION FROM NIPLECC TO IPEC.—

(1) REPEAL OF NIPLECC.—Section 653 of the Treasury and General Government Appropriations Act, 2000 (15 U.S.C. 1128) is repealed effective upon the promulgation of the joint strategic plan by the President and publication of such appointment in the Congressional Record.

(2) CONTINUITY OF PERFORMANCE OF DUTIES.—Upon confirmation of the IPEC by the Senate, and notwithstanding paragraph (1), the IPEC may use the services and personnel of the National Intellectual Property Law Enforcement Coordination Council, for such time as is reasonable, to perform any functions or duties which in the discretion of the IPEC are necessary to facilitate the orderly transition of any functions or duties transferred from the Council to the IPEC pursuant to any amendment of this Act or any amendment made by this Act.

(b) CURRENT AUTHORITIES NOT AFFECTED.—Except as provided in subsection (a), nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to—

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights;

(3) the United States trade agreements program or international trade.

(c) REGISTER OF COPYRIGHTS.—Nothing in this title shall derogate from the duties and functions of the Register of Copyrights.

(d) RULE OF CONSTRUCTION.—Nothing in this title shall derogate from the powers, duties, and functions of any of the agencies, departments, or other entities listed or included under section 401(b)(3)(A).

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.
programs, including directly funded local programs such as the Edward Byrne Memorial Justice Assistance Grant Program authorized by subpart 1 of part B of title I of the Omnibus Crime and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(3) MATCHING FUNDS.—The Federal share of an IP-TIC grant may not exceed 95 percent of the cost of the program or project, as determined by the IP-TIC grant, unless the Attorney General waives, in whole or in part, the 90 percent requirement.

(4) AUTHORIZATION OF APPROPRIATIONS.—(A) Authorization.—There is authorized to be appropriated out of this subsection the sum of $25,000,000 for each of fiscal years 2009 through 2013.

(B) LIMITATION.—Of the amount made available to carry out this subsection in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

SEC. 502. IMPROVED INVESTIGATIVE AND FORENSIC RESOURCES FOR ENFORCEMENT OF LAWS RELATED TO INTELLECTUAL PROPERTY CRIMES.

(1) IN GENERAL.—Subject to the availability of funds to carry out this subsection, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes related to the theft of intellectual property:

(A) create an operational unit of the Federal Bureau of Investigation;

(B) assist in the prosecution of such crimes; and

(C) implement a comprehensive program—

(a) the purpose of which is to train agents of the Federal Bureau of Investigation to work with the Computer Crime and Intellectual Property section of the Department of Justice on the investigation and coordination of intellectual property crimes that are complex, committed in more than one judicial district, or international;

(b) that consists of at least 10 agents of the Bureau; and

(c) that is located at the headquarters of the Bureau;

(2) ensure that any unit in the Department of Justice responsible for investigating computer hacking or intellectual property crimes is assigned support by at least 2 agents of the Federal Bureau of Investigation (in addition to any agent assigned to supporting such unit as of the date of the enactment of this Act) to support such unit for the purpose of investigating or prosecuting property crimes related to the theft of intellectual property;

(3) ensure that all Computer Hacking and Intellectual Property Crime Units located at an office of a United States Attorney are assigned at least one United States Attorney responsible for investigating and prosecuting computer hacking or intellectual property crimes; and

(4) implement a comprehensive program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the laws related to intellectual property crimes;

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes; and

(C) that requires such agents who investigate or prosecute intellectual property crimes to attend the program annually.

(b) TASK FORCES.—Subject to the availability of appropriations to carry out this subsection, and not later than 120 days after the date of the enactment of this Act, the Attorney General, through the United States Attorneys’ Offices, the Computer Crime and Intellectual Property section, and the Computer Crime and Racketeering section of the Department of Justice, and in consultation with the Federal Bureau of Investigation and other Federal law enforcement agencies, shall create a Task Force to develop and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes related to the theft of intellectual property.

(c) AUTHORIZATION.—There are authorized to be appropriated out of this section $12,000,000 for each of fiscal years 2009 through 2013.

SEC. 503. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE CRIMINAL ACTIVITY INVOLVING INTELLECTUAL PROPERTY.

(a) ADDITIONAL FUNDING FOR RESOURCES.—

(1) AUTHORIZATION.—In addition to amounts otherwise authorized for resources to investigate and prosecute criminal activity involving intellectual property, the Attorney General is authorized to be appropriated for each of the fiscal years 2009 through 2013:

(A) $10,000,000 to the Director of the Federal Bureau of Investigation; and

(B) $10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) USE OF ADDITIONAL FUNDING.—Funds made available under subsection (a) shall be used by the Attorney General with respect to the investigation and prosecution of intellectual property crimes.

SEC. 504. INTERNATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATORS.

(a) DEPLOYMENT OF ADDITIONAL COORDINATORS.—Subject to the availability of appropriations to carry out this section, the Attorney General shall, within 180 days after the date of the enactment of this Act, deploy 5 Intellectual Property Law Enforcement Coordinators, in addition to those serving in such a capacity on such date of enactment.

(1) The Attorney General should give priority to cases—

(A) that are cross-border in nature;

(B) that include relevant forensic training; and

(C) that is located at the headquarters of the Bureau;

(2) any changes to current statutes or rules that would need to be implemented to more effectively protect the intellectual property rights of manufacturers;

(3) the extent which such laws are being used and the effectiveness of such use;

(4) the nature and scope of current statutory law and case law regarding protecting trade dress from being illegally copied;

(5) the extent to which technology is being used to investigate and prosecute the theft of intellectual property;

(6) any effective practices or procedures that are being used to investigate and prosecute the theft of intellectual property;

(7) the extent to which such laws are being used and the effectiveness of such use;

(8) the extent that counterfeit manufactured goods are actively being trafficked in and imported into the United States;

(9) the extent that counterfeit manufactured goods are actively being trafficked in and imported into the United States and the extent to which such laws are being used and the effectiveness of such use; and

(10) any changes to current statutes or rules that would need to be implemented to more effectively protect the intellectual property rights of manufacturers.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Senate and the House of Representatives a report on the results of the study required under subsection (a).

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

(1) TITLES.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

SEC. 506. GAO STUDY ON PROTECTION OF INTELLECTUAL PROPERTY OF MANUFACTURERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to help determine how the Federal Government could better protect the intellectual property of manufacturers by quantification of the impacts of imported and domestic counterfeit goods on—

(1) the manufacturing industry in the United States; and

(2) the overall economy of the United States.

(b) CONTENTS.—In conducting the study required under subsection (a), the Comptroller General shall examine—

(1) the extent that counterfeit manufactured goods are actively being trafficked in and imported into the United States;

(2) the impacts on domestic manufacturers in the United States of current law regarding defending intellectual property, including patent, trademark, and copyright protections;

(3) the nature and scope of current statutory law and case law regarding protecting trade dress from being illegally copied;

(4) the extent to which such laws are being used to investigate and prosecute the theft of intellectual property; and

(5) any effective practices or procedures that are being used to investigate and prosecute the theft of intellectual property.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Senate and the House of Representatives a report on the results of the study required under subsection (a).

SEC. 507. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States intellectual property industries have created millions of high-skill, high-paying United States jobs and pay billions of dollars in annual United States tax revenues; and

(2) the United States intellectual property industries continue to represent a major source of creativity and innovation, business start-ups, skilled job creation, exports, economic growth, and competitiveness.

(3) counterfeiting and infringement result in billions of dollars in lost revenue for United States companies each year and even greater losses to the United States economy in terms of reduced job growth, exports, and competitiveness;

(4) the growing number of willful violations of existing Federal criminal laws involving counterfeiting and infringement by actors in the United States and, increasingly, by foreign individuals and entities is a serious threat to the long-term vitaliy of the United States economy and the future competitiveness of United States industry;

(5) effective criminal enforcement of the intellectual property laws against such violations in all categories of works should be among the highest priorities of the Attorney General; and

(6) any changes to current statutes or rules that would need to be implemented to more effectively protect the intellectual property rights of manufacturers.

It is recommended that the Attorney General give priority to cases—

(1) that are cross-border in nature;

(2) that include relevant forensic training; and

(3) that is located at the headquarters of the Bureau;
Mr. COBURN. I am glad that the Senator from Vermont is making this commitment and am relying on his assurance of oversight of these programs so that our government is held responsible and informed decisions are made to conserve our scarce Federal dollars. Although the criteria we established in this legislation are necessary, they will neither have an effect on how the Justice Department and FBI prioritize and use the funds authorized under this bill, nor will they change the way we use Federal grant dollars, unless we make certain these agencies rigorously follow the standards we set forth in this legislation. If the Justice Department and FBI continue to receive Federal funding year after year without Congress questioning the contents of their required reports or grantees’ use of funds, all of the efforts of those supporting this bill will be for naught, and we will not have succeeded in making IP enforcement a priority for this country.

I thank the Senator from Vermont and the Senator from Pennsylvania for their work on this bill. I recognize we have all made compromises along the way to ensure we pass the most effective legislation possible, while still maintaining our desire to have IP enforcement a priority for this country.

Mr. KYL. Mr. President, I rise today to comment on the impending passage of S. 3325, the Enforcement of Intellectual Property Rights Act of 2008/ Prioritizing Resources and Organizations for Intellectual Property Act of 2008.

When I first reviewed the bill, I was concerned that section 301’s creation of the intellectual property enforcement coordinator, or IPEC, a presidentially appointed White House officer, might allow political interference with the Justice Department’s copyright investigation and enforcement decisions. I am now persuaded, however, that the bill’s creation of this new office does not, and was not intended to, influence the exercise of prosecutorial and law enforcement decisionmaking by the Justice Department and its law enforcement partners. Rather, the IPEC’s role is limited to general coordination, as defined in the statute, that does not interfere with, derogate from, or attempt to influence the law enforcement and prosecutorial decisionmaking of the Department of Justice and its law enforcement partners. The IPEC’s role is limited to general coordination, as defined in the statute, that does not interfere with the Department of Justice and its law enforcement partners. The IPEC’s role is limited to general coordination, as defined in the statute, that does not interfere with the Department of Justice and its law enforcement partners.

Mr. LEAHY. I, too, believe that intellectual property is important to our country, businesses and individual rights holders. Illegal importation of counterfeit goods, such as pharmaceuticals, also threatens the health and safety of U.S. citizens. It is necessary for the Federal Government to protect and enforce intellectual property rights domestically and internationally. I believe we are on the way to achieving this goal with S. 3325, but we have to ensure that the agencies this bill tasks with enforcement of intellectual property rights, even with passage of S. 3325, will only become a priority of the Federal Government to protect and enforce intellectual property rights domestically and internationally. I believe we are on the way to achieving this goal with this legislation, but we have to ensure that the agencies this bill tasks with enforcement of intellectual property rights are held responsible. All of us, including the members of the intellectual property community, would have to agree that the overall goals of S. 3325, the PRO–IP Act, will not be achieved if any independent agency that relates to enforcing intellectual property rights is not directed or control any law enforcement agency, including the Department of Justice, in the exercise of its investigative or prosecutorial authority.” Section 305(b) further provides that “nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to enforcing intellectual property rights.”

The foregoing provisions of the bill make clear that the IPEC does not, and was not intended to, have the authority, influence or attempt to influence the law enforcement and prosecutorial decisionmaking of the Department of Justice and its law enforcement partners. Rather, the IPEC’s role is limited to general coordination, as defined in the statute, that does not interfere with the Department of Justice and its law enforcement partners. With this understanding in mind, I interpose no objection to the Senate’s adoption of this bill and will lend my support to its passage.

Mr. COBURN. Mr. President, I support the overall goals of S. 3325, the PRO–IP Act, and believe that intellectual property rights should be protected at home and abroad. However, I believe that Congress should make both realistic and fiscally responsible commitments in the legislation it passes.

Intellectual property is important to our country, businesses, and individual rights holders. Illegal importation of counterfeit goods, such as pharmaceuticals, also threatens the health and safety of U.S. citizens. It is necessary for the Federal Government to protect and enforce intellectual property rights domestically and internationally.

I believe we are on the way to achieving this goal with this legislation, but we have to ensure that the agencies this bill tasks with enforcement of intellectual property rights are held responsible. All of us, including the members of the intellectual property community, would have to agree that the overall goals of this legislation, even with passage of this legislation, will only become a priority of the Federal Government if agencies,
such as the Department of Justice and Federal Bureau of Investigation, are truly held responsible for achieving the goal of increased enforcement.

I believe that the only way to ensure these agencies actually answer for their actions and make intellectual property enforcement a priority is through effective oversight by this Body. We have included in this bill two reporting requirements for the Justice Department and FBI that will make certain we know: (1) exactly what the agencies were doing before this bill was enacted to enforce intellectual property laws so that we may establish a performance baseline, and (2) what the agencies will be doing in the future as a result of this bill. We have also included other standards for State and local law enforcement agencies that will be receiving grants from the Justice Department, so that the grantees also have standards to meet in order to receive Federal funds.

These are high standards, however, will neither have an effect on how these agencies prioritize and use the funds authorized under this bill, nor ensure grantees appropriately use Federal funds unless we make certain the criteria set forth in this bill are met. If the Justice Department and FBI continue to receive funding year after year under this legislation without Congress questioning the contents of the reports they are required to submit, it is not clear that supporting this bill will be for naught, and we will not have succeeded in making intellectual property enforcement a priority for this country.

To be clear, I would prefer actual language in this bill stating that, if the Justice Department and FBI fail to submit their reports on time, any authorities under title IV of this bill would be suspended until those reports are submitted. However, even though this was not accepted, the Senator from Vermont has assured me that the Judiciary Committee will hold oversight hearings early each year so we may thoroughly question the contents of the reports required to be submitted by the Justice Department and FBI under title IV. It is my hope that the outcome of any oversight hearings in the Judiciary Committee related to the content of this bill will be effectively communicated to the Appropriations Committee, so that the members of that committee will have detailed information to establish whether these agencies have complied with the requirements of S. 3325, and enable them to make informed decision on how to responsibly allocate our scarce Federal dollars.

I thank the Senator from Vermont and the Senator from Pennsylvania for their work on this bill. I recognize that we have all made compromises along the way to ensure we pass the most effective enforcement legislation possible, while still maintaining our desire to hold Federal agencies, which spend taxpayer dollars, accountable for their actions so that this country’s intellectual property rights holders are protected from counterfeiting and piracy.

Mr. VOINOVICE. Mr. President, I rise today to join my colleagues, Senators SPECTER, LEAHY, BAYH, and others, in support of S. 3325, the Prioritizing Resources and Organization for Intellectual Property Act of 2008, PRO IP Act, which was just approved unanimously by the Senate today. First, I would like to express my appreciation to Senator Specter, and Senator LEAHY for the excellent job they have done in ensuring that the Senate passed this important piece of legislation before we complete our business for the year. I would like to thank Senator BAYH. I have partnered with Senator BAYH on this issue for the past 3 years. We first introduced intellectual property enforcement legislation in the first session of the 109th Congress. I believe it is safe to say that we are both pleased that the concepts contained in this bill have become a part of the PRO-IP Act. I think it is important to point out that the PRO-IP Act has strong bipartisan support in the Senate. When we pass legislation in a bipartisan manner, it really does the best for our country.

For over 4 years, I have been talking about the need for our Government to improve its efforts to protect our Nation’s intellectual property from what I have referred to as the Pirates of the 21st Century. At a time when American businesses face some of the fiercest competition ever, our Government cannot ignore the growing threat of intellectual property theft to companies, workers, and consumers. Intellectual property theft is no longer an issue limited to knockoff handbags and pirated DVDs and CDs.

Today, almost every product made is subject to being counterfeited. The problem of intellectual property theft is an urgent one for small and medium-sized businesses. Genuine products manufactured in the United States are competing with phony products, which are sold both here and abroad. At a time when so many American businesses and workers are in dire straits, our Nation can no longer turn a blind eye to this problem. The economic impact of intellectual property theft is overwhelming. According to the U.S. Chamber of Commerce, intellectual property theft is costing American businesses an estimated $250 billion each year and has cost an estimated 750,000 jobs. The chamber estimates that if counterfeit auto parts sales were eliminated, the U.S. auto industry could hire up to 200,000 additional workers. In my home State of Ohio, 200,000 additional auto industry jobs would make a tremendous impact in reversing the loss of manufacturing jobs.

The costs of intellectual property theft are not limited to lost jobs and revenue. There are significant health and safety ramifications. For example, during a hearing I held in July 2006, the general counsel from Bendix Commercial Vehicle Systems LLC, Bendix, which is headquartered in Elyria, OH, testified that counterfeit air brakes used in tractor-trailers are so authentic looking that some of these counterfeit products are returned to Bendix via its warranty claims process. Bendix is so concerned about the safety implications of this problem that it is spending $1 million annually on IP protection and enforcement activities—that is $1 million that this one company is not able to spend each year on other things such as research and development, or worker safety. Moreover, given the proliferation of counterfeit goods into areas such as pharmaceuticals and auto parts, it is only a matter of time before our Nation sees the dire health and safety consequences arising from this problem.

The passage of the PRO-IP Act is an important step to building upon the efforts that have begun under the National Intellectual Property Law Enforcement Coordination Council and STOP! initiative. The PRO-IP Act will provide increased resources to the Department of Justice programs to combat intellectual property theft and provide coordination and strategic planning of Federal efforts against counterfeiting and piracy. I am particularly pleased that the PRO-IP Act will create a White House-led coordinator. I believe that the most effective intellectual property enforcement coordination requires White House leadership. As a result, I believe the efforts underway in each Department and agency will have improved effectiveness by placing the new IP enforcement coordinator within the Executive Office of the President. The coordinator will have both the visibility and the access to provide a most effective executive branch voice on IP enforcement.

Finally, while I am pleased that the Senate completed its work on passing intellectual property enforcement legislation, I know that my job is not finished. I will continue to work with my colleagues to ensure that Congress provides effective oversight over the various agencies and departments charged with enforcing and protecting intellectual property rights and that these entities have the resources necessary to get the job done.

Mr. LEAHY. Mr. President, I ask unanimous consent that the committee amendments be laid upon the table, with no inter-vening action or debate; and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 5655) was agreed to:

The amendment is printed in today’s RECORD under “Text of Amendments.”
The bill (S. 3235), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. LEAHY. Mr. President, we are a nation in the midst of an unprecedented financial crisis. It is not just our financial enterprises that are shaken, but our confidence in our own economic strength. The Members of this Congress and the people of this Nation are being asked to take extraordinary steps to contain the explosions on Wall Street.

We must not, as we try to repair the structure of our financial institutions, neglect the very sources of our economic power. Intellectual property—copyrights, patents, trademarks, and trade secrets—is an ever-growing sector of our economy. We are the envy of the world for the quality and the quantity of our innovative and creative goods and services. If we want to continue to lead the world in producing intellectual property, we need to protect Americans’ rights in that property.

This bill is among the most important I have championed. I drew on the experiences of thousands of intellectual property owners, hundreds of law enforcement officials, and all the legislators on both sides of the aisle in Congress, and we have a bill that provides a focused and honed set of improvements to the intellectual property law, targeted increases in resources for significant enforcement efforts, streamlined interagency efforts to coordinate governmental intellectual property policies but also vigorous oversight of the Justice Department’s programs.

I thank all those who cosponsored it. Our bill is going to improve the enforcement of our Nation’s intellectual property laws, they will bolster our intellectual property-based economy, and it will protect American jobs.

Mr. President, we are a Nation in the midst of an unprecedented financial crisis. It is not just our financial enterprises that are shaken, but our confidence in our own economic strength. The Members of this Congress, and the people of this Nation, are being asked to take extraordinary steps to contain the explosions on Wall Street. We must not, as we try to repair the structure of our financial institutions, neglect the very sources of our economic power. Intellectual property—copyrights, patents, trademarks, and trade secrets—is an ever-growing sector of our economy. We are the envy of the world for the quality and the quantity of our innovative and creative goods and services. If we want to continue to lead the world in producing intellectual property, we need to protect our citizens’ rights in that property.

Long ago, I was the Chittenden County State’s Attorney in Vermont. There is crime everywhere, even in Vermont, and I prosecuted every kind of case. I will never forget how much successful prosecutions depend on whether the investigators and lawyers charged with protecting the public from crime have the right tools to do so. No matter how dedicated the prosecutor, and no matter how outrageous the crime, if the laws are not clearly and discernibly drafted, or if the resources are simply inadequate, no justice will be done.

The intellectual property enforcement bill we consider today is designed solely and specifically to ensure that law enforcement has the tools it needs to protect our Nation’s impressive array of intellectual property. The reformation to the civil and criminal statutes, the provision of directed resources to Government at all levels, the coordination across the Federal Government of efforts in creating policies and enforcement efforts, and the requirements for reporting to the Congress—all of these provisions are focused on strengthening the protection of our intellectual property.

Vermont is special to me, and the goods from Vermont that embody intellectual property are prized by consumers around the world. But every State in the Union is home to industries based on intellectual property. The creative and innovative Vermonters that I am proud to call friends and constituents have counterparts in every other State. These individuals and industries are essential to restoring and building our fiscal health. In a time of such frightening economic malaise, we should redouble our efforts to make sure that the products and services of our economy are freed from the debilitating effects of theft and misappropriation.

Intellectual property is just as vulnerable as it is valuable. The Internet has brought great and positive change to all our lives, but it is also an unparalleled tool for piracy. The increasing inter-connectedness of the globe, and the efficiencies of sharing information quickly and accurately between countries, has made piracy and counterfeiting operations profitable in numerous countries. Americans suffer when their intellectual property is stolen, they suffer when those counterfeit goods displace sales of the legitimate products, and they suffer when counterfeit products actually harm them, as is sometimes the case with fake pharmaceuticals and faulty electrical products.

This bill is among the most important I have championed. Drawing on the experiences of thousands of intellectual property owners, hundreds of law enforcement officials, and all of the legislators in Congress, it provides a focused and honed set of improvements to the intellectual property law, targeted increases in resources for significant enforcement efforts, streamlined inter-agency efforts to coordinate governmental intellectual property policies, and vigorous oversight of the Justice Department’s programs. I thank all my colleagues in the Senate for their efforts and support. Our bill will improve the enforcement of our Nation’s intellectual property laws, bolster our intellectual property-based economy, and protect American jobs.
were honored to recommend Anthony Trenga for the Federal bench in the Eastern District of Virginia. He is an exceptionally skilled attorney and, in my view, he will make an outstanding Federal judge.

Anthony Trenga has been practicing law before Federal courts in Virginia for more than 30 years. He has served as lead counsel in more than 50 cases before the Federal court in the Eastern District of Virginia on a wide range of subjects since 1966. Mr. Trenga has worked at the law firm of Miller and Chevalier, where he specializes in litigation and trial practice. He is a fellow of the American College of Trial Lawyers and has served as a member of the faculty of the National Trial Advocacy College at the University of Virginia, sponsored by the Virginia CLE Committee of the Virginia Bar Foundation.

Mr. Trenga received his law degree from the University of Virginia School of Law in 1966. After completing his undergraduate studies at Princeton University, upon graduation, he was a law clerk to the Honorable Ted Dalton, U.S. District Court for the Western District of Virginia from 1974 to 1975.

Prior to practicing law, Mr. Trenga was a partner at Sachs, Greenbaum & Tayler in Washington, DC, and a managing partner at Hazel & Thomas based in Fairfax, VA.

Equally impressive to his legal career, though, is that despite the rigors of a busy legal practice, Mr. Trenga has always found time to be actively involved in community affairs. In addition to participating in his firm’s pro bono program, Mr. Trenga serves as chairman and member of the Alexandria Human Rights Commission, the board of directors of the Northern Virginia Urban League, the board of trustees of the Alexandria Symphony Orchestra, and the board of directors for the Fairfax Bar Association.

It is clear to me that Anthony Trenga is eminently qualified to sit as a jurist on this illustrious court. I note that the American Bar Association and the Virginia State Bar concur in this assessment, as both have given him their highest rating.

I thank the committee for favorably reporting this exemplary nominee to the full Senate, and I urge my colleagues to vote to confirm him.

Mr. MARTINEZ. Mr. President, I share with my colleague, Senator Nelson, great gratitude for the chairman of the Judiciary Committee, as well as Ranking Member Specter, for moving forward with judicial nominations. One of those is of great importance to the State of Florida and deals with the Middle District of Florida, where there have been a couple of vacancies. This is a district that continues to grow in population but does not have a commensurate growth in judges on the bench.

I am delighted that we have moved the confirmation of Mary Scriven to the U.S. District Court for the Middle District of Florida. Magistrate Judge Mary Scriven is an outstanding attorney and a terrific public servant. She has been serving with great distinction as a magistrate judge and will serve with great distinction as a U.S. district judge.

In 1987, after earning her undergraduate degree from Duke University, she then went on to Florida State University College of Law, where I happened to have gone to law school myself. I know Judge Scriven personally and I share that bit of heritage. She then entered the private practice of law in Tampa with the law firm of Carlton Fields. There is no finer firm in Florida than Carlton Fields. Judge Scriven eventually became a partner there before going on to a life of public service, becoming a magistrate in 1997.

In December of 1997, Judge Scriven was selected to serve an 8-year term as a Federal magistrate judge. She was reappointed to the term in December of 2005. In her 11 years as a magistrate judge, Judge Scriven has proven herself to be a committed public servant. She has a tremendous amount of courtroom experience, both in civil and criminal matters, and she has put in the time and effort necessary to understand and fairly decide issues with little glamour but often of a critical nature, not only to the litigants but to the people of the State.

I know that I echo the sentiments of those who know Judge Scriven when I say she reflects the necessary attributes of a jurist—intelligence, honesty, and evenhandedness. I congratulate her on this great accomplishment. To her and the members of her family I met when she came up for her hearing—her mother, father, husband, and children—I congratulate the entire family on this tremendous accomplishment. We know the President made a good choice in nominating Judge Scriven to the bench. I am pleased her confirmation has now been accomplished.

I also thank Senator Nelson for the cooperative way our office has worked to nominate candidates. Every day, I am more and more proud of the Judicial Nominating Commission that our good friend Mickey Grindstaff chaired and of all the fine people, lawyers and non-lawyers, from throughout the State who give of their time to review candidates and make recommendations in a bipartisan way, trying not only to put somebody on the bench but to make sure we get the very best in the legal profession to then rise to this honored position of a Federal district court judge.

THE PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I thank all the volunteers who sit on the Judicial Nominating Commission, which is an informal custom we set up in Florida so that we have people process applications, interview the candidates, and make recommendations to us for the vacancy. Then Senator Martinez and I will sit down with each of the suggestions coming from the Judicial Nominating Commission and explore in detail.

Judge Scriven has been through this process three times before, it was a jump ball for Senator Martinez and myself between two outstanding women candidates. The two of us had the feeling that when the next vacancy came up, we certainly wanted Judge Scriven to have that Federal judgeship. She is clearly the most qualified, and we happily gave her the green light.

We have two vacancies. I wish we could fill both vacancies, but Senator Martinez and I understood that in the last hurly-burly of trying to wrap up this session, the likelihood was that we would be able to get one of them up. One is another vacancy out there we want to see filled very promptly at the beginning of the new Congress in January. Thus, the two of us will be pushing and pushing to get a nominee confirmed.

Congratulations to Judge Scriven.

Mr. MARTINEZ. If I may add a follow-up, now that the chairman of the committee is here, I wish to repeat my thanks to Chairman Leahy for the cooperative way in which we have been able to accomplish these judgships, not only the ones for Florida but the ones throughout the country that are so very important. We still have a U.S. Attorney that we are hoping in the next 24 hours we might be able to get into a package: Mr. Albright for the Middle District, a longstanding vacancy in the U.S. Attorney’s Office that needs to be filled.

The point is to say thank you to the chairman. We appreciate his work. We are happy to get only one. We appreciate Judge Scriven’s confirmation. She will serve with great distinction.

Mr. LEAHY. If the Senator will yield for a moment, both Senators from Florida have talked about this, and I will not say anything different than what they have heard me say. They work very well, in a bipartisan fashion, to seek out the best possible people. I have a great deal of respect for both of the Senators. Because they have done that, it has made my job as chairman of the Judiciary Committee so much easier. I look forward to Presiding Officer from Virginia as another example because he was worked so well with the distinguished senior
Senator from that state. Again, it is a situation where there is a Democratic Senator and a Republican Senator. They have worked very closely together to try to bring the best.

I have no problem with different parties filling judicial vacancies. But I believe we must be careful in choosing partisan positions. In the Federal judiciary, which is supposed to be outside of partisan politics, I wish more Senators and Presidents—the next President, whoever it is—would take a look at the model of the Senators now on the floor. I include the distinguished Senator from Virginia, the Presiding Officer, in this. Seek the best possible man or woman for these judgements. Let those of us in legislative office take care of the partisan politics. We can do that. But let the American people, when they walk into a courtroom, say: Whether I am plaintiff or defendant or whether I am rich or poor, no matter what my race or color, I deserve a fair trial. Win or lose, I will walk out knowing I had a fair trial and it was based on the facts, not on politics.

I thank my two friends from Florida. Mr. HATCH, Mr. President, I rise today to express my gratitude to the Senate's confirmation of Eric F. Melgren as Federal District Judge for the District of Kansas.

It is important that we deliver solid judges to our court system. With that said, I believe Eric Melgren is well suited for this important responsibility. Since 2002, he has been serving as U.S. attorney for the District of Kansas. Between 2002 and 2003, the District of Kansas had a fourteen percent increase in the number of criminal cases filed in U.S. District and State courts.

Eric’s nomination will be of great benefit to the District of Kansas. Due to an increase in caseload, a temporary judgeship was created in the District of Kansas in 1996. Since the temporary judgeship was created, we have seen an increase in the caseload for the District of Kansas.

Currently, Kansas has five active Federal district judges. With Eric’s confirmation, we will now have six active judges. However, one of these judgeships is temporary and set to expire on November 21 of this year. If the temporary judgeship would have expired before, the Senate confirmed Eric and another judge took senior status this year, the District of Kansas would only have four active judges. Therefore, with the increase in caseload, it was vital that we confirmed Eric before the expiration of this temporary judgeship.

Again, thank you for confirming the nomination of Eric Melgren. He is a man of integrity and sound judgement. Eric’s passion for the law will be of great benefit to the State of Kansas and the rest of the Nation.

Mr. HATCH. Mr. President, I rise to express my pleasure at the confirmation of Clark Waddoups to the U.S. district court in Utah and my thanks to all those, in particular the chairman of the Judiciary Committee, Senator LEAHY, who facilitated this result.

Clark Waddoups will be a truly outstanding judge. He graduated from the University of Utah law school where he was president of the Utah Law Review and has been practicing law in Utah for nearly 35 years, a majority of it in Federal court.

More than that, he has participated in the life of the law in our State, serving on the board of visitors of the law school at Brigham Young University and for 17 years on the Advisory Committee to the Utah Supreme Court on the Rules of Evidence.

Not surprisingly, the Utah chapter of the Federal Bar Association has recognized Clark as Utah’s outstanding lawyer and the American Bar Association unanimously gave him its highest well-qualified rating to serve as a Federal judge.

Not only is Clark Waddoups an outstanding lawyer, but he is a good man. He is active in his church and for many years served on the board of the Family Support Center of Utah. Federal courts across America are very busy today, and no more so than in Utah.

Utah has just five U.S. district court seats and our population has increased by more than 50 percent since the last one was created in 1990.

Because this vacancy occurred when Judge Paul Cassell resigned to go back to teaching, there was no senior judge available to help out.

So the service of such an outstanding judge will be welcome indeed.

My colleague and friend from Utah, Senator BENNETT, and I worked together to recommend the very best candidate to replace Judge Cassell.

Clark Waddoups stood out from the many qualified and experienced lawyers we considered. He is known and respected through the legal community and will be a fair and wise judge who will live up to the highest standards of the American legal system.

As everyone knows, the confirmation process, especially for judicial nominees, has its share, perhaps more than its share, of tension and controversy.

As a former chairman of the Judiciary Committee, I know there are many competing demands and expectations.

But Chairman LEAHY nonetheless scheduled not one but two hearings this month to consider a total of 10 additional nominees to the U.S. district court.

And he made sure that they got on the Judiciary Committee agenda, reported to the floor yesterday, and confirmed today.

So I am deeply grateful to President Bush for nominating Clark Waddoups and to Chairman LEAHY for facilitating his progress through the confirmation process.

Utah and America will be better off with Judge Clark Waddoups on the bench.

Mr. LEAHY. Mr. President, as this Congress winds down, we need to focus on confirming the very important judicial nominees who have accommodated Senator HATCH, another former chairman. I also accommodated the Senator from Kansas and included the nominee from Kansas as a hearing Tuesday, even though his nomination has raised concerns. We also have proceeded with hearings on another nominee from Virginia, a nominee from California, and the two nominees from Colorado. I continue my practice of working with Senators on both sides of the aisle.

Today I have continued to do so, and the Senate has confirmed all 10 of these Bush judicial nominations: Clark Waddoups of Utah, Michael Anelo of California, Mary Stenson Scriven of Florida, Christine Arguello and Phillip A. Brimmer of Colorado, C. Darnell Jones II, Mitchell S. Goldberg, and Joel H. Slomsky of Pennsylvania, Anthony J. Trenga of Virginia, and Eric Melgren of Kansas.

I have said throughout my chairmanship that I would treat President Bush’s nominees better than Republicans treated President Clinton’s, and I have done so. In the 17 months I served as chairman of this committee during President Bush’s first term with a Democratic majority, the Senate confirmed 100 of the President’s judicial nominations. In the 38 months I...
have served as Judiciary Committee chairman, the Senate has now confirmed 10 more nominees than it did during the more than 4 years Republicans led the committee, 168 nominees compared to 158.

Even before the August recess, we had confirmed more judicial nominations in this Congress than were confirmed during the previous 2 years when a Republican Senate majority and Republican chairman of this committee did not have to worry about the Thurmond Rule and an abbreviated session due to a Presidential election. With the confirmations today we have confirmed 68 this Congress, 14 more than in the last Congress with a Republican majority.

My approach has been consistent throughout my chairmanships during the Bush presidency. I submit that the results have been positive. Last year, the Judiciary Committee favorably reported nominations to the Senate, and all 40 were confirmed. That was more than had been confirmed in any of the 3 preceding years when a Republican chairman and Republican Senate majority managed the process. Even though this is a Presidential election year we confirmed more nominees than President Bush’s nominees this year—28 than the Republican-led Senate confirmed in 2005 and virtually the same number as in 2006, both non-Presidential election years.

Indeed, the contrast between our productivity on judicial nominations by confirming 10 judicial nominees late in this Congress and the flurry of activity undone by Republican obstructionism at the end of the last Congress is significant. Although we wasted many months during the 109th Congress debating a handful of President Bush’s most extreme failed nominees, the Democratic Senators on the Judiciary Committee worked especially hard as time was running out to accommodate any requests for accommodations on judicial nominations. We agreed to the request of Senator SPECTER, then the committee chairman, to hold four hearings in September 2006 on nominations and numerous extra business meetings. But our work to be accommodating and move nominations forward was to no avail when holds by Senator BROWNBACK and other Republicans stopped the Senate from confirming 14 judicial nominations. They included 33 nominees to fill judicial emergency vacancies in the Western District of Michigan, a situation not resolved until this Congress, when the Michigan Senators and the White House worked together with us to fill those vacancies.

Despite our efforts to step away from the tit for tat of the nomination battles of the past and the work we have done to dramatically lower judicial vacancies by approving the nominees of a President from the other party, our efforts have yet to be acknowledged. After today, we will have cut the judicial vacancies from 142 that I encountered in the summer of 2001 after years of pocket filibusters by moderate and qualified nominees of President Clinton by Republican Senate leadership, to about a third, from 110 to as low as 34 today. In the 6 years of Senate Republican majority during the Clinton administration, the pocket filibusters and obstruction of moderate, qualified nominees more than doubled circuit court vacancies. By contrast, we have cut circuit court vacancies by two-thirds, from 32 to a low of 9 this summer.

We have broken through long-standing logjams in the Fourth, Fifth, and Sixth Circuits and lowered vacancies in virtually every circuit from when President Bush took office. With the recent confirmations of Helene White and Ray Kethledge to seats on the Sixth Circuit, that circuit, which had four vacancies after the Republican-confirmed pocket filibusters, now has none. The Fifth Circuit has a circuit-wide emergency due to the multiple simultaneous vacancies during the Clinton years, when Republicans controlled the Senate. The Fifth Circuit now has no vacancies. We have succeeded in lowering vacancies in the Fourth Circuit, the Seventh Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit, and the Federal Circuit.

Judicial vacancies that rose steadily and dramatically under Republican Senate control with a Democratic President have fallen dramatically with a Republican President when a Democratic Senate majority was in charge. I recall that as the Presidential elections in 2000 drew closer, Republican pocket filibusters resulted in the judicial vacancy rate rising to 10 percent. Democrats have reversed that course. We have now lowered that number to 34, less than a third of where the 90 percent Republican pocket filibusters and obstruction. The vacancy rate is below 4 percent vacancy now. As unemployment for ordinary Americans has now risen about 6 percent nationwide and much higher in some States and communities, we have cut the judicial vacancy rate dramatically.

I suspect many of these facts have been lost among the Republican election-year gambits and grumblings about judicial nominations that always included delaying the American-American nominees to the Federal bench for the last two. Judge Jones will now become just the 88th African-American Federal judge or justice, out of 875 seats, and the 72nd African-American district court judge.

There is still much work to be done. In his two terms, President Bush has nominated only 25 African-American judges to the Federal bench, compared to 112 African-American judges nominated by President Clinton in his two terms, more than three times as many. President Bush’s failure to nominate an African-American judge from Mississippi even though that State has the highest percentage of African-American residents of any State is disappointing and inexplicable. I have urged, and will continue to urge, this President and the next one to nominate men and women to the Federal bench who represent the diversity of the American people.

Diversity is a pillar of strength for our country and one of our greatest natural resources. Diversity on the bench helps ensure...
that the words "equal justice under law," inscribed in Vermont marble over the entrance to the Supreme Court, is a reality and that justice is rendered fairly and impartially.

Another aspect of the problem created by the Department of Justice is reflected in the extraordinary number of judicial emergencies that we have been dealing with. Nearly half of the judicial nominees the Senate has confirmed while I have chaired the Judiciary Committee have filled vacancies classified by the Administrative Office of the Courts as judicial emergency vacancies. In the last year alone, we have confirmed 18 of the 27 circuit court nominees confirmed this Congress. When President Bush took office, there were 28 judicial emergency vacancies. Now that number is 13, fewer than half.

Of course, we have made this progress by devoting extensive time and attention to rebuilding the Justice Department in the wake of the scandals of the Gonzales era and the Bush-Cheney administration. At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Over the past 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos guiding the Justice Department in the waning days of this Congress. The next President to ensure that the Justice Department is committed to the rule of law would be wise to consider the U.S. attorneys scandal.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has long governed the Justice Department and provided it with safe harbor from political interference. It shocked the conscience of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and with the resignations of its highest ranking officials, along with several high ranking White House officials.

Earlier this month the Judiciary Committee held its ninth hearing to re-stock and restore the leadership of the Department of Justice in the last year alone, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. We have already confirmed 35 executive nominations so far this Congress, 20 of which we asked the President to add to his total, having reported out of committee this month another six high level executive nominations, including the nomination of Greg Garr to be Solicitor General of the United States, one of the highest and most prestigious positions at the Department of Justice, and of J. Patrick Rowan to be the Assistant Attorney General in charge of the National Security Division.

The reduction in judicial vacancies is one of the few areas in which conditions have actually improved over the last couple of years. I wish we could say the same about unemployment or the price of gas or food, or the condition of our financial markets and housing markets. The economy has experienced job losses every month this year, and they now total more than 650,000. Compare the progress we have made on filling judicial vacancies with what has happened to cost of gasoline, food prices, health care costs, inflation, the credit crisis, home mortgages, and the national debt. All those indicators have been moving in the wrong direction, as is consumer confidence and the percentage of Americans who see the country as on the wrong track.

The American people are also best served by a Federal judiciary they can trust to apply the law fairly regardless of who walks into the courtroom. The judiciary is the one arm of our Government that should never be political or politicized, regardless of who sits in the White House. I have continued to work in the waning days of this Congress with Senators from both sides of the aisle to confirm an extraordinary number of nominees in the election year. I will continue to work with the next President to ensure that the Federal judiciary remains independent and able to provide justice to all Americans, without fear or favor.

LEGISLATIVE SESSION

MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION REAUTHORIZATION AND IMPROVEMENT ACT OF 2008

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 622, S. 2304, THE PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2304) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illness, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008."

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.
Sec. 4. Law enforcement response to mentally ill offenders improvement grants.
Sec. 5. Improving the mental health courts.
Sec. 6. Examination and report on prevalence of mentally ill offenders.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Los Angeles County Jail and New York’s Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796aa(h)) is amended—

(1) by striking at the end "and";

(2) by striking "for fiscal years 2006 through 2009," and inserting "for each of the fiscal years 2006 and 2007, and";

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

"(2) $75,000,000 for each of the fiscal years 2009 through 2014.";

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subsections (a)(1), (a)(2), and (a)(3), respectively, and adjusting the margins accordingly;

(2) by striking "There are" and inserting "(1) In general.—There are authorized;" and

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

"(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year."

(c) ADDITIONAL APPLICATIONS RECEIVING PRIORITIES.

Subsection (c) of such section is amended to read as follows:

"(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

(2) promote effective documentation, identification and treatment of female mentally ill offenders; or

(3) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

(4) demonstrate the active participation of each co-applicant in the administration of the collaboration program; and

(C) document, in the case of an application for a grant to be used in whole or in part to..."
fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals.

(‘‘D) have the support of both the Attorney General and the Secretary.’’

SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

(a) In General.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations for the following purposes: 

(1) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(2) RECEIVING CENTERS.—To provide for the development and expansion of receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

(3) TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice personnel to improve the response of such personnel to mentally ill offenders.

(4) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through innovative solutions and for the development of effective intervention with respect to mentally ill offenders.

(5) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(6) BJA TRAINING MODELS.—For purposes of subsection (a)(1), the Director of the Bureau of Justice Assistance shall develop training models for training personnel on procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including such as the following:

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $10,000,000 for each of the fiscal years 2009 through 2014.

(b) CONFORMING AMENDMENT.—Such part is further amended by adding the part heading as follows: ‘‘GRANTS TO IMPROVE TREATMENT OF OFFENDERS WITH MENTAL ILLNESSES.’’

SEC. 5. IMPROVING THE MENTAL HEALTH COURTS GRANT PROGRAM.

(a) REAUTHORIZATION OF MENTAL HEALTH COURTS GRANT PROGRAM.—Section 1001(a)(29) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)(29)) is amended by striking ‘‘fiscal years 2001 through 2004’’ and inserting ‘‘fiscal years 2009 through 2014’’.

(b) ADDITIONAL GRANT USES AUTHORIZED.—Section 2201 of such title (42 U.S.C. 3796i) is amended in paragraph (1), by striking ‘‘and at the end;’’ in paragraph (2) by striking the period at the end and inserting ‘‘and’’ and (3) by adding at the end the following new paragraphs:

(4) pretrial services and related treatment programs for offenders with mental illnesses; and

(4) developing, implementing, or expanding programs that reduce risk of incarceration for offenders with mental illnesses.’’.

SEC. 6. EXAMINATION AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) IN GENERAL.—The Attorney General shall examine and report on mental illness and the criminal justice system.

(b) SCOPE.—Congress encourages the Attorney General to specifically examine the following:

(A) POPULATIONS.—The rate of occurrence of serious mental illnesses in each of the following populations:

(i) Individuals, including juveniles, on probation;

(ii) Individuals, including juveniles, incarcerated in a jail;

(iii) Individuals, including juveniles, incarcerated in a prison;

(iv) Individuals, including juveniles, on parole.

(B) BENEFITS.—The percentage of individuals in each population described in subparagraph (A) who have—

(i) a serious mental illness; and

(ii) received disability benefits under title II or chapter 1381 et seq. of title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.).

(c) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Attorney General shall submit to Congress the report described in subsection (a).

(d) DEFINITIONS.—In this section—

(1) the term ‘‘serious mental illness’’ means that an individual has, or at any time during the 1-year period ending on the date of enactment of this Act had, a covered mental, behavioral, or emotional disorder; and

(2) the term ‘‘covered mental, behavioral, or emotional disorder’’ means—

(A) a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Classification of Diseases, Ninth Revision, Clinical Modification equivalent of the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition;

(B) does not include a disorder that has a V code within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, unless such disorder is a condition for which a patient is prescribed medication; and

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

‘‘(3) by striking ‘‘and’’ at the end of paragraph (2) by striking ‘‘fiscal years 2006 through 2009. ’’ and inserting ‘‘fiscal years 2006 through 2009 and’’; and

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

‘‘(3) by adding by striking the end of paragraph (2) by adding and inserting ‘‘fiscal years 2009 through 2014. ’’

SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379aa(h)) is amended—

(1) in paragraph (1), by striking the end of the paragraph and adding the following:

(2) by adding at the end a new paragraph:

‘‘(3) by striking ‘‘and’’ at the end of paragraph (2) by striking ‘‘fiscal years 2006 through 2009. ’’ and inserting ‘‘fiscal years 2006 through 2009 and’’; and

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

‘‘(3) by adding by striking the end of paragraph (2) by adding and inserting ‘‘fiscal years 2009 through 2014. ’’

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesigning paragraphs (1), (2), and (3) as subparts (a)(3) as subparagraphs (A), (B), and (C), respectively, and ad- ducing the margins accordingly;

(2) by striking ‘‘There are authorized’’ and inserting ‘‘There are authorized’’; and

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

‘‘(3) by striking ‘‘and’’ at the end of paragraph (2) by striking ‘‘fiscal years 2006 through 2009. ’’ and inserting ‘‘fiscal years 2006 through 2009 and’’; and

(c) ADDITIONAL GRANTS RECEIVING PRIORITY.—Subsection (c) of such section is amended to read as follows:

‘‘(c) PRIORITY.—The Attorney General, in awarding grants under this section, shall give priority to applications that—

(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

(2) promote effective strategies for identification and treatment of female mentally ill offenders;
(3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders; or

(4) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety.

(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juvenile delinquents during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

(D) have the support of both the Attorney General and the Secretary.

SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379faa) is amended by—

(1) redesignating subsection (b) as subsection (i); and

(2) inserting after subsection (g) the following:

(1) Law enforcement response to mentally ill offenders improvement grants.—

(A) Authorization.—The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

(i) Training programs.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(ii) Directing centers.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

(iii) Improved technology.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such personnel to mentally ill offenders.

(iv) Cooperative programs.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

(B) Benefits.—The percentage of individuals in each population described in subparagraph (A) who have—

(i) a serious mental illness; and

(ii) received disability benefits under title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.).

(C) Report.—Not later than 36 months after the date of enactment of this Act, the Attorney General shall submit to Congress the report described in subsection (a).

(D) Definitions.—In this section—

(i) the term "serious mental illness" means that an individual has, or at any time during the 1-year period ending on the date of enactment of this Act had, a covered mental, behavioral, or emotional disorder; and

(ii) the term "covered mental, behavioral, or emotional disorder"—

(A) means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to cause substantial distress or impairment in functioning to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Classification of Diseases, Ninth Revision, Clinical Modification equivalent of the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition; and

(B) does not include a disorder that has a V code within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, a substance use disorder, or a developmental disorder, unless that disorder cooccurs with another disorder described in paragraph (A) and causes functional impairment which substantially interferes with or limits 1 or more major life activities.

(E) Authorization of appropriations.—There are authorized to be appropriated to carry out this section $2,000,000 for 2009.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2304), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. LEAHY. Mr. President, I was proud to be a cosponsor, but I am especially proud of the lead sponsor, Senator EDWARD KENNEDY of Massachusetts. This is a matter he has cared passionately about, and he has worked tirelessly. He relied not only on his own family experience but also the experiences of so many other thousands of families who have seen Senator KENNEDY as a champion. I applaud him.

We have been in constant contact with Senator KENNEDY during the time we have been working on this issue. Incidentally, we are, of course, talking about The Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act. I have talked with him about his personal experience and with those who are mentally ill, and his concern about this whole subject has been shown time and time again. So I applaud Senator KENNEDY and all the other cosponsors for what they have done.

Today, the Senate will finally turn to legislation to reauthorize the Mentally Ill Offender Treatment and Crime Reduction Act. Though this bill was re-submitted by the Judiciary in April, it has stalled on the Senate floor for 5 months due to Republican objection. I am glad that we are moving forward on this bill today.

I was a sponsor of the original authorization of this Act in 2004, and I am proud that these programs have helped State and local governments to reduce crime by providing more effective treatment for the mentally ill. I am pleased to be a cosponsor of the reauthorization of this important legislation. This Congress joins Senators KENNEDY, DOMENICI, and SPECTER for their leadership on this issue.

All too often, people with mental illness find themselves in a revolving door between the criminal justice system and the streets of our communities, committing a series of minor offenses. These offenders end up in prisons or jails, where little or no appropriate medical care is available for them. This bill gives State and local governments the tools to break this cycle, for the good of law enforcement, corrections officers, the public’s safety, and the mentally ill offenders themselves. More than 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness, and about 20 percent of youth in the juvenile justice system have serious mental health problems. Almost half the inmates in prison with a mental illness were incarcerated for committing a non-violent crime. This is a problem that I hear about often when I talk with law enforcement officials and others in Vermont.

Under this bill, State and local governments can apply for funding to create or expand mental health court programs or other court-based programs, which can divert qualified offenders from prison to receive treatment; create or expand programs to provide specialized training for criminal justice and mental health system personnel; create or expand local treatment programs that serve individuals with mental illness or co-occurring mental illness and substance abuse disorders; and promote and provide mental health treatment for those incarcerated in or released from jails and prisons.

The grants created under this program have been in high demand, but only about 11 percent of the applications submitted have been able to receive funding due to the scarce Federal funds available. The bill’s sponsors and I worked hard to determine an appropriate authorization level of funding, which has unfortunately been slashed.
in this bill in order to accommodate the objection of the junior Senator from Oklahoma. I look forward to working with Senators KENNEDY, DOMENICI, and SPECTER as the appropriations process moves forward so that these vital programs can be adequately funded.

This legislation brings together law enforcement, corrections, and mental health professionals to help respond to the needs of our communities. They are familiar with the unique problems states face with mentally ill offenders, and they understand the importance of federal support. I am glad the Republican objection to moving this bill forward has been lifted, and I hope the House passes this important bill swiftly.

Mr. DOMENICI. Mr. President, I rise today with my colleagues, Senator KENNEDY, Senator LEAHY, and Senator SPECTER, to laud the passage of S. 2304, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008. This bill reauthorizes and improves several programs intended to provide federal support for collaborations between criminal justice and mental health systems. I must first show my great admiration and appreciation for Senator Ted KENNEDY, with whom I have worked diligently on legislation related to mental illness. His support, knowledge, and friendship have been invaluable in our joint fight for better access and opportunities for the millions of Americans who suffer from some form of mental illness. To him I owe a debt of gratitude and am thankful for the opportunity to have worked so closely with him for so many years.

It is estimated that approximately 16 percent of adult U.S. jail and prison inmates suffer from mental illness and the numbers are even higher in the juvenile justice system. Many of these individuals are not violent or habitual criminals. Most have been charged or convicted of non-violent crimes that are a direct consequence of not having received needed treatment and supportive services for their mental illness.

The presence of defendants with mental illnesses in the criminal justice system imposes substantial costs on that system and can cause significant harm to defendants. In response to this problem, many communities across the country are implementing mental health courts, a specialty court model that utilizes a separate docket, coupled with regular judicial supervision, to respond to individuals with mental illnesses who come in contact with the justice system.

Many communities are not prepared to meet the comprehensive treatment and needs of individuals with mental illness when they enter the criminal justice system. The bill passing today is intended to help provide resources to help states and counties design and implement collaborative efforts between criminal justice and mental health structures. The bill reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Grant Program and reauthorizes the Mental Health Courts Program. It creates a new grant program to help law enforcement identify and respond to incidents involving people with mental illness or substance abuse disorders. It funds a study and report on the prevalence of mentally ill offenders in the criminal justice system. All of these reforms will help to address this problem from both a public safety and a public health point of view, help save taxpayers money, improve public safety, and link individuals with the treatment they need to become productive members of their community.

Certainly, not every crime committed by an individual diagnosed with a mental illness is attributable to their illness or to the failure of public mental health. Mental health courts are not a panacea for addressing the needs of the growing number of people with a mental illness who come in contact with the criminal justice system. But they should be one part of the solution. Evidence has shown that in communities where mental health and criminal justice interests work collaboratively on solutions, it can make a significant impact in fostering recovery, improving treatment outcomes and decreasing recidivism.

I thank my good friends for working with me on this very important issue. I am grateful to be able to support and advance these important programs and am thankful to be here to see the passage of this legislation that we worked so hard on.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. KENNEDY. Mr. President, it is a privilege to join my colleague from New Mexico, Senator DOMENICI, in strongly supporting Senate passage of S. 2304, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008. This bicameral, bipartisan legislation demonstrates strong Federal support for helping local communities address the current crisis in which far too many persons with mental illness are subjected to incarceration, not treatment. With full funding, this proposal has the potential to achieve significant reforms in the criminal justice system's treatment of people diagnosed with mental illness.

I commend Senator DOMENICI for his leadership on this bill and on many other initiatives to improve our Nation's mental health system. I also commend the leadership of Representatives BROWNLEY, THURSY, and FOREMAN in the House of Representatives on this issue. This important legislation will promote cooperative initiatives that will significantly reduce recidivism and improve treatment outcomes for mentally ill offenders.

Based on the most recent studies by the Bureau of Justice, more than half of all prison and jail inmates in 2005 had a mental health problem, including 56 percent of inmates in State prisons, 45 percent of Federal prisoners, and 64 percent of jail inmates. According to a report by the Council of State Governments' Criminal Justice-Mental Health Coordinating Council, the rate of mental illness in State and local jails is at least three times the rate in the general population, and at least three-quarters of those incarcerated have a substance abuse disorder.

Far too often, individuals are subjected to the criminal justice system, when what is really needed is treatment and support for mental illness or substance abuse disorders. Families often resort in desperation to the police in order to obtain treatment and assistance for a loved one suffering from an extreme episode of a mental illness. During times of such distress, families feel they have no other alternative because persons with symptoms such as paranoia, exaggerated actions, or impaired judgment are unable to recognize the need for treatment.

It is unconscionable, and may well be unconstitutional, for these vulnerable individuals to be further marginalized after they are incarcerated. Too often they are denied effective treatment because of inadequate resources. Most mentally ill offenders who come into contact with the criminal justice system are charged with low-level, nonviolent crimes. Once behind bars, they may be face an environment that further exacerbates symptoms of mental illness that might otherwise be manageable with proper treatment, and they may soon be back in prison as a result of insufficient and inadequate services when they are released.

This bill reauthorizes critical programs to move away from troubled systems that often result in the escalating incarceration of individuals with mental illness. Through this legislation, States and local correctional facilities will be able to create appropriate, cost-effective solutions. In particular, I am very supportive of the crisis intervention teams that many communities have developed to expand cooperation between the mental health system and law enforcement. These teams have been very effective in enabling officers to spend less time arresting mentally ill individuals and more time directing them toward treatment. I also support the continued expansion of mental health courts, so that defendants can be placed into judicially supervised community-based treatment programs, which often result in better outcomes and reduced recidivism.

To date, we have seen only a fraction of the possible potential of this legislation, because only a small number of communities have been able to benefit from this legislation. Because of limited Federal funding, only 11 percent of applicants have been able to receive funding through this grant. The demand for them is high. No magic solution will solve the problems faced by communities across America. But this
bill will effectively address local needs by fostering greater cooperation between law enforcement and mental health providers.

In addition, members of State and local law enforcement need access to training and other alternatives to improve safety and responsiveness. It re-authorizes the Mentally Ill Offender Treatment Program and maintains its authorized funding at $50 million a year. The legislation also authorizes grants to States and local governments to train law enforcement personnel on procedures to identify and respond more appropriately to persons with mental illness, and develop specialized receiving centers to assess individuals in custody.

The broad support for this legislation includes the Council of State Governments, the National Alliance on Mental Illness, the National Sheriffs Association, the Bazelon Center for Mental Health Law, the National Council for Community Behavioral Healthcare, the National Alliance for the Mentally Ill, the Campaign for Mental Health Reform and Mental Health America. These organizations understand it will provide much needed assistance to help solve the problem, with law enforcement, corrections and mental health communities have all come together in support of this legislation, and Congress is right to respond.

Individuals and their loved ones struggle with countless challenges and barriers during a mental health crisis. With this bill, Congress will be providing significant new support for needed cooperative efforts between law enforcement and mental health experts. I am pleased that the Senate supports this legislation, and I am optimistic it will be enacted before the end of this current session of Congress.

The PRESIDING OFFICER. The Senator from Pennsylvania.

JUDICIAL NOMINATIONS

Mr. SPECTER. Mr. President, at the outset, I wish to thank my distinguished colleague, the chairman of the Senate Judiciary Committee, for the committee’s action in considering the judicial nominees and for moving ahead with their confirmations today. Senator LEAHY now has and we have moved ahead. Senator Leahy, as the leader of the chairman of the committee, to get the job done.

There are three Pennsylvanians in the group of judges that we are confirming today: C. Darnell Jones, II, judge on the Philadelphia Court of Common Pleas; Mitchell Goldberg, judge on the Bucks County Court of Common Pleas; and Joel Slosmy, a distinguished practitioner. Three very distinguished nominees.

I see the Senator from Colorado is on the floor, and there are two Colorado judges, as well as other judges, that were confirmed. I thank the chairman for his action taken today.

Mr. LEAHY. Mr. President, if the Senator will allow me, I think I should appreciate his kind words. He and I have been friends from our days when we first met as prosecutors in our jurisdictions. So I appreciate that.

I also appreciate the fact that he has said privately what he has said publicly in thanking me. The Senators from Colorado, the Senators from Florida, and the Senators from Virginia have also joined with the Senators from Pennsylvania in thanking me for moving these nominations. I am sure when the Record is read that Senators from the other States will be aware of what we have done. But I do appreciate that. His words mean a great deal to me.

Mr. SPECTER. Mr. President, a few more concluding comments. I was glad to yield to my distinguished colleague, the chairman of the committee.

I also wish to comment briefly about the intellectual property enforcement bill, which is the Leahy-Specter bill. I am glad to see that has cleared and I thank Senator Coburn for taking the hold off, after very extensive discussions, which I know the chairman has had and I have had. This is a very important bill for the intellectual property community to provide enforcement and to provide teeth so intellectual property is respected, giving additional powers to the Department of Justice. I want to thank Senator Coburn for his action taken today.

I yield the floor to the Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise, first and foremost, to thank the chairman of the Judiciary Committee, Senator Patrick Leahy, for his statesmanship, his work and leadership on the Judiciary Committee, as on so many issues. The ten judges that have just been confirmed show the kind of statesmanship he brings to this body, and I am very proud to be able to work with him and proud to be able to work with the distinguished ranking member as well.

I wish to make a brief comment regarding two of the judges who were confirmed two months ago, and they would be Christine Arguello and Philip Brimmer from Colorado.

Christine Arguello is a person who was nominated by President Clinton, now over 10 years ago, to the district court, as well as the Tenth Circuit Court of Appeals. She is truly an American dream. She was born and raised in very humble circumstances. There was a poignant time where, because her father worked on the railroad, she actually lived in a boxcar. Yet, over time, she became a very successful student and ended up at Harvard Law School. She went on to have a very distinguished career both in the private sector and the public sector and served as my chief deputy attorney general during the time I served as the attorney general for the State of Colorado.

She is a tenured law professor. She knows the law well, and she will make the State of Colorado and the United States of America very proud with her service on the bench of the U.S. District Court for the State of Colorado. So I congratulate her, and I thank Senator LEAHY and Senator SPECTER for their leadership in moving that through the house.

I wish to congratulate Phil Brimmer, who will join Christine Arguello in the U.S. District Court. He comes from a family of distinguished jurists, and he has a distinguished academic career and now over 7 years of leadership experience within the U.S. Attorney’s Office in Colorado, where he has been in charge of the special prosecutions unit. He is a lawyer’s lawyer. Both Christine Arguello and Phil Brimmer will move the hands of justice forward in a way we can all be very proud of for the State of Colorado.

I see there are two of my colleagues on the floor, Senator BINGAMAN and Senator MIKULSKI. I think they are waiting to speak.

I yield the floor to the PRESIDING OFFICER. The Senator from New Mexico.

TRIBUTE TO SENATORS

Mr. BINGAMAN. Mr. President, I want to take just a few minutes to speak about our colleagues who have announced their plans to retire at the conclusion of this 110th Congress. We obviously will miss them. There are five individuals about whom I wanted to say a brief word: Senators ALLARD, HAGEL, CRAIG, WARNER, and DOMENICI. They have all brought their intelligence, principles, and perspectives on the issues of this 110th Congress. The Nation is better for their efforts.

Senators ALLARD and HAGEL both came to the Senate in 1996.
WAYNE ALLARD

Senator ALLARD had a long career in public service before coming to the Senate. He managed to serve the State of Colorado while never giving up his credentials as an expert veterinarian in that field, reaffirming the long-held belief that in the words of the wise old saying, "all of us have had that a legislative body should be composed of individuals with training other than that which they acquire here in the Halls of Congress. His straightforward approach has been a hallmark of his career.

Living a principle that he espouses, he is fulfilling his often-stated intention to limit himself to two terms. He and his wife Joan will certainly be missed here in the Senate.

CHUCK HAGEL

Chuck Hagel of Nebraska forged a very successful career in business and broadcasting, civic organizations and government, but first he served our country as a sergeant in Vietnam. It was an honor to work with him on the Vietnam visitors center legislation. He has championed that cause, knowing firsthand how much it means to have lived through the experience of that war. He has a wide knowledge of the world, and he has informed his thoughtful and well-considered positions on foreign policy and experience of that war.

One of the things in which he takes great pride is helping to get us to a balanced Federal budget twice. We can all appreciate how difficult that kind of undertaking is.

SENIOR DOMENICI

The most senior Senator retiring this year, of course, is my colleague and friend PETE DOMENICI. He is not only the most senior Senator retiring this year from the Senate, he is also the most senior Senator New Mexico has ever had. When PETE leaves the Senate this year, it will be after 36 years of unceasing work doing his best for his country and for our State of New Mexico.

He will be the first to say that his success and longevity here could not have been possible without two important elements: his family and his staff. The love and support of his wife Nancy have been invaluable. Also, from the first, he has had a fine staff. It was true when he came to Washington and it is certainly true today, here and in New Mexico. They are skilled individuals who make it their business to be helpful to the people of our State.

Senator DOMENICI’s contributions are well known to all of us. His work on the Budget Committee and the Energy and Natural Resources Committee and the Appropriations Committee over the years has had a lasting impact on national policy. As a member of the Budget Committee, from the day he was sworn in, he was either the chairman or ranking member of that committee for 12 years of his 36 years on the committee.

One of the things in which he takes great pride is helping to get us to a balanced Federal budget twice. We can all appreciate how difficult that kind of undertaking is.

SENIOR DOMENICI and I, of course, served on the Energy and Natural Resources Committee together. The Senate Historian has told us that as far as his office can tell, it is the only instance in the history of the Senate where Senators from the same State served as chairman and ranking member of the same committee at the same time. Obviously, I will miss that arrangement.

New Mexicans, including me, have great affection and respect for PETE DOMENICI. “People for Pete” is the motto PETE has used in each of his campaigns for many years. It is not just a famous campaign phrase in our State—although it is seen on bumper stickers all over our State whenever a campaign is underway involving PETE—but it is a bit of a twist on what his career has been all about; that is: PETE for the people of New Mexico. He is a man of his word and has carried through in great form.

We will miss his service to the State of New Mexico here in the Senate.

I yield the floor.

Mr. ALLARD. Mr. President, I would like to take a moment to thank the chairman of the Judiciary Committee for working with Senator SALAZAR and myself in getting two individuals finally confirmed by the Senate; that is, Phillip Brimmer and Christine Arguello to the District Court of Colorado. I know it was not an easy task that the chairman of the Judiciary Committee had before him. I know he had to buck some of the persistent rules of his committee, he had to buck a very tight timeline at the end and had to deal with some misunderstandings that further delayed their confirmation.

I respect him highly for his good work as chairman of the Judiciary Committee. I respect him for the fact that he was able to keep his commitment to both myself and Senator SALAZAR on these two individuals. Senator SALAZAR and I worked to work out an agreement where we could fill at least two of the vacancies on the District Court of Colorado.

I also compliment my good friend and colleague Senator SALAZAR for being willing to work with me to meet the needs of this district court. When you have three vacancies on a district court, they are reaching the status of what we call emergency status. That means there is considerable more workload there because of the vacancies, and as a result of that it begins to impede their ability to deal with the cases that might come before that district court.

I also state for the record that this is a court that deals with a very heavy workload and probably should have an additional seat on the bench there in this district court because of the heavy workload we have in the Colorado District Court.

PHILIP BRIMMER

I would like to take a moment to talk about the two fine individuals on whom Senator SALAZAR and I ended up agreeing—first of all, in regard to Mr. Brimmer.

Mr. Brimmer is an outstanding lawyer. He is a graduate of Harvard and Yale Law School, institutions that provided him with tremendous analytical tools and an arsenal of knowledge which have served him well in his career.

Upon graduation from law school, Mr. Brimmer spent 2 years clerking for the U.S. District Court for the District of Colorado. Thereafter, he joined a Denver law firm, where he spent 7 years in private practice before making a decision to devote his career to public service. This decision led Mr. Brimmer to the Denver District Attorney’s Office, serving first as a deputy district
attorney and later promoted to chief deputy district attorney.

Former District Attorney and current Governor of Colorado Bill Ritter wrote, “Throughout Mr. Brimmer’s service at the Denver District Attorney’s Office, he upheld the highest standards of integrity, fairness, honesty, hard work—and a dedication to public service.” Governor Ritter felt he could trust Phil Brimmer with the most challenging cases that came through the office; Phil Brimmer did not disappoint.

Current Denver District Attorney Mitch Morrissey recently wrote of his former colleague in a similar fashion. “[Phil Brimmer] never failed to impress me both with his work ethic and his knowledge of the law. . . . He was one of our most valued attorneys.” The sentiments of Governor Ritter and District Attorney Morrissey are reflected in numerous other letters sent to my office from people who worked with Mr. Brimmer throughout the years.

Similar to his experience as deputy district attorney, Mr. Brimmer has been exceptionally successful as Federal prosecutor. Almost 7 years ago, he joined the U.S. Attorney’s Office as an assistant U.S. attorney and has worked on an assortment of criminal cases as chief of the major crimes section and now as chief of special prosecutions section.

As chief of special prosecutions in the U.S. Attorney’s Office, Mr. Brimmer handled very challenging and procedurally complex case, dealing with an assortment of crimes, including child exploitation, cyber crimes, capital crimes, and prison crimes. Attorney general of Colorado John Suthers hired Phil Brimmer in the fall of 2001, recognizing his “excellent work ethic” and his “tremendous intellectual capability”. It seems Mr. Brimmer continues to impress everyone he works with, as he continues to serve Colorado’s legal community with great distinction.

Anyone familiar with Philip Brimmer’s professional credentials can attest to his intelligence and his talent. Anyone familiar with Philip Brimmer, as an individual, would certainly observe that he is respectful, loyal, and good-humored. His integrity, honesty and professional dedication to public service also contribute to making Philip Brimmer a “rare find.”

From my conversations with Mr. Brimmer, it is clear that he recognizes the proper role of the judiciary. His personal qualities and character, coupled with his professional experience, an ABA rating of “well qualified”, and outstanding bipartisan recommendations from within Colorado’s legal community make Philip Brimmer ideally suited to service on the federal district court.

Christine Arguello

Ms. Arguello. In 1999, I made a recommendation to then President Clinton to nominate Ms. Arguello for a seat on the U.S. District Court for the District of Colorado. This past January, I again offered her name to President Bush and urged he consider nominating Christine Arguello to fill a vacant judgeship on Colorado’s Federal district court.

I speak before the Senate today in support of the nomination of this fine lawyer for service on the Federal bench. In her more than 25 years of legal experience, she has worn many different hats. She has experience as a trial lawyer, in-house counsel, law professor, and public servant.

She is a skilled attorney with impressive credentials and a diverse professional background.

Ms. Arguello earned her undergraduate degree from the University of Colorado and her law degree from Harvard. She began her distinguished professional career working as an associate in the “big four” law firms in Colorado, Ms. Arguello has added law professor to a long list of accomplishments she brings with her. In 2003, she returned to private practice as a civilian litigation attorney, and in 2006 she assumed her current job as managing senior associate counsel for the University of Colorado at Boulder.

She has been described by many as a trailblazer. Ms. Arguello and the wide-ranging experiences and accomplishments she brings with her would make her a great asset to the Federal bench. In addition to being the first Hispanic from Colorado to be admitted to Harvard Law School and the first Hispanic to be promoted to partner at one of the “big four” law firms in Colorado, Ms. Arguello has added law professor to a long list of accomplishments she brings with her.

She became a tenured professor at the University of Kansas Law School and joined the faculty at the University of Colorado School of Law and the University of Denver College of Law as an adjunct professor and visiting professor, respectively.

It is with a great deal of pleasure that I am able to see to conclusion the confirmation of Phil Brimmer and Christine Arguello to the District Court of Colorado.

Again, I cannot say how thankful I am I have a good friend and colleague such as Senator Ken Salazar who is willing to work with me on issues that are facing the Colorado District Court and many other issues that are facing the State of Colorado.

I yield the floor.

THE ECONOMY

Ms. MIKULSKI. Mr. President, I seek recognition under morning business and wish to speak about the economic crisis facing the Nation. I will be brief because I think we need less deeds and more action.

Mr. President, we do have an economic crisis. We do have a credit crisis. We need to be able to protect our economy, we need to act to protect the taxpayer, and we need to act to protect the distressed homeowner.

I am frustrated and deeply troubled. I deeply trouble to find ourselves when I observe that House Republicans are defying their own President. Our economy is in trouble.

Yesterday, leadership on both sides of the aisle and both sides of the dome went to the White House at the President’s request to try to deal with this issue. To my surprise, House Republicans poked their own President in the eye and derailed a plan that we were developing. Now we need action. And I say we need action.

What I need is Presidential leadership. We need a situation room. We need a situation room at the White House.

I ask the President to mediate all of this hubbub is going on on Capitol Hill, to be the commander in chief of the economy. We need a commander in chief of the economy. I ask him to do what he has done as Commander in Chief, to listen to his generals. He has Bernanke, he has Paulson, he also needs to get his Republican troops in line.

What happened is the Republican House became afraid of voters. I know we need to listen to voters. I am getting the same kind of e-mails they are. In the last 72 hours, I have received close to 8,000 e-mails and only 30 were for this plan.

I have received over 1,300 phone calls and almost all were against the bailout and why they are against the bailout. They wonder who is on their side, who is looking out for them; who is going to bail them out of their stagnant wages; who is going to bail them out of their rising, escalating health care; who is going to bail them out when they are trying to pay their utility and put gas in their car and buy groceries. seniors are wondering who is going to bail them out as they try to make sure they do not outlive their income. We listened to them loudly and clearly. Yet we need to also respond. We need to do not only respond to them, we need to be able to respond to this credit crisis.

Make no mistake, if we do not act we could lose jobs that could affect small business and ordinary homeowners. It could cause massive or significant temporary layoffs.

Now, I am for reform. I absolutely do want reform. I believe we were working
to get it. We have to get back on track, and the President needs to get us back on track.

I believe what the Senate was doing protected the economy by putting capital where it needed to go. It also protected the taxpayers from the type of spending that we had a stake in the outcome. We absolutely also forbade golden parachutes and put a cap on compensation. Again, we made sure that those who created the crisis do not further gouge us by profiting off the crisis. We had momentum and we had harmony for both solving the crisis and at the same time bringing reform. But in the midst of it, the House Republicans decided they were going to do their own plan and come up with some kind of insurance plan. Well, where were they 2 days before that?

Then, the Republican Presidential nominee parachuted in, ran back and forth on both sides of the Capitol and huffed and puffed. Huffing and puffing will not help. We have had too much huff, we have had too much puff, and there is now a need for Presidential leadership.

I am glad the Republican nominee decided to go to Mississippi and debate. That will debate the economic future of the United States of America. Tonight’s topic should be on the economy. We should listen to the Republican nominee and the Democratic nominee. We need to hear their ideas about the future of the economy of the United States, how they will be the next commander in chief of the economy; how that will create jobs that stay in the United States of America and pay a living wage, not a survivable wage; how they will deal with the skyrocketing cost of health care.

How are we going to deal with energy? It affects utilities and gas and, therefore, groceries. We need that debate because it is on the economic future of the country. It is something that we must be concerned with. The fact is, we have had too much huff, we have had too much puff, and there is now a need for Presidential leadership.

And here, while they are in Mississippi debating, we should begin to act. I ask that the President create this economic situation room. I am proud of my Senate colleagues. I salute the Republicans on the other side for working. We all worked together. We have all had to set aside, in these last couple of days, the outcome we wanted.

I am at heart and soul a reformer. I wanted more reform. I want more teeth in the securities and Exchange Commission where they do not just bark, that they bite. I was one of the people 10 years ago who voted against deregulation of the financial institutions. But we could not get that much reform in this package. We can do that on another day.

I stood on the floor of the Senate and said I wanted retribution for those who created fraud and engaged in predatory practices against unsuspecting homeowners. I said I wanted an investigation. I wanted people to go to jail. That is why, as chair of the committee that funds the FBI, we put money into the Federal checkbook so we can now have the FBI agents out there doing forensics, looking at the books of those people who tried to cook the books.

So, sure, I am for reform, and I am for retribution. But right now we have to focus on rescue. So let’s get it together. Let’s get real. I believe the Senate is acting that way. The House Republicans need to act that way. But the one person who has called us to come together, the President of the United States, has now got to go hands on, to listen to his generals, to listen to his cabinet, and let’s win this battle for America.

Mr. President, I yield the floor.

The PRESIDENT. The Senator from California.

Mrs. BOXER. Mr. President, I want to say to Senator MUKLUSKI how much I appreciate her words of passion, of leadership. I think she laid it out for the American people. We are on their side. We want to make sure we address their concerns.

The fact is, it looked as though we had a framework. I say to my friend, that was workable. The fact is, we had brought together people from both sides. Sadly, that was all disrupted when Presidential politics got involved.

Now, I want to say something from the heart. I know all of my colleagues agree with what I say. On an issue such as this one, which is kind of a once-in-a-lifetime hope for us, where we are in a crisis situation, where we are being told by the President’s men who have not handled this economy with, in my opinion, skill at this moment in time, it is one of those votes that is going to be a vote of conscience for each of us. It is going to be a vote we think about. A lot of us are already losing sleep about this subject. This is tough stuff. And no Presidential candidate is going to tell me how to vote—with all due respect to Senator McCain, I do not fly out or whatever he does. This Senator, and, frankly, I think Senators—Republicans, Democrats, Independents—each Senator will vote their constituents’ interests, what they think is best for their families, for the small businesses, to keep the economy going, what is right for taxpayers, what is right to get to the root cause of the problem.

I want to say that as far as I am concerned, frankly, Senator MCCAIN has one vote, and so do I. My vote will be my vote and no one else is going to tell me how to vote for my people. I felt that passion in my friend’s remarks. It is very sad that we have lost the momentum is that tally is about. But I believe we will get it back.

I know our chairman of the Banking Committee, CHRIS DODD, has an open door. I know he is waiting for the Republicans to walk back in and say: Let’s get the work across the line. Let’s get the job done. Party lines. We hope they will do that.

UNANIMOUS CONSENT REQUEST—H.R. 3999

Mr. President, on behalf of Senator KLOBUCHAR and myself, I ask unanimous consent to move a bill that would be very important for this economy that we know is suffering, very important for jobs, and very important to save lives. It is a bill that would immediately make $1 billion available to rebuild our Nation’s bridges.

Yesterday I passed out of the Environment and Public Works Committee, and it passed the full House of Representatives. Why? Because we do not want to see another bridge go down in Minnesota or any other place. Yes, we believe it is important to move in this direction to save lives, to rebuild our infrastructure, and to create jobs.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1050, H.R. 3999; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate. The PRESIDENT. Is there objection?

Mr. ALLARD. Mr. President, I object.

The PRESIDENT. Objection is heard. Mrs. BOXER. Mr. President, I am very disturbed and dismayed that our Republican friends would object to such a bill at such a time. During rush hour on August 1, 2007, the I–35 West bridge in Minneapolis collapsed, sending dozens of cars into the Mississippi River. This tragedy, which every American remembers well, claimed the lives of 13 people.

Just to see that bridge go down broke your heart. It served, though, as a wake-up call—at least we thought it did—that we cannot neglect our Nation’s crumbling infrastructure. Half of all the bridges in this country were built before 1964, the average age of a bridge in the national bridge inventory is 43 years old, and 26 percent of our bridges are deficient. Yet the Republicans will not even accept a bipartisan bill to go through. It shouldn’t take a tragedy such as the one in Minneapolis to remind us that the safety of our bridges and highways and other infrastructure can be a matter of life and death.

Senator KLOBUCHAR and Chairman OBERSTAR have worked to address these problems. That bill I asked unanimous consent to pass today, the National Highway Bridge Reconstruction and Protection Act of 2008, will begin those repairs.

I beg my Republican friends to wake up and smell the roses. A bridge collapsed. We need to rebuild our bridges and put people to work to do it. If we have enough money to rebuild Iraq, we ought to have enough money to rebuild bridges in this country that are a danger to our people.

The I–35 tragedy claimed the lives of 13 people. It has also served as an urgent wake-up call that we cannot neglect our Nation’s crumbling infrastructure.

The National Transportation Safety Board has not yet issued the results of
It is investigation into the Minnesota bridge collapse, but we do know that additional resources are needed to repair and replace aging bridges and highways across our Nation.

Half of all bridges in this country were built before 1974, and the average age of a bridge in the National Bridge Inventory is 43 years old.

Of approximately 600,000 bridges nationwide, about 26 percent are considered deficient.

The nation has vast unmet bridge needs and our economy strong and healthy, we need to make a serious investment in our transportation infrastructure. It makes constructive improvements to the current system by outlining potential financial and investment requirements. For the safety and security of our families, we, as a nation, can no longer afford to ignore this growing problem. Once again, ASCE is grateful for your leadership on this most important problem. If we can be of any assistance in this matter, please do not hesitate to contact Brian Pallasch, ASCE Managing Director of Government Relations & Infrastructure Initiatives, at (202) 789-7842 or at bpallasch@asce.org.

Sincerely yours,

DAVID G. MONGAN,
President

DEAR CHAIRMAN OBERSTAR: The American Road and Transportation Builders Association (ARTBA) strongly supports the National Highway Bridge Reconstruction and Inspection Act, H.R. 3999. Your proposal would generate federal leadership in response to a national need, setting priorities that prioritizes maintenance and repair of our existing roadways over new capacity. Our country can no longer afford the cost of inaction as our bridges continue to age and deteriorate. Please support H.R. 3999, The National Highway Bridge Reconstruction and Inspection Act.

Thank You,

DAVID G. MONGAN,
President

DEAR CHAIRMAN OBERSTAR: The American Road and Transportation Builders Association (ARTBA) strongly supports the National Highway Bridge Reconstruction and Inspection Act, H.R. 3999.

The collapse of the I-35 W Bridge August 1, 2007, is a stark example of the transportation system not keeping pace with the demands being placed on it and that tragic consequences can occur when warning signs are not heeded.

Sincerely,

DEAR CHAIRMAN OBERSTAR: On behalf of the National Stone, Sand & Gravel Association (SSGA) I wish to commend you for your continued efforts to address the nation’s bridge maintenance and repair problems so tragically highlighted by the Minnesota bridge collapse. NSSGA joins our coalition partners in supporting H.R. 3999, the “National Highway Bridge Reconstruction and Inspection Act.”

The key part of the problem facing the nation’s transportation system is that it is old with over half of the bridges built before 1961. Interstate bridges, which were primarily constructed in the 1960s, are at the end of their service lives (estimated to be 44 years for bridges built at that time). NSSGA supports the key goals of the legislation that establishes a risk-based priority for replacing bridges along the National Highway System and improving the bridge inspection program. This legislation will ultimately make travel safer and more efficient for all bridge users as older bridges are upgraded to current safety standards and are rebuilt to accommodate increases in traffic.

As of June 2008, there has been a 19 percent increase in the nation’s population, a 39 percent increase in vehicle miles traveled, but only a 4 percent increase in highway capacity. We also note a number of reports, including the National Surface Transportation Policy and Revenue

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S9603

U.S. bridges are classified as structurally deficient. Furthermore, the U.S. DOT estimates it would cost $85 billion to fix all existing bridge deficiencies.

This proposal is an important step toward addressing the problem of our nation’s crumbling infrastructure. It makes constructive improvements to the current system by outlining potential financial and investment requirements and improving federal oversight of state inspections. Any bridge safety program should be based on providing for public safety first.

Successfully and efficiently addressing the nation’s failing bridges, highways and other public works systems, will require a long-term, comprehensive national strategy—including identifying potential financial and investment requirements. For the safety and security of our families, we, as a nation, can no longer afford to ignore this growing problem.

Once again, ASCE is grateful for your leadership on this most important problem. If we can be of any assistance in this matter, please do not hesitate to contact Brian Pallasch, ASCE Managing Director of Government Relations & Infrastructure Initiatives, at (202) 789-7842 or at bpallasch@asce.org.

Dear Mr. Chairman: With the most of the more than 140,000 members of the American Society of Civil Engineers, we observe the strong support for the National Highway System Bridge Management Initiative (H.R. 3999).

According to the U.S. Department of Transportation (DOT), approximately 74,000
While our nation’s infrastructure has suffered from an appalling lack of investment, the state of our nation’s highway infrastructure crisis in this country continues to grow. The American Society of Civil Engineers reports that nearly one year after the tragic collapse of the I-35W bridge in Minneapolis, 25 percent of our nation’s bridges are structurally deficient; the chance of such a catastrophic bridge collapse like the one we witnessed almost a year ago in Minneapolis.

H.R. 3999 will improve bridge safety and invest in the long-term neglect of our nation’s aging infrastructure. In 2007, in response to this tragedy, Congress provided an additional $1 billion for states to begin addressing their most at-risk bridges; however, estimates show that the problem is much worse than anticipated. In a quarter of the nation’s bridges have structural problems or fail to meet current design standards. State departments of transportation have undertaken additional bridge emergency repairs to ensure there are not imminent failures, yet the system still needs an infusion of $65 billion to repair or replace the significant number of bridges that are 50 years or older.

In addition, states are struggling to keep pace with the rise in costs of many construction inputs: asphalt prices have more than doubled since the beginning of 2008, with increases of as much as 40 percent announced in some regions; and on-highway diesel fuel costs have risen 68 percent in the past 12 months; reinforcing steel (rebar) has roughly doubled since the beginning of 2008; and the price of construction plastics, such as polyvinyl chloride (PVC) pipe and plastic fencing and moisture barriers, have risen 10 to 25 percent since early 2008.

While bridges are a vital link in the nation’s transportation network, they are one component of the intermodal system that supports our $14 trillion economy. Like all infrastructure, they require and deserve solutions to address a variety of mobility challenges. Unfortunately, the Minneapolis tragedy is but a symptom of a bigger, looming problem affecting our entire country, which involves all modes of infrastructure in addition to surface transportation, including aviation, water infrastructure, flood control, and navigation. Recognizing the committee’s hard work to address these needs through other legislative efforts, your bridge initiative is an important first step to address the long-term neglect of our nation’s aging and deteriorating infrastructure. The American Society of Civil Engineers (ASCE)—the voice of America’s engineering industry—I wanted to express my strong support for H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act and applaud your leadership in addressing the shortcomings of our national bridge program.

ACEC strongly supports the requirement that bridge planning and critical bridge inspection team leaders be licensed professional engineers. While we recognize the value of experience in bridge inspections, there is no replacement for the rigorous education, testing and standards for professional licensing. We firmly believe that a licensed professional engineer, qualified to practice structural engineering, should be in “responsible charge” of every bridge safety inspection.

Finally, ACEC appreciates the inclusion of a $5 million grant program to evaluate the effectiveness, accuracy and reliability of advanced condition assessment inspection practices and technologies. In our testimony, inspectors are often limited in time and resources to visualize or other simple inspections that provide only an immediate snapshot of bridge conditions, existing and emerging deficiencies, and any potential hazards. Significant safety improvements can be found in emerging technologies such as fiber optic monitoring wire, wireless data acquisition, and peak strain displacement for monitoring and evaluating the structural health of a highway bridge. This additional funding in the bill will help move these technologies forward.

For these reasons, ACEC supports passage of H.R. 3999. We look forward to working with you on this important and critical infrastructure legislation in the future.

Sincerely,

David A. Raymon, President and CEO.
The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2382) to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the conditions around the country at taxpayer expense.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2382

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

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “FEMA Accountability Act of 2008”.

(b) DEFINITIONS.—In this Act—

(1) the term “Administrator” means the Administrator of FEMA;

(2) the term “FEMA” means the Federal Emergency Management Agency; and

(3) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 2. STORAGE, SALE, TRANSFER, AND DISPOSAL OF HOUSING UNITS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock; and

(2) establish criteria for determining whether individual temporary housing units stored by FEMA are in usable condition, which shall include appropriate criteria for formaldehyde testing and exposure.

(b) PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) storing the number of temporary housing units that the Administrator has determined are not in usable condition, based on the criteria established under subsection (a)(1); and

(B) selling, transferring, or otherwise disposing of the temporary housing units in the inventory of FEMA that—

(i) are in excess of the number of temporary housing units that the Administrator has determined are not in usable condition, based on the criteria established under subsection (a)(1); and

(ii) in usable condition, based on the criteria established under subsection (a)(2); and

(C) temporary housing units in the inventory of FEMA that the Administrator determines are not in usable condition, based on the criteria established under subsection (a)(2).

(2) APPLICABILITY OF DISPOSAL REQUIREMENTS.—The plan established under paragraph (1) shall be subject to the requirements of section 408(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(c) IMPLEMENTATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the appropriate committees of the House of Representatives a report on the status of the distribution, sale, transfer, or other disposal of the unused temporary housing units purchased by FEMA.

Mr. NELSON of Florida. I ask unanimous consent that the Pryor amendment at the desk be agreed to; the committee report be printed in the RECORD.

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

The amendment (No. 5657) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “FEMA Accountability Act of 2008”.

(b) DEFINITIONS.—In this Act—

(1) the term “Administrator” means the Administrator of FEMA;

(2) the terms “emergency” and “major disaster” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(3) the term “FEMA” means the Federal Emergency Management Agency.

SEC. 2. STORAGE, SALE, TRANSFER, AND DISPOSAL OF HOUSING UNITS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock to respond appropriately to major disasters occurring after the date of enactment of this Act; and

(2) establish criteria for determining whether the individual temporary housing units stored by FEMA are in usable condition, which shall include appropriate criteria for formaldehyde testing and exposure of the individual temporary housing units.

(b) PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) storing the number of temporary housing units that the Administrator has determined are not in usable condition, based on the criteria established under subsection (a)(1); and

(B) selling, transferring, or otherwise disposing of the temporary housing units in the inventory of FEMA that—

(i) are in excess of the number of temporary housing units that the Administrator has determined are not in usable condition, based on the criteria established under subsection (a)(1); and

(ii) in usable condition, based on the criteria established under subsection (a)(2); and

(C) disposing of the temporary housing units in the inventory of FEMA that—

(i) are in excess of the number of temporary housing units that the Administrator has determined are not in usable condition, based on the criteria established under subsection (a)(1); and

(ii) in usable condition, based on the criteria established under subsection (a)(2).

(2) APPLICABILITY OF DISPOSAL REQUIREMENTS.—The plan established under paragraph (1) shall be subject to the requirements of section 408(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(c) IMPLEMENTATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan described in subsection (b).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of the Senate and the House of Representatives a report on the status of the distribution, sale, transfer, or other disposal of the unused temporary housing units purchased by FEMA.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2382), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PAUL D. WELLSTONE MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH, AND EDUCATION AMENDMENTS OF 2008

Mr. NELSON of Florida. I ask unanimous consent that the Senate proceed to immediate consideration of H.R. 5265, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5265) to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, oculopharyngeal, muscular dystrophies.

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

Mr. NELSON of Florida. I ask unanimous consent that the substitute amendment be agreed to; the bill, as amended, be read three times and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 5658) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008.”


SEC. 3. DEVELOPMENT AND EXPANSION OF ACTIVITIES OF CDC WITH RESPECT TO EPIDEMIOLOGICAL RESEARCH ON MUSCULAR DYSTROPHY.

Section 317q of the Public Health Service Act (42 U.S.C. 247q) is amended—

(1) by redesignating subsection (d) as subsection (f); and

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

"(d) DATA.—In carrying out this section, the Secretary may ensure that any data on patients that is collected as part of the Muscular Dystrophy STARnet (under a grant under this section) is regularly updated to reflect changes in patient condition over time.

"(e) REPORTS AND STUDY.—

"(1) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of the Safe Care for Kids Act (42 U.S.C. 247b–18) is amended—

(A) by adding at the end the following:

"(2) by inserting after the Secretary may—

"(B) containing the data collected and findings derived from the MD STARnet sites each fiscal year (as funded under a grant under this section during fiscal years 2008 through 2012); and

"(C) that every 2 years outlines prospective data collection objectives and strategies.

"(2) TRACKING HEALTH OUTCOMES.—The Secretary may provide health outcome data on the health and survival of people with muscular dystrophy.

SEC. 4. INFORMATION AND EDUCATION.

Section 5 of the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 (42 U.S.C. 247q–19) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) REQUIREMENTS.—In carrying out this section, the Secretary may—

(A) partner with leaders in the muscular dystrophy patient community;

(B) cooperate with professional organizations and the patient community in the development and issuance of care considerations; and

(C) widely disseminate the Duchenne–Becker muscular dystrophy and other forms of muscular dystrophy care considerations as broadly as possible through partnership opportunities with the muscular dystrophy patient community.

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

The bill (H.R. 5625), as amended, was read the third time, and passed.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 960, S. 3166. The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

"(g) CLINICAL RESEARCH.—The Coordinating Committee may evaluate the potential need to enhance the clinical research infrastructure required to test emerging therapies for the causes of muscular dystrophy by prioritizing the achievement of the goals related to this topic in the plan under subsection (e)(1)."

"(e) REPORTS AND STUDY.—

(1) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of the Safe Care for Kids Act (42 U.S.C. 247b–18) is amended—

(A) by adding at the end the following:

"(2) by inserting after the Secretary may—

"(B) containing the data collected and findings derived from the MD STARnet sites each fiscal year (as funded under a grant under this section during fiscal years 2008 through 2012); and

"(C) that every 2 years outlines prospective data collection objectives and strategies.

"(2) TRACKING HEALTH OUTCOMES.—The Secretary may provide health outcome data on the health and survival of people with muscular dystrophy.

"(c) REQUIREMENTS.—In carrying out this section, the Secretary may—

(A) partner with leaders in the muscular dystrophy patient community;

(B) cooperate with professional organizations and the patient community in the development and issuance of care considerations; and

(C) widely disseminate the Duchenne–Becker muscular dystrophy and other forms of muscular dystrophy care considerations as broadly as possible through partnership opportunities with the muscular dystrophy patient community.

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

The bill (H.R. 5625), as amended, was read the third time, and passed.
September 26, 2008

CONGRESSIONAL RECORD — SENATE
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Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore,

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of "Lights On Afterschool," a national celebration of after school programs.

THE CALENDAR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following items en bloc: Calendar Nos. 1062, 1064, 1065, and 1066.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the measures en bloc.

Thereupon, the Senate proceeded to consider the bills en bloc.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider to be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

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

FINANCIAL CRISIS

NOW, THUS far, we have already committed $1 trillion for the economy. What most people are not talking about is the fact that we have already committed $1 trillion for the economy. What most people are not talking about is the fact that we have already committed $1 trillion for the economy. What most people are not talking about is the fact that we have already committed $1 trillion for the economy. What most people are not talking about is the fact that we have already committed $1 trillion for the economy.

SENDER PAUL SAYLOR POST OFFICE BUILDING

The bill (H.R. 6092) to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the "Corporal Alfred Mac Wilson Post Office," was ordered to a third reading, was read the third time, and passed.

CORPORAL ALFRED MAC WILSON POST OFFICE

The bill (H.R. 6475) to designate the facility of the United States Postal Service located at 101 Texas Avenue in Odessa, Texas, as the "Corporal Alfred Mac Wilson Post Office," was ordered to a third reading, was read the third time, and passed.

MAYOR WILLIAM "BILL" SANDBERG POST OFFICE BUILDING

The bill (S. 3309) to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the Mayor William "Bill" Sandberg Post Office Building, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

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

SECTION 1. MAYOR WILLIAM "BILL" SANDBERG POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, shall be known and designated as the "Mayor William ‘Bill’ Sandberg Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mayor William ‘Bill’ Sandberg Post Office Building".

CPL. JOHN P. SIGSBEE POST OFFICE

The bill (H.R. 5975) to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Cpl. John P. Sigbee Post Office," was ordered to a third reading, was read the third time, and passed.
much money they are making. Well, as I said, last year the CEO of a company that went belly up last night made $14 million, and the replacement, working 3 weeks, will make $19 million. What does $19 million equate to? Well, I figured at $50,000 a year for an average salary. It would take 382 years for a worker to earn what this man is going to get in severance payments and bonuses for a 3-week stint in a failed company. Unbelievable. Absolutely unbelievably. But it is a hood ornament. It is a carnival of greed that has existed now for some while, unabated, in which people at the top have made massive quantities of money. Then the whole thing comes crashing down because they began creating exotic securities that were supported, in some cases, by worthless mortgages, placed by bad brokers and, in some cases, bad mortgage companies; sold up the chain to hedge funds and investments banks, all of them making massive quantities of money, and then it goes belly up and everybody wonders why.

So I asked the question: What do all of these folks make? How much money did they make as this was collapsing? Well, some of these, I am sure, are perfectly good people with good reputations. Stanley O’Neal, people tell me he is a good guy. Last year he made $161 million with Merrill Lynch. Lloyd Blankfein, Goldman Sachs, last year he made $54 million. John Thain, Merrill Lynch, he made $93 million last year. I am just looking at 2007 published compensation numbers. John Mack at Morgan Stanley made $41 million. James Cayne at Bear Stearns made $34 million. Poor Martin Sullivan down here at AIG, that went belly up, he only made $14 million, and we had to come up with $35 billion of the taxpayers’ money to backstop this company. The CEO made $14 million last year.

I mentioned Washington Mutual went belly up last year; the biggest bank failure in the history of this country. What did the CEO make last year? Fourteen million dollars in compensation.

So the question is: What does all this mean? On Wall Street—on Wall Street alone—in the past 3 years—not salaries, bonuses—have represented $100 billion. Let me say that again. It is almost too big to comprehend. In the last 3 years on Wall Street, bonuses equaled $100 billion.

In 2007, the 500 largest businesses in this country, the CEOs averaged $14.2 million. That is about 350 to 400 times what the average worker made. A bunch in the room, a bunch of high flyers, said: You know what let’s do? Let’s securitize things and then we can move them up the chain and sell them and resell them. It used to be: You want to get a home mortgage? Go downtown. Go to the businesses that make home mortgages—a bank or a savings and loan—sit across from somebody who knows about it and negotiate it and sign a paper, and then they held your mortgage. And if you had a little trouble, you said: I am having a little trouble making this month’s payment. That is the way it used to work. Kind of a sleepy industry that allowed people to get home mortgages in their hometown, and that is where the mortgage paper was.

Now, if you go down and get a mortgage, or perhaps a broker will call you and solicit you to get a mortgage under this model and they will sell this immediately, and then they will sell it up and somebody will securitize it with a bunch of other mortgages. Then they will resell that, and pretty soon you have mortgage securities. As I have said often, the sale of mortgage paper, sawdust and slicing them up and selling them up the line. They didn’t have the foggiest idea of what was in these securitizations.

So this is all about big yields. This is all about greed. Here is the origin of that greed. The biggest mortgage company in the country is bankrupt now, taken over by somebody else. In fact, the guy who ran this, Mr. Mozilo, escaped with over $50 million, so he is sitting pretty well. This is his lifeblood of the institution. Some of these institutions, and when you have toxic assets that have devalued and aren’t worth anything, it threatens the lifeblood of the institution. Some of them go belly up, right? So how do they have all of these toxic mortgages, these securities? Here is what they did. A bunch of the smartest guys in the country, the CEOs averaged $14.2 million. That is about 350 to 400 times what the average worker made. That is the basis on which they slice up these mortgages and send them forward because they said these have very high yields. Zoom Credit will preapprove you for a car loan, a home loan, or credit card. Even if your credit is in the tank, Zoom Credit is like money in the bank. We specialize in credit repair and debt consolidation. Hey, listen: Bankruptcy, slow credit, no credit, who cares? Come get a mortgage from us.

All over this country, people filled with greed, companies saying, Come and get a mortgage. In fact, I tell you what. We will allow you to get a mortgage from us with what is called a no doc loan. What does that mean? It means you don’t have to document your income. It is called a no doc loan. We will give you a mortgage and you don’t have to document your income. In fact, here is what you find on the Internet about that. No doc and low doc. Is that English? Yes, it is English. No doc. These mortgage companies said, We would like to give you a mortgage, a home mortgage, and you don’t have to document your income for us. You don’t have to hear my companies say: You got bad credit, slow credit, no pay, been bankrupt? Come to us. They also say this: We will give you one without having to document your income to us.

So they say this: You know what. You don’t have to pay any principal interest only. No documentation of your income and interest only. But they say, If that is not good enough, we will tell you what. You pay only. We will make your first 12 months payments for you, and then you pay interest only. But if that is not good enough, you don’t pay any principal and you don’t pay full interest; we will actually cut part of your interest and have no principal and add it to the back end of your loan after you have gotten a loan from us with no documentation of your income. Been bankrupt? Are you a bad credit risk? Come to us.

So here is the trick, and here is how it all worked. Once they got you to do this, they locked in what was called prepayment penalties, and they said: If you get this mortgage, you should understand we are going to cut your monthly payment by a fourth. Are you paying $800 a month now? Get a mortgage from us, it will cost you $200 a month. That is a good deal. Now, it is going to reset with a new interest rate in 3 years. We want you to know this: We won’t ever tell you what that is going to mean; we will fuzz that up for you. But, of course, they never said you won’t possibly be able to afford the payments in 3 years because the interest rate is going to go to 10 percent.

What they did is they put in a prepayment penalty that was very substantial which meant that when this reset with a much higher interest rate and a much higher payment, people could not repay it, they could not prepay their way out of the mortgage. That is the basis on which they slice up these mortgages and send them forward because they said these have very high yields.
high yields with these prepayment penalties; we locked them into big interest rates in the outyears.

Two million Americans are going to lose their houses this year because of this kind of trash. This is not good business capitalism as we know it. This is unfeathered greed.

Two million Americans will lose their homes this year. Think of that. Think of 2 million supper tables across this country. Sitting around with the kids and the spouse saying: We are going to lose our house and there is not a thing we can do about it. 'Two million times this year?'

In addition to that, which I think is the most important piece of this sad story, in addition to 2 million people losing their homes, then we see the consequences of all these bad, toxic securities, mortgage-backed securities lying in the bowels of these big investment banks and regular banks as well, whose deposits are insured by the Federal Government. When they turn sour, it goes belly up. Then we wake in the morning and we hear big firms whose names we have been accustomed to for years are going to lose their beneficial to this country, providing investment capital for expansion of this country's economy, all of a sudden they have gone belly up. Why? Because they are laden now with these toxic mortgages.

I went to the Internet yesterday and I found 300 examples of companies that want to provide loans today; 325 examples under ‘home loans with no credit check.’ Just today. Try it. Go to the Internet and see if you can find companies advertising: Come to us. Bad credit? Been bankrupt? No credit check. Hundreds of them are still doing it.

The question is, Why is that being allowed? ‘You have bad credit? Get approved today.’ An example is Bankruptcy Internet which, by the way there is $46 trillion of notional value of credits which, by the way there is $46 trillion in the derivatives market. I wish to read something that was taken off the Internet in the last 24 hours.

Let me go back to one more part of the story. I wish to read something Franklin Delano Roosevelt said on March 12, 1933. I know with all the new-age of this economy, but I am interested in seeing if we can discover, even after 75 years, what the lessons of the past are.

‘Eighth of us voted against that Financial Modernization Act that stripped bare the protections put in place in the 1930s that has served us 80 years. The Senator from Iowa voted against it. Eight of us voted against it. I voted against it.’

I wish to show my colleagues what I said on May 6, 1999, during debate on that bill. I wish I had not been right. But here is what I said:

‘The bill will also, in my judgment, raise the likelihood of future massive taxpayer bailouts.

I sure wish I hadn’t been right. That is exactly the position we find ourselves in now.

I said during that debate: Fusing together ideas of banking, which requires not just the safety and soundness to be successful but the perception of safety and soundness, with other inherently risky speculative activity is, in my judgment, unwise.

I said on November 4, 1999, when the conference report came to the floor of the Senate: . . . we will in 10 years’ time look back and say: We should not have done that because we forgot that the perception of being safe and secure is critical. If people think you are not safe and secure and they run on the bank, I don’t care how strong your bank is, your bank is going to close its doors. A run on the bank and it is over. The perception of safety and security is critical.

What we had in the Great Depression is banks merging up with real estate. It was go-go time in the roaring twenties. We had banks with real estate and securities and so on. Back in the Great Depression, Franklin Delano Roosevelt created something called the Glass-Steagall Act. He said: No more. We are separating basic banking from risk. You won’t let them do that in Las Vegas. He didn’t say that it way back in 1934. He said you can’t gamble with respect to banks. If you want to do securities, buy, sell, make money, lose money, God bless you, you have the right to do that. But if you want to do real estate speculation, you have a right to do that. But no longer will anyone have the right to do that with respect to fundamental banking enterprises. He separated them.

In 1999, on the floor of this Senate, a financial modernization bill called the Financial Modernization Act came to this Senate. Senator Phil Gramm, Gramm-Leach-Billey—we have to modernize the financial system. We are going to get rid of Glass-Steagall. We are going to let financial homogenization occur. You can do one-stop shopping. Let everything happen under one big roof. We will create fireworks. It turns out the fireworks were made of thin paper.

Eight of us voted against that Financial Modernization Act that stripped bare the protections put in place in the 1930s that has served us 80 years. The Senator from Iowa voted against it. Eight of us voted against it. I voted against it.

As I say, I wish I had not been right. What I see happening these days are proposals I call no-fault capitalism. Things go bad, things turn sour, things go under, you know what, we will have the taxpayer take care of that. That is not the way capitalism is supposed to work.

I am not interested in seeing this economy go down or seeing the wreckage of this economy, but I am interested in seeing if we can discover, even after 75 years, what the lessons of the past are.

I am not interested in seeing this economy go down or seeing the wreckage of this economy, but I am interested in seeing if we can discover, even after 75 years, what the lessons of the past are. I wish to read something from the 2 million people who are sitting around the supper table talking about losing their homes this year. Think of that—and nobody knows exactly where they are, nobody knows who has them all, nobody has the jeopardy of where they exist on someone’s balance sheet. We don’t know because we have had lots of people in this Congress willing to protect the institutions so they don’t have to be regulated.

If we decide we are going to do something to provide stability to the financial system and decide we are not going to regulate hedge funds and regulate the trading in derivatives, of which, by the way there is $16 trillion to $6 trillion of notional value of credits which, by the way swaps right now in this country—think of that—and nobody knows exactly where they are, nobody knows who has them all, nobody has the jeopardy of where they exist on someone’s balance sheet. We don’t know because we have had lots of people in this Congress willing to protect the institutions so they don’t have to be regulated.

At the bottom of this discussion are the 2 million people who are sitting around the supper table talking about losing their homes. They have been smarter and would it not be smarter that while this repair is taking place that we decide to repair it at the bottom rather than pouring at the top, with respect to these toxic mortgages? How about working out family to family, county by city, by county, by city, working out the ability when a family can make payments, even at a lower interest rate, to keep that family in their house, to begin putting a floor under those mortgages? Wouldn’t that make much more sense than pouring $700 billion in a bailout or rescue package? I don’t think so.
foreclosed upon, to dispose of that? Wouldn’t it make sense, especially for the families who would like to find a way to work out their mortgage? It sure seems so to me.

The problem is, they cannot even find somebody to talk to because the mortgage has been put in these little pieces of sausage, so exotic a lot of people don’t understand them, and sold upstream three times, and they have all made a fortune. The problem is, the family is now going to get kicked out of the house, and all the folks that bought these now have toxic mortgages on their balance sheets, and we are told: You know what, we should bear the responsibility to solve that problem. I don’t think so.

We ought to create a taxpayer protection task force to investigate and claw back the ill-gotten gains in this whole system. There has been no oversight. Regulators have been dead from the neck up for 10 years. We pay them. They do not perform the job, but they are woefully blind, and shame on them. We have a right, it seems to me, and an expectation of aggressive oversight to find out who cheated, who engaged in predatory lending, and who will be made to stand and get the internals.

What is the accountability?

Finally, this Government has already done almost $1 trillion, let alone this $700 billion that is being proposed. Anything we do ought to make certain that the US taxpayers share in the increased values of the very firms that have received the benefit of the backstop of the American taxpayers.

I see no discussion about these issues. All I see is a roundtable discussion about who is going to provide the money and when and can’t we hurry up.

I will say one additional thing. It is curious that this administration and others spend most of their day talking this thing up and raising panic. The fact is, this country would be a whole lot better off talking about how we fix that which caused this problem, beginning with step 1.

What Franklin Delano Roosevelt did was not old-fashioned. In fact, it is exactly what we need to do now. We need to decide that we are going to get in some control of this financial system. Financial modernization, my eye. That is what they called it, financial modernization apart the Regulation Q. It allowed an unbelievable carnival of greed to occur with massive money being earned by a few. We are not talking about a lot of people. But virtually all the American people now are being asked by some to pay for it. I think it makes no sense. I do not intend to support any plan that does not begin to address these issues.

Again, I am not somebody who thinks you ought to put water in the bathtub before you put the drain in the plug. That is doing it financially if we marched down this road and don’t restore Glass- Steagall, don’t regulate hedge funds and derivatives, don’t deal with the wildly excessive compensation. If we don’t do that, count me out; I am not part of this process.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. DORGAN. Yes, I will be happy to yield.

Mr. HARKIN. First, I thank the Senator from North Dakota for perhaps the most lucid and unencumbered description of where we are now and how we got here. So many times we have been, these people from Wall Street and the investment firms and they talk in a language that not too many people understand. But when the Senator from North Dakota boils it down, he can get it down to its simple structures so people can understand. That is the great service that the Senator from North Dakota has done, to bring it down, as they say, get the hay out so the cows can have it at, eat it. That is what he has done. He has gotten it down so we can understand what we are talking about.

There is no real magic—"Harry Potter" magic—in this stuff. This is basic finance that can be distilled down to its fundamentals. When we look at those fundamentals, we can begin to understand what was going on. I thank the Senator from North Dakota for, again, a very lucid presentation.

I ask my friend from North Dakota, one of the issues they are talking about, the shareholder oversight. James Galbraith, an economist from the University of Texas, has suggested strongly that we should—if a bank or one of these investment firms is going to offer this worthless paper for the taxpayers to buy—and, by the way, I keep seeing this as a government bailout. I think we should call it what it is: a taxpayer bailout. The taxpayers have to fund this. But he suggested we should look and make sure we understand what is going on. I suggested this to Secretary Paulson the other evening. Oh, he said, this is too involved, too difficult to understand. Well, we better understand it. I ask the Senator from North Dakota if he doesn’t think it would be wise to have some kind of an inspector general, a special kind of person set up to get expertise from outside of the industry, and to demand that if they want to have the taxpayers buy their worthless paper, we ought to at least look at everything to see how they got there and what are the models they used. Because I suspect—and this is only my suspicion—that one of the reasons they do not do that is because, as the Senator from North Dakota has pointed out, there has been a lot of accounting fraud going on here.

It is like my buying something, then I sell it to the Senator from North Dakota, and he turns around and sells it back to me, and everybody makes a profit along the way. Isn’t that neat? So I ask the Senator from North Dakota if he doesn’t think we would be protected the taxpayers now and in the future, to demand that we see all the internal operations of their company and how they got there?

Mr. DORGAN. Well, Mr. President, the Senator from Iowa makes a good point. I know Professor Galbraith. He also said we should regulate hedge funds. Certainly we must do that, he said, in the context of all this.

It is interesting. My dad said: Never buy something from somebody who is out of breath. There is a kind of breathlessness quality to what has happened to us in the last week, with the Federal Reserve Chairman and the Secretary of the Treasury saying, things are going to hell in a handbasket. I need you to act in 3 days. And they send us a 3-page bill saying, we want $700 billion and we insist no one be able to review our work. There is a kind of breathlessness quality to that, isn’t there? The only way to do that is: If there is an investment—and we have already made a good number of investments, almost a trillion dollars—if there is an investment in public firms, shouldn’t there be some responsibility to the shareholders to have access to and to understand what is in the balance sheets of those firms? The answer is: Absolutely.

We don’t even have a standard. You wouldn’t give kids an allowance with the standard we have, would you? Almost every kid, in exchange for getting an allowance, has to own up to some sort of chores or some duties. This proposition is: Time is of the essence, we have a crisis, load up the money and save the world. That makes no sense to me. I know others are waiting to speak, but I started yesterday with a quote that I have used often, and somehow, at the end of every single major debate we have in this Congress, it ends up going back to that quote from Bob Wills and the Texas Playboys. Most of my colleagues know it, from my having used it so often, but it is:

The little bee sucks the blossom and the big bee gets the honey. The little guy picks the cotton and the big guy gets the money.

It is always that way, it has always been that way, and it will always be that way, unless we decide to change it. The question is whether in the next days we will decide to do the right thing or we will rush off breathlessly for the rescue of the American taxpayer, bail out those at the top of the food chain—one of whom made $14 million last year as one of the largest banks in the country that he ran and was apparently headed right into the ground.

I tell you what: There is a right way to do things and a wrong way to do things, and the wrong thing for us at
this point is to decide that we have to meet a midnight hour and ignore the basics of what ought to be done—regulate hedge funds, regulate derivative trading, and reinstate some basic modicum of protection that existed from Franklin Roosevelt forward. And dealing with Glass-Steagall and protecting our banking institutions from the riskier enterprises. If we don’t do those things, we will be back again because we will not have solved the problems that caused this crisis.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First, before my friend from North Dakota leaves the floor, let me say there is a big problem out there, and I agree with a lot of the things he has said. I took a position. I waited 4 days to take a position against the particular approach that the Secretary of the Treasury is recommending, and I did so because I wanted to wait until I understood as much of it as I could.

One of the biggest problems I saw is that, first, the magnitude of $700 billion is awfully hard to get your arms around; secondly, who would make the determination which institutions we would be approaching, and within those institutions which assets, and how do you qualify those assets. Then I found out it would be asset managers. Now, would that be 500 asset managers, 5,000? Maybe it will be some of these same people who created the problem in the first place.

These are questions that I know people who have their hearts in the right place are trying to address. And I agree there is a problem looming out there and we need to correct it, but I am not in any hurry to correct it by doing the wrong thing. It is too big a problem.

Mr. DORGAN. If the Senator from Oklahoma will yield for a question.

Mr. INHOFE. I thank him for his courtesy in yielding.

I want to say one additional thing which I forgot to say, and ask a question while I do that.

No. 1, it may be that the cure that is being proposed is much worse than the potential that exists without it. Let me tell you what I mean by that.

On Monday of this week, we had the largest 1-day drop in the value of the U.S. dollar that we have ever had. We had the largest 1-day increase in the price of oil in history, accompanied by a 350-point drop in the stock market. The analysts say it was because they thought people were worried about the unbellicable amount of debt, our fiscal policy, our trade policy, and now the proposed bailout debt, but the unbellicable amount of debt that would erode the value of the U.S. currency.

If the electronic herd of currency traders goes after our dollar and collapses the dollar, the consequences for this economy can be far worse than that which is described by the Treasury Secretary and the Fed Chairman.

And I am saying it occurs to me that if $700 billion plus tips the balance in terms of currency traders evaluating whether they want to come after the dollar, we face a greater peril than that which they suggest if we do nothing.

I appreciate the Senator for yielding.

Mr. INHOFE. That is true, and I think anytime you increase that debt, you are going to be selling to large purchasers somewhere, and those could be foreign countries and others.

Another thing I observe is that things don’t happen in a vacuum. The Senator from North Dakota mentioned it could result in a devaluation of the dollar. If that happens, one of the major reasons we have high gas prices at the pumps—the major reason is supply and demand, but the other reason is the devaluation of the dollar. So that would be affected also.

We need to consider all these things and we need to be deliberate. I know a lot of people are in rooms now trying to figure out some solutions, and I hope they come up with a good one and something I can support.

HONORING OUR ARMED FORCES

STAFF SERGEANT BRANDON FARLEY

Mr. INHOFE. Mr. President, the reason I came here today was to recognize and pay tribute to SSG Brandon Farley. He is from Haworth, in southeastern Oklahoma. Since April of 2007, he was assigned to the 1st Battalion, 26th Infantry Regiment, 3rd Brigade Combat Team, and 1st Infantry Division at Fort Hood.

Brandon died Thursday, September 18, of wounds sustained a day earlier when his patrol was attacked by enemy forces in Able Monti, Afghanistan. This was his third deployment, serving in Operation Enduring Freedom at Bagram Airfield, Afghanistan.

Brandon was born in Sulphur Springs, TX, and spent his teenage years in Haworth, OK, where he graduated from high school. Soon after graduating from high school, he joined the Marines and served 4 years. It was during this time he chose to serve in the military that he served his first tour in Iraq. So he was there first as a marine. Later, he was honorably discharged, went into the National Guard, and then he missed the regular services so he joined the Army. So he was stationed in Iraq and Afghanistan both as a marine and as an Army soldier, a truly outstanding young man.

His uncle William Gilpin is quoted as saying:

Brandon—my brave big brother. I miss you so much—words cannot describe. I sit here thinking of you day and night. All the memories we had and all the memories that were cut short. I am so proud of you. You will always be my big brother. Thank you for all you have done for us. All my love, your little sis Lauren.

Lauren's expression of Brandon's bravery is clearly true. With bravery and courage he faced war and fought for our freedom. He willingly went into battle not only one time but three times. Brandon was a true patriot who gave the ultimate sacrifice—his life—for his country.

A friend wrote in his journal—and I will end with this particularly touching and revealing sentiment:

Brandon, you are my brave big brother. I know you believe in God and accepted Christ as your savior and that I will be reunited with you one day. Thank you Brandon.

It is a great loss and it will be grieved greatly. I am so proud of you and bragged about your service all the time. I shed tears for you a little but I smile knowing that you believe in God and accepted Christ as your savior and that I will be reunited with you one day. Thank you Brandon.

The ECONOMY

Mr. SANDERS. Mr. President, earlier this week I placed on my Web site—
As two people who have worked hard all of our lives and who have saved for our retirement, we strongly urge you not to get caught up in this panic attack and to ensure that the Bush administration meet the most stringent conditions before approving Henry Paulson’s bailout.

As always, we appreciate your support.

Newport, VT, right near, on the Canadian border:

Dear Bernie, thanks for all you do for Vermonters and the Nation. I am sure that you know that if this bailout plan is rushed through, it will make it that much more difficult for the next administration to address our very dire problems, such as education and health care.

Brattleboro, VT, which is the other end of the State, down in the south:

Please vote against any bailout of these investment concerns that have made risky, unwise actions and now expect us to cover their mistakes. The Bush administration began with the Enron debacle and it now seems that scheme to deprive hard-working Americans of their money is being applied to the country as a whole.

Congress has already given away sizable authority to the executive branch via the PATRIOT Act in the wake of 9/11. It has no right to give the White House and its Secretary of the Treasury the power to transfer the people’s money to the richest bankers in the country. Vote no on the bailout legislation.

Burlington, VT, the largest city in the State, where I live:

We know that you are a leader in this and are very appreciative. We are very worried about the Bush administration’s proposed bailout legislation. We don’t believe that extremely wealthy investment bankers who engaged in irresponsible, risky behavior deserve to be bailed out. We would like to see you craft the support legislation that provides relief to homeowners facing foreclosure and middle class pay their bills to retire, for example.

Please do not force middle class folks in general to pay for the efforts of the wealthiest people among us to further enrich themselves.

We hope Congress will not rush to pass legislation that it and the American people will regret for a generation.

St. Albans, VT, in the northern part of the State:

Senator Sanders, I know you are busy, but I just wanted to express my opposition to the latest bailout of the mortgage industry. While I don’t want to see the economy crash and burn, I also don’t want to see the banks and bankers responsible just be able to wash their hands and walk away while leaving generations of Americans paying for their mistakes. If we need to purchase these bad debts, we should do so in true venture capitalist fashion and offer pennies on the dollar, just enough so that the banks don’t fail but not enough for them to make a profit. In addition, there should be a proviso denying any officer of any of the banks that accept this bailout any sort of bonus.

Mr. President, these are just a handful of the e-mails my office has received. I know my office is not alone. I don’t know how many hundreds of thousands of these e-mails have come to Capitol Hill, but the number is enormous. I think what most of them are saying is that the majority of them are saying that as already 8 years of Bush’s economic policies which have benefited the wealthy and the powerful at the expense of the middle class, it
would be immoral, it would be absurd to ask the middle class to have to pay for this bailout.

I hope Members of the Congress will be listening to their constituents, will show the courage to stand up to the wealthy financial campaign contributors who have such influence over what we do here and to say to the upper 1 percent: You are the people who have benefited from Bush’s policies. You are the people who are going to have to pay for this bailout, not the middle class.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER (Mr. SALAZAR.) Without objection, it is so ordered.

LOOKING AFTER MAIN STREET

Mr. ISAKSON. I have listened to so many speeches today—really yesterday, this week—about our problems and our plight in this country economically. I have listened to a lot of blame and, quite frankly, there is a lot of blame to go around, including on the shoulders of every one of us here.

But I think the American people are interested not in the past but in the future. As our leaders have appointed designees to negotiate what hopefully will be a successful package, I think it is now time to start talking about what can be rather than what was. And what can be is a return to prosperity and confidence in the United States of America.

I think there are four component parts that must be a part of this package. I think we should work on. First and foremost, they need to understand we have to worry about Main Street and not Wall Street.

In my State, Main Street is Slappey Boulevard in Albany; it is Whitlock Avenue in my hometown of Marietta; and it is Peachtree Street in downtown Atlanta. The people who live on those streets, who have life savings and 401(K)s and IRAs, have concerns. Let’s talk about those prospects for the future.

The prospects for the future right now are quite grim without an arrangement, without an agreement in this Congress to deal with the current financial stress that is taking place in our financial institutions.

We are going to have some protracted, difficult times. But if we rise to the occasion, if we, in fact, do what things we need to do in the next 48 hours, we can change the future for the better. It is our responsibility, and it is our job.

First of all, in looking after those Main Streets in our home States and our hometowns, what we need to do is return confidence. We need to return confidence by, first of all, having our financial institutions strengthened. What Secretary Paulson proposed, what is now being currently debated in terms of a $700 billion authorization to purchase assets that are troubled from financial institutions is an important part of that solution.

It is also, and little has been said about this, an opportunity for the United States of America to stabilize the financial system over time to recover not only the cost of stabilizing them but actually get a return. For example, if the Treasury is authorized to purchase mortgage-backed securities that today are on the books at marked-down market value to zero, at 50 cents on the dollar, hold those to maturity. If those default rates on those mortgage-hold, which today are somewhere between 9 and 12 percent, the margin could be as high as 25 to 38 percent in terms of held to maturity. In fact, as the margin returns, those securities could, in fact, be sold by the Treasury at a margin above the 50 cents on the dollar that was paid for them.

It is an opportunity that can work and, finally, an opportunity that will make our financial system much stronger. Will it bail out Wall Street? No. Wall Street has taken its hits. Lehman Brothers is broke. AIG is liquidated. The remaining investment bankers on Wall Street have asked to understand what returns, those securities could, in fact, be sold by the Treasury at a margin above the 50 cents on the dollar that was paid for them.

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We do not want Main Street to take it. This proposal has the opportunity to solidify the balance sheets of the local savings and loan and of the local bank that your customers and your citizens on Main Street deal with every day, on which right now are under stress.

The second thing we need to do is to ensure that the system is held to account. And what we have is the oversight over the Treasury during the disposition of those funds so that we know the funds are being handled in an accountable way. Our leaders are negotiating right now precisely that type of oversight, so the Congress knows, not on a quarterly basis but on a daily basis, what the Treasury is doing and how the program is working.

Third, it has to include and address the fact that a lot of CEOs in a lot of troubled companies have run away with large packages of money. That has been very offensive to the American people and, quite frankly, very offensive to me, the most recent of which took place last night with Washington Mutual.

It is appropriate if financial institutions come to the Treasury of the United States and the taxpayers of our country and ask for assistance in the purchase of these securities in order to stabilize their balance sheets, that there be accountability in terms of executive compensation to those taxpayers who are funding that bill.

Then, fourth, we need to start talking about the greatness of this country and the confidence we have that we can return. Our difficulties now are somewhat of a crisis of confidence in our country and in its financial system. As elected officials Republicans and Democrats alike, it is our job within 48 hours. It is critical for us to understand that nothing is more important in the financial markets than the confidence of the consumer. The American consumer is the person who resides on Main Street and is the person I was elected to represent and will.

We need to recognize also there is a second phase to this recovery. After we finally do get the financial markets stabilized—I think the proposal by the Secretary has the opportunity to do that—we need to understand three things have to happen. First, this country has to get its arms around our energy crisis and solve it.

I have enjoyed working with the President and the Congress—working on programs such as that. When we return in January, our first must be to open all of our resources, lessen our dependence, and become independent from foreign imported oil and independent with our resources of our energy. Second, we have an opportunity that can work and, finally, an opportunity that will make our financial system much stronger. Will it bail out Wall Street? No. Wall Street has taken its hits. Lehman Brothers is broke. AIG is liquidated. The remaining investment bankers on Wall Street have asked to understand what returns, those securities could, in fact, be sold by the Treasury at a margin above the 50 cents on the dollar that was paid for them.

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we do not spend too much money, and restore to the American people the confidence in our budgetary process that they have in their own around the kitchen table.

We are a great country because we have always risen to the occasion. There have never before been, mectastically, a more difficult financial occasion than the one we face today. In the hours ahead, I hope we will rise and come to a conclusion that will benefit the taxpayers on Wall Street and will ensure the financial stability and the confidence of American consumers in this great economy and our great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

H.R. 3999

Ms. KLOBUCHAR. I rise to speak about H.R. 3999, which is the companion bill to the bill that Senator DURBIN and I introduced in the Senate about bridges and bridge repair. Senator BOXER today asked that this bill be called up. It successfully was passed through the Senate Finance Committee, the Environment and Public Works Committee. She asked that the bill be called up because, obviously, we are in the waning days of the session, and we believed this was an incredibly important bill for this country.

Unfortunately, the other side blocked this bill; they would not allow this bill to be heard. I would like to make some comments about the objection from the other side to this bill.

I do not understand it. I think everyone knows what happened in Minnesota. On August 1, our Nation was shocked to learn that this eight-lane highway in the middle of Minnesota, the I-35W bridge, collapsed. I have said many times after that terrible day that a bridge should not fall down in the middle of America, not a bridge that is an eight-lane freeway, not a bridge that is six blocks from my house, not a bridge that I drive my 13-year-old daughter over every day.

Now, as you know, there has been great progress in rebuilding that bridge. In fact, we have a new bridge.

That bridge opened about a week ago, and that new bridge spans the river. We are very proud of the workers who worked on that bridge. But it is also a spot of great sadness as we remember the 13 people who died, the 50-some people who were injured, the 100-some cars that went into the river, and all of the rescue workers who saved so many lives.

We must still get to the bottom of why this enormous bridge fell into the middle of the Mississippi River. It did not happen because of an earthquake or a large collision; something went terribly wrong. We need to get the answers. The chairman is accumulating that the bridge’s condition had been deteriorating for years, and that it had been a subject of growing concern with the Minnesota Department of Transportation.

This was not a bridge over troubled waters; this was a troubled bridge over waters. Still, as a former prosecutor, like the Presiding Officer, I know we must wait until all the facts and evidence are in before we reach a verdict. We will need to be patient as the investigation continues.

Mark Rosenker, the Chairman of the National Transportation Safety Board, said last month that the NTSB investigation is nearing completion, that a final report should be ready for public release very soon.

The chairman also said that photographs of the gusset plate, which were a half inch thick and warped, were stressed by the weight of the bridge and may have been a key indicator to the dangerous state of the I-35W bridge.

Now we know that this was most likely a design defect in the bridge, but the Chairman has said recently that these photographs show that there were some visible problems. So we will await the report to see what the NTSB thinks about that. But clearly there was some indication that there were problems with the bridge.

Finally, the bridge collapse in Minnesota has shown that America needs to come to grips with the broader question about our deteriorating infrastructure. The Minnesota bridge disaster shocked America into realizing how important it is to have a safe, sound infrastructure. Because we also have learned that another bridge in our State, and I think you have seen this across the country, had a similar design.

We have actually looked at all of our bridges in Minnesota. We have another bridge that is also closed down in the middle of St. Cloud, MN, a mid-sized city. This bridge has been closed down. And we look all over the country and we see that we have problems with our infrastructure.

According to the Federal Highway Administration, more than 25 percent of the Nation’s 600,000 bridges are either structurally deficient or functionally obsolete.

Unfortunately, it took a disaster such as the bridge in our State to put the issue of infrastructure investment squarely on the national agenda. Of the 25 percent of the bridges that have been found to be in need of repair—the 600,000—74,000 come into the category of structurally deficient. In my home State, that means 1,579 bridges are considered structurally deficient. There is virtually no way to drive into or out of our State without going over one of these bridges. When the average age of a bridge in the country is 43 years and 25 percent of all American bridges are in need of repair or replacement, it is time to act.

Recent testimony from the Federal Highway Bridge Program, as well as from the Government Accountability Office released a study raising several issues regarding the Federal Highway Bridge Program. First, the program has expanded from improving deficient bridges to include funding criteria that make nearly all bridges eligible. Second, States are able to transfer bridge program funds to other transportation projects. Third, there are disincentives for States to reduce their inventory of bridges since doing so would reduce their Federal bridge funds. Finally, GAO noted that the long-term trend is more bridges in need of repair and the cost of repair rising as well. In other words, the Highway Bridge Fund is not financially sustainable.

A few weeks ago, Transportation Secretary Peters announced that the Federal highway trust fund would not be able to meet its obligations. We replenished that fund, but that is not enough. We all know that is not enough. That is why Senator DURBIN and I introduced S. 3338, the National Highway Bridge Reconstruction and Inspection Act, which is a companion bill to H.R. 3999, that Congress successfully authored and moved through the House. In the Senate, there was much Republican support for the bill. It passed by a wide margin.

The reason I care about it is, after we look at what happened with our bridge in Minnesota, we found out that about 50 percent of the Highway Bridge Fund, Federal funds, had not been used for bridge maintenance. It had been used for other things. This was all according to the American Public Works Association. And they were used for a construction project, used to plant flowers, all kinds of things. We think if we have a Highway Bridge Program, that money should be used for bridge maintenance and bridge reconstruction.

At the hearing Chairman BOXER had on this topic, we actually had some interesting testimony from witnesses who talked about the fact that bridge maintenance is never a very sexy thing. People don’t care much because it doesn’t involve cutting ribbons and new projects. There are all kinds of actual reasons we have not been putting the money that we should into bridge maintenance.

What our bill does is require the Federal Highway Administration and State transportation departments to develop plans to begin repairing and replacing bridges that pose the greatest risk to the public. This triages it and allows the people that are most in need of repair and let’s put our money there first. I cannot believe my colleagues on the other side of the aisle would object to that kind of idea, that we should actually make sure we are repairing the most seriously problematic bridges first.

It would also require the Federal Highway Administration to develop new bridge inspection standards and procedures that use the best technology available. You wouldn’t believe some of the old technology that is still being used. As time goes on, we have developed new and more advanced technology, and that technology is
what should be used in order to examine bridges and figure out what is wrong with them and which ones should be repaired. As I mentioned, because some of the States have been transferring their bridge repairs to highway maintenance programs on the one hand and trying to get them for writing, on the other hand, this bill also ensures that Federal bridge funds can only be transferred when a State no longer has bridges on the national highway system that are eligible for replacement.

Again, in my view, if they heard that bridge money was going to other things, it wouldn't make sense to them, when we have bridges falling in the middle of America.

Finally, this bill authorizes an additional $1 billion for the reconstruction of structurally deficient bridges that are part of the national highway system.

When you look at what we do here, we focus on the safety of these bridges. We do it by using a risk-based prioritization, a triage of reconstruction of deficient bridges. It has with it an independent review. It has with it a performance plan. It doesn't allow ear-marking. It says: Let's look at where the most seriously deficient bridges are and go there first.

Secondly, it strengthens bridge inspection standards and processes. It requires the immediate update of bridge inspection standards. We had a lot of testimony about why it is important because we have new information and reasons we want to update the standards. Certainly, the bridge collapse in Minnesota showed we want increased scrutiny of inspection standards. We are going to await that report. We do know there may have been some problems with the inspection. It was a design defect initially, but there may have been problems with the inspection. That is why we want to upgrade it.

Third, we increase the investment for the reconstruction of structurally deficient bridges on the national highway system, $1 billion. If they are spending $10 billion a month in Iraq, it boggles my mind why the other side would block us from trying to spend $1 billion on bridges in America that are sorely in need of repair.

That is my plan. That is what we are trying to do. It is a start. We all know there is much more work that needs to be done and that will be done in the Transportation bill that our committee will be considering next year. We know work has to be done with funding with an infrastructure bank, to look at other ways to fund our transportation system. We know we need to do better with the increasing cost of gasoline, with public transportation and other ways of travel. We also know we have a burgeoning energy economy, which is exciting for the rural areas of my State, for agriculture, for thermal and biomass. As we know from projects across the country, we will need better transportation systems to transport energy to market. Yet we have failed to improve our transportation system. If we are going to move into the next century's economy, we cannot be stuck in the last century's transportation system.

This bill will at least make sure our most dangerous bridges are repaired and maintained. It is a start. That is why I am asking my colleagues on the other side of the aisle not to block this bill, not to add a bunch of amendments that have not gone through committee because we are in the waning days of the session. We only have the House bill now, because that is the easiest vehicle to use, even though the Senate bill was exactly the same. Then we don't have to have a House committee. We just want to get this done. I am hopeful this will help us in the right direction toward action. As we learned that August 1 day in Minnesota, we cannot afford to wait. We have to get this done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SEC OVERSIGHT

Mr. GRASSLEY. Mr. President, 2 years ago I started conducting oversight of the Securities and Exchange Commission. I did it only in response to a whistleblower who came to my office complaining that the Securities and Exchange Commission supervisors were pulling their punches in their investigation of major hedge funds. Nearly a year ago I came to this floor to introduce an important piece of legislation based on what I learned from my oversight 6 months before. The bill was aimed at closing a loophole in our securities laws.

Now, in light of all the discussion going on about the problems of our financial markets and Wall Street and a very unusual weekend session we are having, as people are attempting to work compromises to help on Wall Street in light of all this current instability, it is critical that Senators take another look at this bill I introduced. It is S. 1402, introduced a year and a half ago, not just because it has become clear that we have a lot of financial problems up on Wall Street. S. 1402 is called the Hedge Fund Registration Act. It is pretty simple. It is only two pages long. All it does is clarify that the Securities and Exchange Commission has the authority to require hedge funds to register so the Government knows who they are and what they are doing.

The result is the confusion and uncertainty fueling the crisis we are trying to solve these days in the helping of Wall Street financially and stopping a credit crunch in this country. This bill would have been one important step toward greater transparency on Wall Street, but so far it has been a lone effort on my part from the standpoint of this bill I introduced a year and a half ago. Perhaps attitudes have changed in the last several months, so I urge my colleagues to support this legislation and help assure it becomes law.

SECURITY

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Technically speaking, the bill would amend section 203(b)(3) of the Investment Advisers Act of 1940. It would narrow the current exemption from registration for certain investment advisers. This exemption is used by large, private pooled investment vehicles, commonly referred to as hedge funds. Hedge funds are operated by advisers who manage billions of dollars for groups of wealthy investors in total secrecy. They should at least have to register with the Securities and Exchange Commission, such as other advisers do.

Currently, the exemption applies to any investment adviser who had fewer than 15 clients in the preceding year and who does not hold himself out to the public as an investment adviser. The Hedge Fund Registration Act I introduced narrows this exemption and closes a loophole in securities laws that these hedge funds use to avoid registering with the Securities and Exchange Commission and operate in secret. Hedge funds affect our markets as a whole. Oversight of hedge funds has convinced me that the Commission and the self-regulatory organizations need much more information about the activities of hedge funds in order to protect the markets. Organizations that wield hundreds of billions of dollars in market power every day should be registered with the agency Americans rely on to regulate financial markets.
Mr. GRASSLEY. Oh, yes, I am sorry. The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Thank you very much, Mr. President.

THE ECONOMY

Mr. BOND. Mr. President, I commend our ranking member on the Finance Committee for the excellent job he has done. He has talked a good bit about mortgage questions this week. He and I acted to make sure we do not get into another crisis such as this. I share his view, and I believe now this body will have to address, as soon as we come back after the elections, a wide range of articles and bills that have been introduced.

I sent a letter, about 2 weeks ago, to the Secretary of the Treasury, the Chairman of the Fed, and the Chairman of the SEC, with copies to the leaders of the Banking Committee, talking about some of these pieces of legislation.

One of the things the Senator from Iowa mentioned is the need to have more transparency—transparency in hedge funds. Transparency has been lacking in the hedge fund world. We all see Wall Street develop many new products, derivatives. There is a new thing called a credit default swap, which I see that New York is regulating as an insurance product. Obviously, that has played a significant role in financial activities and could provide a problem if there is not proper oversight either as an option or as an insurance product. That is something we are going to have to address.

A couple days ago, I introduced legislation which had been recommended by the Secretary of the Treasury for a Mortgage Origination Commission. Essentially, right now, we have too many people who are offering mortgages that are not regulated under the existing systems. Banks and savings and loans, obviously, are regulated at the State level. But we have many people who are offering mortgages by fax and by e-mail. I cannot get good enough spam filters on my computer at home to avoid getting those mortgage offers. But I can tell by looking at them that they are too good to be true.

Many of these people offered subprime mortgages or alternate "A" mortgages, which essentially said: We will give you a mortgage, but we are not going to lock your financial statement, we are not going to see if you are bankrupt or have a criminal record or even if you have a job. They issued these mortgages at very attractive rates, with a significant spike after the initial term and penalties for prepayment, and then they went out and the geniuses on Wall Street sliced them and diced them and they took these toxic products and spread the poison throughout our financial system and throughout the world’s financial system. That is why we are in a major crisis.

Another major savings and loan went down last night. We have had too many toxic products out there that have not been regulated. The Mortgage Origination Commission would set up the primary Federal regulators of products such as this to set standards for State regulation.

As a Governor, I believe that where a State regulation can handle the protection of its citizens, it ought to do so. I hope my colleagues will consider the Mortgage Origination Commission bill I introduced and act to have the SEC and other Federal regulators go after regulated mortgage originators going out and offering “too good to be true” deals to people who may be overly anxious to jump at too good a deal.

This and the emphasis on trying to get people in no downpayment home mortgages have been a significant part of the problem. As I have tried to say, taking a no downpayment mortgage sets you up to see your American dream turn into your American nightmare. Home ownership does not come without headaches. We had to have our basement pumped out a few weeks ago. I had a furnace go down on me. We have to finance it. If you do not have the money to make a downpayment, you probably are going to take on the responsibilities of a mortgage. Beyond that, before people take a mortgage, they need to understand their financial conditions.

When I traveled around the State of Missouri this spring, talking to homeowners, to housing advocates, to local officials who had seen the foreclosures sweeping across their State, they were using some of the money I joined with Senator Dodd, the chairman of the Banking Committee, in introducing last year and passing last year to put $180 million in mortgage foreclosure counseling. They were making progress on helping people restructure their loans. But the most important thing: These people were far better off because of that counseling.

We need to make sure every home owner who is thinking about buying a home has appropriate financial counseling. Because if you go into a mortgage without making sure it is a mortgage you can afford, you are asking for terrible trauma, disappointment, possibly bankruptcy, ruining your credit by taking on a home you cannot afford or more of a home than you can afford. So there are a lot of things that need to be done.

I also urge stronger regulation of our government-sponsored enterprises. I also advocated that the Securities and Exchange Commission reinstate the uptick rule, meaning you can only make a short sale if the price is above the last price, preventing a group of hedge funds getting together and driving the price of the stock so low it causes commotion in the financial community and drives that stock down to a point where the company can no longer survive.

These are some of the steps that need to be taken. I trust we will put a high priority, when we return, of making

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Will the Senator withhold his suggestion of the absence of a quorum?
sure these regulations are tightened, that we get the kind of regulators for GSEs we need, that we enforce vigorously the "no naked short selling" rule that should have been enforced and was not.

But, as I said earlier, we are in the middle of a crisis, and right now we have some of our very best people working on coming up with an appropriate solution to this problem.

I came to the floor Tuesday morning and said we need to act, we need to act immediately, we need to act smartly and responsibly. That is what our leaders are doing. I said the three things that were missing from the Treasury Secretary's proposal were taxpayer protection, accountability, and transparency. Oversight is a very important part of that as well. If we do not act now, and act responsibly, we could find next week companies not able to make their payroll. Working families would find that the paycheck they are expecting is not going to be there, because I am hearing from people in our State and across the Nation that they cannot get credit. The credit markets are frozen. Possibly, that means no payrolls. It means for small businesses they cannot get the loans they need to continue to grow. They may be going out of business. Larger businesses may be put in a crisis state because they cannot get credit. If the family has home loans, and they want to refinance them, they may not be able to get refinanced.

What this market crisis is doing to the value of retirement accounts is truly frightening. A neighbor told me that their 401(k) had dropped so much that they were going to have to work well past retirement. I said: If we can solve this crisis and get the liquidity into it that we need, you can expect that the markets will come back, you can expect that some of that which you have lost will be restored, and we will put the economy back on track to move forward.

Make no mistake about it, this isn't just talking about big Wall Street firms; this is talking about everybody on Main Street, whether it is businesses, whether it is families. For farmers in my country, in the heart of Missouri, most farmers get operating loans in the late winter so they can get the fertilizer, the fuel they need, the seeds they need to plant, or the operations they need to support their livestock, they need to take care of their cattle, their hogs. They are not going to be able to get it.

So we need to come together as a nation on a bipartisan basis and fix this crisis. We cannot fail. We cannot leave and go home without doing something; otherwise, we are going to see the implications of this credit crunch. We will see tremendous drops in the markets if we fail to do our job. Credit will not be available and this economy will come to a crashing halt. This is the kind of outcome we cannot afford.

I was very pleased that both Presidential candidates came back to meet at the White House, taking time off from the Presidential campaign, and that shows they are serious and they understand. We need to get this job done.

I believe most people have heard now that each body has appointed one Republican, one Democrat to sit down and negotiate with the Secretary of the Treasury. On our side, I am very pleased that the distinguished ranking member of the Budget Committee, JUDD GREGG, is a negotiator. He is a former Governor. He understands the budget implications. I think he is working to make sure the money that is recovered on the loans that are bought is paid back into a debt-reduction fund. I hope that will come out.

We need to have, as I said, accountability, transparency, and stability, and that is going to be a major part of taxpayer protection.

Purchasing the assets at the right value is going to make a big difference. I have talked to people from banks that are operating in a sound manner, and they say: Well, why are you helping the people who misbehaved? I said: We are not looking for when we pay 50 cents or 60 cents on the dollar for mortgages they hold for which they paid $1. What we are doing is putting liquidity back in the system.

People said: Well, haven't there been criminal violations? I have noted on the floor previously that the FBI started some 1,300 investigations, as reported in the press. I don't have that fact of my own knowledge, but it was reported in the press that there are 1,300 criminal investigations. I hope some of these people who are peddling bad paper actually, if they did it with criminal intent, are prosecuted. Also, there will be civil and criminal investigations of the people who are operating the companies that went under. I think people want to know there is going to be a very thorough check, to see that if there is any criminal activity, it is appropriately punished. My constituents want to know that.

My constituents want to make sure there are no golden parachutes, that there are no bonuses for executives who caused their companies to crash. I believe there has been agreement among the parties and with the administration that those provisions will be included as well.

People want to see the economy get moving again. When people initially came up to us and they said: We are not paying out $700 billion without getting something back for it. We ought to be buying it at a price where we can recover most, if not all, of what we paid.

I hope we will get equity in the form of warrants or preferred stock from companies to cover any shortfall that may occur if we are not able to realize the value from the securities we purchased at the amount we put into them.

All of these things are being worked out. If it sounds complicated, if my description is complicated, it is because this is a complicated piece of legislation. We are having to act in a manner that is going to demand the very best of all of us in this Chamber and in the other body to make sure we get it right and we can agree on it. I hope we will be able to take the committees have presented and not try to pick it apart because if we pick it apart, we are likely to see the whole thing fall and not get it done.

I have JUDD GREGG on this side. On the House side, my constituent and good friend ROY BLUNT is leading the way. The House Republicans wanted to make sure they had their views heard. I know ROY BLUNT will represent them well. When we went through the effort to get the House to pass the Foreign Intelligence Surveillance Act amendments that I worked hard to pass on this floor, ROY BLUNT, as the assistant minority leader, did an outstanding job helping us negotiate with both Republican and Democratic members so we got the kind of bill that could pass that body and our body. As a result, it did. So I have great confidence in JUDD GREGG and ROY BLUNT.

I know also that the fine Democratic leader in the Senate, the chairman of the banking committees will do a good job. I hope they do it promptly because we need to have a solution. We need to take responsible action. We need to make sure there is oversight. I understand they have set up an oversight board that will watch what the Secretary of the Treasury is doing. We will have suggestions for the Secretary of the Treasury on how to make sure he uses the marketplace fairly to get a good value and to use the best information that is available to determine the value of these nonperforming loans, provide homeowners relief, where possible, so they can continue in their homes, and still pay back enough to make sure the taxpayers are compensated for the Federal dollars that are put up for it.

We need transparency, finally, to make sure Americans know their money is safe, know that the companies in which they have invested, have stock, have accounts are protected.

This is a critically important mission. I don't think anybody wants to be working on the weekend, but we are going to be working this weekend. I just hope we do it and do it in a bipartisan fashion. After it is over, if you want to throw brickbats at each other, we do that well, and there will be plenty of brickbats to throw and everybody will take part and we will have a healthy, spirited debate before November. But until we get this solved, this has to be "job 1" for every one of us who is elected to represent people in the Congress. We must do it, and we must do it right.

I urge my colleagues to give their good ideas to negotiators for each party on each side of the body and follow what they are doing so we can adopt this measure in time to get the
credit markets functioning again, to see that our economy gets going.

So it is going to be a long, tough weekend, particularly for the negotiators. I am jealous that I don't have the opportunity to stay up all night with them and help them, but we have selected good hands to do that job. I wish them well, and I hope they have divine guidance because it is going to require a little bit of that, along with their other skills. It is important we get it done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise today to also speak about the turmoil in our financial markets and the urgent need for a legislative solution. If people around here are looking a little frazzled, it is because we have been putting in long hours trying to get a solution to this problem, and it is getting closer.

As everybody knows, on Wednesday Secretary Paulson and Chairman Bernanke wrapped up their sales pitch to Congress on how to best rescue our economy. The fact remains that there are many questions today, as many as there were before they got here, maybe even more. The U.S. Treasury continues to ask Congress for a $700 billion check with as little accountability as possible about how to spend it. Secretary Paulson and Chairman Bernanke have proposed a number of transparency, protections for taxpayers, and everything else, except a check and an envelope to deliver it in. We owe Americans more than just a rubberstamp on this proposal. Each American is going to loan $2,300 for this plan. For that price, they want to know why it is necessary, where their money is going, and if the investment is going to work. Unfortunately, I am completely disappointed with the answers so far.

Members and staff have worked through the week to address these questions to present a workable solution. Some have found ideas that deserve serious consideration. Others are the same old ideas wrapped in new packaging. The best plan has to rely on three simple principles: accountability to the taxpayer, transparency to the Government function, and a clear plan of action. The Treasury's original proposal was not an experiment. I am very uncomfortable answering questions about the $700 billion check without detailed answers to essential questions during the hearing at the Senate Banking Committee on Tuesday. What is the process for hiring asset managers that ensures no conflicts of interest? How will the price of assets be set so that they are not too low, causing more bank failures, or too high, crowding out private market investment? Perhaps the most important question is, will it work?

Secretary Paulson calls this proposal an experiment. I am very uncomfortable passing a bill to give Secretary Paulson $700 billion in taxpayer money for an experiment.

I understand the urgency of this problem, but our markets and the American public need the confidence of a clear plan with measurable results.

I again caution my colleagues that this crisis is not an opportunity for Members to pass pet projects they were unable to attach to the last housing stimulus package. In fact, I think there are some problems with what was done in the last housing stimulus package. Proposals for financing housing trust funds and authorizing bankruptcy courts to restructure mortgages will not correct our markets or restore confidence. These are old ideas with a new coat of paint. Members trying to attach ideas to our legislation that are not working have to stay in this country could skyrocket.

These are some of the concerns on my mind as I seek to get a clearer idea of what we are dealing with. I have laid out the principles that I think are essential. It is my understanding that most of those, in the discussions I have been a part of, are in the package. I appreciate the efforts of those who are working on this legislation, working toward a solution. I appreciate the thoughts and information I am getting from people in Wyoming.

I wouldn't say the majority party leadership said we are likely to postpone today's scheduled adjournment of the Senate and come back next week. I say we have to work until we have an acceptable solution.

I hope everybody will keep track of what is happening, and I hope the principles where we have taxpayers' protection and executive compensation limits wind up in the legislation so people who got us into this mess feel the pain of getting us out. That means no gold of the scope and details of what we are dealing with. I have laid out the principles that I think are essential. It is my understanding that most of those, in the discussions I have been a part of, are in the package. I appreciate the efforts of those who are working on this legislation, working toward a solution. I appreciate the thoughts and information I am getting from people in Wyoming.

As the money comes flowing back in from the $700 billion—and there will be money coming back in—and it has to be used to reduce the national debt. Oversight and transparency—a congressional oversight board has to be in charge of administering these funds. We need Government accountability. We need office audits. We need an independent inspector general. Perhaps an additional idea that might be included would be that Congress would first provide Treasury with $250 billion, then
$100 billion, and then another $350 billion as the oversight shows that it is working and it is needed.

This is a critical time in the life of our country. We need to come together and find a solution, and we need to make sure that we are doing it for the people who are paying the bills—the American taxpayers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we are all wrestling with what is a real economic infirmity and crisis for America. We have a situation where credit, even in good companies and with good individuals in States such as Alabama, is becoming more difficult to come by and it has the potential to slow down development and economic growth. So I do not deny that there is a real problem out there.

The President of the United States and the Secretary of the Treasury at some point made a decision that strong action was needed, and since that point their rhetoric has changed from concern and separate and distinct actions to make the situation better; to basically a bold threat to Congress that this or it has the potential to slow down development and economic growth. So I do not deny that there is a real problem out there.

I will say that in recent days some of the comments made on television and other places, to me, are a bit alarmist. It seems once a decision has been made by the Wall Street crowd that this is the right thing to do, they use whatever excuse they can find or whatever argument they can make and propound that dramatically to "force a recalcitrant Congress" to do what they would like to have us do.

Well, I have been around. I didn't just fall off the turnip truck. You can turn on the TV and see all of this and get a feel for it. So I think it is a matter of great seriousness, and I respect my colleagues who are working on it, some of whom have been selected, in some way or another, to represent us all; to go and meet with House Members, and I guess the administration officials and gurus, and they are going to tell us what all we need to do. And on the eve of the election, a big fat bill is going to be finally put together and we are going to be asked if we are for it or against it. I suspect it may well pass, because I think people would rather vote for something and go home.

Maybe our Secretary can save us. Maybe the master of the universe that he is, he can figure out a way to take $700 billion, with very little control—he has always said what he wanted was "maximum flexibility." What does that have to do with prima facie freedom to do whatever he wants to do. Well, I understand now that at least somebody came up with the idea to have an independent group to have oversight over this, or at least have the ability to say no to anything better than where we were, I think. But I am troubled about this for a lot of reasons. I wish the administration had been more constrained, more targeted in their relief, willing to provide relief in a way that has the minimal precedent value for some major incursion into the economy the next time we have problems in our economy. I am worried about that, and others are too.

I will say about those things, there are a lot of matters we can discuss. I argued in committee and on the floor in opposition to a plan that some of my Democratic colleagues offered some time ago, and then again recently, that would encumber the right to rewrite the terms of a mortgage and, in fact, would allow a person who goes into bankruptcy to cram down what they owed on a mortgage, to rewrite it and reduce it, for example, from $150,000 to $100,000 based on the judge's evaluations, and just let them pay that amount.

I remember arguing that when you do not honor contracts, very pernicious things tend to happen. So if a bank is giving a loan, and they think somebody might rewrite the contract and you would not have to pay it back, then they may decide they have to raise interest rates on everybody they loan to, to guard against that potential, or require an even bigger down payment than they otherwise would require.

I believe removing that provision was the right thing to do. But from a moral position, I think it is a good deal harder to hold appropriate hearings, to carefully consider the right course of action, and to wisely determine the future of the financial industry and the United States economy for the years to come.

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I would say no one should doubt that the American commitment to an allocative system, the wealth economy will be eroded dramatically if this bill passes—I ask unanimous consent for 1 additional minute.
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. We should make no mistake that this is a weakening of it. I would note the article in the Wall Street Journal quoted people around the world for seeing the irony in the United States bailing out companies while we have been advocating to them that when their companies get in trouble, their governments should not bail them out as a matter of principle.

For those reasons, with due, great respect for our colleagues who see it differently, with full acknowledgment that this is an extremely tough decision and we do not know how the economy is going—and many do believe this step will help it—I will not be able to vote for it because I think it goes too far. I think it could have been more narrowly drawn and should have been. It is a precedent that will come back to haunt us in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

NATIONAL BIBLE WEEK 2008

Mr. AKAKA. Mr. President, I rise today to celebrate one of the most significant books in human history, the Bible. As Senate cochair of National Bible Week 2008, it is my honor to join the National Bible Association in promoting the nationwide recognition of the Bible’s importance in our daily lives.

One of the many important verses in the Bible that applies to us as leaders is found in Proverbs 21, verse 1:

The king’s heart is in the hand of the Lord. Like the rivers of water, He turns it wherever He wishes.

Our Nation has always recognized the power of an unseen hand guiding our fortunes and destiny, and during this important and critical crossroads, our Nation will do well to turn once again to the Bible for strength.

This year, from November 23 to November 30, communities, churches, and leaders across America will celebrate National Bible Week by reading and reflecting on the Bible’s teachings and how it can help us lead better lives.

It is our responsibility as leaders to remind all Americans of the importance of the Bible to individuals and to our history, life, and the culture of our Nation. We gain much inspiration from the Scriptures, and the light of God will shine through us if we hold fast to the Bible’s principles and apply them to our daily lives.

I join my voice with my fellow National Bible Week cochair, Todd Akin, and the National Bible Week chairman, J. Willard Marriott, Jr., in urging all Americans to celebrate National Bible Week.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I yield to the gentle chairman from Hawaii in celebrating National Bible Week. I get together every Wednesday morning with a group of our colleagues for our weekly prayer breakfast, and he is always such an inspiration. He is our song leader while we do, except for he and the Chaplain, some of the worst singing that can be done. He is a great inspiration for all of us, and I commend him for bringing this resolution forward.

THE ECONOMY

Mr. CHAMBLISS. Mr. President, we all know that our country has seen better economic times. Across the United States and around the world, businesses and individuals are feeling the effects of this financial turmoil—not only on Wall Street, but at home on Main Street as well. I don’t need to remind this body of the volatility of our financial markets. Evidence of this market precariousness has been splashed across the front pages of newspapers and television screens everywhere, causing panic and further instability.

As the conversations in Washington continue over how to address our Nation’s financial crisis, and as the details of the problems in our financial sector are revealed daily, I am convinced that something must be done and done soon.

But I want to be clear about congressional action: we must act because inaction could well cause serious harm to American families, farms, and small businesses as well as community banks and other lenders, and we must do our dead level best to make the right decisions, because action for the sake of expediency could put our Nation at further risk. Nevertheless, I oppose to the old saying of just doing something, even if wrong. We should not follow that logic.

Since last Thursday, I have talked to numerous bankers, economists, academics, as well as business leaders and owners who have told me that doing nothing would lead to irreparable harm to our economy. And I have heard from and talked to hundreds of Georgia taxpayers, virtually all of whom are opposed to the plan as originally presented. Everyone is concerned about doing the right thing. Georgians are furious at the current situation and for good reason.

I am angry and upset that the oversight supposed to be afforded by the regulatory bodies was not provided the American families, farms, and small businesses beyond, and other lenders, and we must do our dead level best to make the right decisions. I believe that this is a weakening of the market—yet not only on Wall Street, but at home on Main Street. I do not need to remind this body of the volatility of our financial markets. Evidence of the market precariousness has been splashed across the front pages of newspapers and television screens everywhere, causing panic and further instability.

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working now as we speak to draft the legislation—to negotiate the legislation that will ultimately be committed to a draft. I hope, as we return tomorrow, we see positive signs of a conclusion to the drafting of that legislation and that this country can have an opportunity to study it in as much detail as necessary, proceed to debate, and I am hopeful it is the kind of legislation that we can all rally around, support, pass, and tell the American people that we are doing everything possible from a policy standpoint to protect them, to protect their communities, and to protect the financial institutions of this country.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

TRIBUTE TO SENATOR WARNER

Mr. WHITEHOUSE. Mr. President, we are all awaiting efforts of the negotiating teams who are working on a rescue plan to the current financial crisis. Many of us—as I know the distinguished Senator from Montana—have lobbed in our thoughts and ideas, now we are waiting anxiously to see how they have fared in the negotiations.

And I would like to take this time while we wait to address another subject because a few months from now our colleague, JOHN WARNER, will retire from the Senate after 30 years of service to the people of Virginia and the people of America. His work in this Chamber and all these halls has made our country stronger. And in a place where partisan rancor too often rules the day, his is a legacy of honor and dignity that will stand long after he has gone. So I wanted to take a few moments to salute this man.

When JOHN WARNER's country called, he answered. In 1945, at 17 years of age, he enlisted in the U.S. Navy and was sent to fight in World War II. When the war was over, JOHN attended a great Virginia institution, Washington and Lee University, on the GI bill. And in 1949, he entered law school at my own alma mater, the University of Virginia. But America called again, and JOHN answered. He spent his weekends serving as a ground officer with the 1st Marine Aircraft Wing in Korea. He returned home again, went back to UVA, and received his law degree in 1953. I would graduate almost 30 years after him. JOHN continued to serve in the Marine Corps Reserves after the war, attaining the rank of captain.

JOHN WARNER's mother once said she hoped he would one day become the Secretary of the Navy. Well, in 1972 he fulfilled that hope, serving until 1974, during the challenging years of the Vietnam conflict. In that office, he succeeded his dear friend John Chafee, a fellow marine, later to become a U.S. Senator. It is John Chafee's seat that I am now honored to serve.

During his first campaign for the Senate, Senator JOHN WARNER told the Washington Post:

"When I was Secretary of the Navy I drove the admirals crazy. When I went to visit a ship I liked to go all over it and talk to sailors.

He is, in the words of ADM Mike Mullen, "a man whose love of country is matched only by his love [of] those who defend it."

In the Senate, JOHN WARNER's commitment to the men and women of America's armed services is evident in nearly everything he does. Alternating as chairman and ranking member of the Senate Armed Services Committee with Senator Carl Levin of Michigan, he has fought to ensure that those who serve this country receive the best possible health care and benefits. In 1999, they achieved for our troops their first major pay increase in 16 years—and it again.

In his 30 years in the Senate, JOHN WARNER has dedicated himself to helping his constituents and keeping our Nation secure. He has supported the hundreds of thousands of members of the military who are based in Virginia and serve at more than 90 installations throughout his State. He has helped keep Virginia's storied shipbuilding industry strong, preserving jobs and sustaining communities on Virginia's Atlantic coast.

In my home State of Rhode Island, on top of our State House dome is a statue of the Independent Man. The statue represents a spirit of liberty and freedom that has been cherished in Rhode Island since the days of Roger Williams. Well, JOHN WARNER is Virginia's Independent Man. Over and over again, he has put his country first and done what he thought was right no matter what the politics.

Senator WARNER saw the need for a change of course in Iraq, and he has worked for real, urgent solutions to the threat of global warming. As part of the Gang of 14, he sought middle ground answers to the challenging, controversial topic of judicial nominations. He supported President Reagan's nomination of Robert H. Bork to the Supreme Court in 1987—a principled stand with a political cost. He refused to support President Bush's pick to the Court in 2006 in an effort to block President Bush's choice. Senator WARNER's principled stand on judicial nominations.

In 1994, when the Virginia Republican Party endorsed Oliver North for the military's junior Senate seat, JOHN WARNER refused to support the candidacy of a man who had been convicted of a felony. He said then:

"I do not now, nor will I ever, run up my white flag and surrender my fight for what I believe is the best interest of my country, my State and my party.

His relationship with our colleague, our fellow freshman in the Senate, Senator Jim Webb of Virginia, is a model for the rest of the Senate of collegiality, enabling them together to extract from the difficult logjam of judicial nominations talented judges to serve Virginia.

For me, Virginia Governor Linwood Holton paid Senator WARNER what I'd call the ultimate compliment around here: He wants to solve problems.

We will all miss JOHN WARNER when he leaves the Senate this January. His work and independent spirit have enriched Congress for the past 30 years. And I count myself very fortunate to have served with him.

On a personal note, I thank JOHN WARNER for his exceptional, I daresay even avuncular kindness to me in my first term. From the vantage point of 30 years' seniority, I am a mere speck in the sweep of his tenure here. He has served with 273 Senators, I believe, and he has made me feel so welcome. In that kindness, I am the beneficiary of his friendship of many years with my father, a friendship that lasted as long as my lifetime to date. My father was a fellow World War II veteran, a fellow marine, a fellow public servant, and a man I remember today as I express my affection and gratitude to the distinguished senior Senator from Virginia.

Reporters interviewing JOHN WARNER have noted his tendency to close his eyes and lean back in his chair while answering questions. It's not a sign of disrespect, they know, but rather a sign of deep concentration. I've seen him concentrating that way myself in deliberations behind the heavy steel doors of the Intelligence Committee.

I envision sometime, when the press inquiries, staff updates, legislative proposals and constituent requests have slowed, that Senator WARNER will take a moment to close his eyes, lean back in that chair, and reflect on what an extraordinary career his has been. I hope he remembers all the good he has done and all the goodwill and admiration he has earned among those who have been privileged to serve with him. Senator WARNER, I wish you, your wife Jeanne, and your family Godspeed and best wishes in all your future endeavors.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the
Congressional Record — Senate
September 26, 2008

House with respect to H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

H.R. 2638

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2638) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.” with an amendment to the Senate amendment.

AMENDMENT NO. 5660

Mr. REID. I move to concur in the amendment of the Senate to the House amendment to H.R. 2638 with an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment with an amendment numbered 5660.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end, add the following: The provisions of this Act shall become effective 2 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were ordered.

AMENDMENT NO. 5661 TO AMENDMENT NO. 5660

Mr. REID. I have a second-degree amendment that I ask to be considered at this time.

The PRESIDING OFFICER. The clerk will report.

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5661 to amendment numbered 5660.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In the Amendment, strike “2” and insert “1”.

CLOTURE MOTION

Mr. REID. I now send a cloture motion to the desk on the motion to concur.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment with an amendment No. 5660 to H.R. 2638, the Departement of Homeland Security Appropriations Act/Continuing Resolution for fiscal year 2009. Evan Bayh, Debbie Stabenow, Benjamin L. Cardin, Byron L. Dorgan, Barbara A. Mikulski, Jeff Bingaman, John F. Kerry, Herb Kohl, Sherrod Brown, Jon Tester, E. Benjamin Nelson, Richard Burr, Dick Durbin, Patrick J. Leahy, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Bernard Sanders.

Mr. REID. I now ask that no motion to refer be in order during thependency of the message.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, in the morning we will likely come in at 9:30, and we will have a half hour of debate prior to the vote at around 10 o’clock, and that will be in the wrap-up closing papers that we have been told by Secretary Paulson and the Chairman of the Federal Reserve that there is a financial crisis out there, and that is what is being done in S–116 downstairs in the Foreign Relations Committee room today and will go on throughout the night.

We understand that at sunset on Monday night there is a Jewish holiday. We will honor that every way we possibly can. We would not consider being in session on Monday for the Secretary Paulson and the Chairman of the Federal Reserve that there is a financial crisis out there, and that is what is being done in S–116 downstairs in the Foreign Relations Committee room today and will go on throughout the night.

We are going to complete, before we leave here, the Defense Department authorization bill. It is important we do that. We have that from the House. We are going to complete that. Rail safety, Amtrak—we will complete that before we leave. I have had a number of conversations with the White House. We are going to complete the India nuclear agreement here.

Now, with all these things we are getting cooperation of Senators. If we do not get cooperation, we can get them done anyway, it just takes a lot longer—a lot longer. So I would hope the people who have objections to these pieces of legislation will be considereate, as I am sure they will be, to the schedules of other Senators. We have an election on November 4. We have tried mightily to finish our work on this Friday, today. But circumstances may have gained against us doing that with the financial problems we have had.

The largest bank failure in the history of our country was yesterday. The bank that failed had more than 2,000 separate branches. So we are going to have to continue our work here. We just cannot leave with all the work we have to do.

The vote in the morning is an importan important vote. I hope we will have good attendance at that vote. We will talk more in the morning to see if something has happened during the night that will change the statement I made today. That will be the only vote tomorrow. The one we have at around 10 o’clock in the morning. We hope we do not have to have a vote on Sunday. This is a cloture vote. There are 30 hours that runs, and we would hope that everyone would understand, if cloture is invoked, there is not much to be gained by waiting and making everybody come back and vote. But we will see what happens.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Thank you, Mr. President.

FINANCIAL CRISIS

Mr. COLEMAN. Mr. President, a man well acquainted with crisis, Abraham Lincoln, said this:

I am a firm believer in the people. If given the truth, they can be depended upon to make the right decisions. But they cannot be depended upon if the truth be withheld from them.

I rise to affirm this confidence and lay out some of the basic facts and principles we face in this unprecedented financial crisis.

Fact No. 1: We live in a world which is very different from the realities of a decade ago. The financial world is interconnected and reacts at the speed of digital transactions. There are no borders to hide behind or cooling off periods in which to contemplate our legacy. Problems arise quickly and solutions must be found quickly yet responsibly.

Fact No. 2: This crisis we face today touches each and every American. As the recent market events have proven, the crisis has entered a new and critically dangerous phase in which our entire financial system and economy hangs in the balance. The crisis we face today is as serious as any I have faced in my 32 years of public service. When the Secretary of the Treasury talks about the possibility of a collapse of the American financial system, that gets your attention, as it should.

Money market accounts, retirement savings, college and small business loans, and home mortgages are all at stake. This is not about Wall Street but about Main Street. It is about every street on which American families live.

Just think of what you have to tell your son or daughter if they got accepted to go to college and you are about to get that loan that you need to pay for that education, and then all of a sudden it is not there.
Credit has dried up. Capital is not available. You are going to have to say: By the way, you can’t go there now. I am sorry. Mom and dad cannot afford it.

Small business owners depend on credit to stay alive. To pay for the goods we buy. If this system collapses, freezes, how are they going to go about providing both goods and services to families, as well as the jobs of folks who work there? This is about every street on which American families live.

Fact No. 3: This crisis, not unlike energy or health care, is too big for one party to solve. We must work together—Democrats, Republicans, House and Senate, administration and Congress. There was a moment of opportunity yesterday with the White House, Senator Obama and Senator McCain, and the leadership of both sides of the aisle from both Houses. After the debate tonight, we have to get lawmakers, to figure out how we put this together to provide the stability this economy needs.

People have asked a lot of questions about how we got there. Outright greed and mismanagement, coupled with an outdated regulatory system, have all been part of bringing us to this point. People were sold loans they could not afford. In some instances, I heard of mortgage frauds: no income, jobs, or assets, and yet they got package and securitized and passed on and sold to investors throughout the country and the world. Now it seems these securities are not worth what was paid for them. It has not only put companies in dire straits but our entire financial system as well.

Our obligation now as Americans is to come together and do the right thing, and to do it now.

Fact No. 4: The American people are watching. I have already heard from over 11,000 Minnesotans who have called or written to my office who have expressed concerns. We need to go forward with a plan that gets taxpayers the peace of mind that their stake in their own actions so that taxpayers have to have a greater say as distressed assets regain value over $11 trillion. As assets come back, we get as assets come back into this fund and been discussed in the last days, that instead of $700 billion as a blank check, that there are X dollars put up first, with the obligation to come back for further approval, with very clear and specific oversight, very clear and specific transparency. We must get there with a plan that holds Wall Street executives accountable for the terrible mistakes they made getting us into this mess—no golden parachutes. We must deal with executive compensation. If there is going to be Government assets involved, if they use the Government credit card, folks are going to have to comply with the terms and conditions. That is the only way to get us out of this mess. It is not about individuals who enrich themselves on mortgage-related assets while fully knowing of their dangers. There is going to be a lot of looking back. In the long run, shareholders have to have a greater say about executive pay. We must get there with a plan that gets taxpayers the best value for their dollar. If we, ultimately, go forward with the Treasury’s plan—or a variation of the plan because we are not going to go forward with that plan—this will be a plan in which the concerns of my colleagues in the House—they have expressed concerns; my colleagues in the Senate have expressed concerns. We need to go forward in a way that assures that distresses are bought and when I say “bought”—that distressed assets are acquired—I want to be clear about that—acquired at prices that are fair to the taxpayer and any returns that we get as assets come back into this fund after expended, that they have to go to debt reduction.

We are talking about increasing the national debt from over $10.6 trillion to over $11 trillion. As assets come back, distressed assets regain value over the next several years, we have to make sure those assets then are put into debt reduction, not more Government spending, not deepening the mess we are in already in this country.

Over the long term, we cannot go back to business as usual. We need to aggressively undertake fundamental financial regulatory reform. First and foremost, any reform must include stronger regulatory oversight over the entire financial system. The sad reality is that some of our current system goes back to the Civil War era. It is like trying to fight a fire today with a bucket brigade. It is marked by ineffective coordination among regulators and redundant oversight in some areas and lack of oversight in others. Greater transparency and accountability must be factored in. We must ensure that market participants have a direct stake in their own actions so that taxpayers are not left behind.

In many ways, it has been described to me as almost a 9/11 kind of moment—that before 9/11, in the area of security, we were not able to think the unthinkable, and we were in place a system that allowed us to see and understand that the unthinkable was about to happen. In the situation we face now with this economy, we did not have the regulatory oversight, the transparency to deal with the complex financial instruments that are being used today, so we both did not think the unthinkable and we had no capacity to know that the unthinkable was about to happen. The unthinkable now stands in the shadows, as we talk about the potential meltdown of the American economic system. That cannot happen, and we will not let that happen.

At the same time, we must put more cops on the beat to better detect potential weaknesses in the financial system, such as conflicts of interest that could undermine the integrity of the system. And, finally, we must ensure greater regulatory flexibility in order to keep up with market innovations. Regulators should have the ability to intervene before a crisis reaches critical mass.

What happens after the opening bell rings on Wall Street every day affects the folks in Hibbing, MN, just as much as the people in New York City. Wall Street executives must shoulder a great deal of responsibility for this crisis. If taxpayers are being asked to sacrifice, Wall Street too must share in the cost of rescuing the financial system.

Hardworking Americans deserve to have the peace of mind that their stake in the financial system is appropriately safeguarded and that they are not put on the hook for the mistakes of corporate America.

Times are tough. Folks are having a hard enough time dealing with high energy costs and making ends meet. In the short term, we need to act for the sake of our economy. In the long term, broad major reform that protects the American taxpayer and works for our economy. Maintaining a viable and robust financial system is critical to each and every American’s future.

We have to recognize there are a lot of questions out there, even at this hour on Friday night, as we are moving toward what I hope will be putting in place a system that protects the taxpayer, that holds Wall Street accountable. We are talking about assets, and there is a discussion about Government ownership of assets. At what point? If we buy it above market price, are taxpayers being ripped off to protect shareholders and bondholders? That should not be
CONTINUING RESOLUTION

Ms. LANDRIEU. Mr. President, as people who have been following this debate know, the Senate is working into the weekend to try to finalize some very important pieces of legislation. As a member of the Appropriations Committee, I am disappointed in some way that we pass 13 individual appropriations bills, because that would be the normal course of business. Because so many of our States and counties depend on this Congress to act in a quick and efficient manner, it is disheartening to me as a member of the committee, despite how hard we have tried and despite the great efforts of our chairman, Senator Byrd, who has worked tirelessly to try to make that happen. Unfortunately, does not look as though that is going to happen as we come to an end of this session.

What we are debating tonight is a continuing resolution that will keep the government operating. According to the date in the continuing resolution, I understand, March 6. Also through that continuing resolution we have attached to it the Defense appropriations bill, the Homeland Security supplemental, the disaster aid package which, along with many other Senators, worked very hard to shape as we witnessed and participated in—terms of rescue, help, and support—several of the last few disasters, starting with Hurricane Katrina which hit Florida but literally dropped feet of rain throughout many parts of the country, including Louisiana and other Southern States. Then, only a few weeks later, we witnessed and participated in—in terms of rescue, help, and support—several of the last few disasters, starting with Hurricane Rita which hit Texas and literally dropped feet of rain throughout many parts of the country, including Louisiana and other Southern States. Then, only a few weeks later, we witnessed and participated in—in terms of rescue, help, and support—several of the last few disasters, starting with Hurricane Katrina which hit Florida but literally dropped feet of rain throughout many parts of the country, including Louisiana and other Southern States. Then, only a few weeks later, we witnessed and participated in—in terms of rescue, help, and support—several of the last few disasters, starting with Hurricane Katrina which hit Florida but literally dropped feet of rain throughout many parts of the country, including Louisiana and other Southern States. Then, only a few weeks later, we witnessed and participated in—in terms of rescue, help, and support—several of the last few disasters, starting with Hurricane Katrina which hit Florida but literally dropped feet of rain throughout many parts of the country, including Louisiana and other Southern States.

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

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The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I understand that Members can come to the floor to speak for up to 10 minutes in meetings, and I ask unanimous consent to extend that to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.
number—and this is before the mayor of Galveston got one person back in her city, because they came back yesterday—these numbers were submitted last week, so these are very preliminary numbers that came from the State of Texas, but I have to go on it. There is only 6.5 in the bill. I understand we can add the numbers and see what the need for Texas is going to be. But this is an area that we are going to have to deal with in the future.

But this is a start, and we are going to make it work. And this money has some flexibility. We can use it for a variety of projects that are important—building non-Federal levees, perhaps some support to our farmers in our rural areas who are in great need. Then the bill goes on to provide some money for the Small Business Administration for disaster loans. We have streamlined that process. I am proud of the work I did in that area. Hopefully, this time it will work better.

There is some emergency highway relief money. I wish to show a picture of one of our highways, if we can get that. This is how our highways looked after hurricanes came through.

This is money for the social services block grant of about $1 billion. We still, after asking for 4 years, have yet to receive, after Hurricane Katrina, any Federal funding to help the four hospitals that stayed open for that storm. There have been three since then, and these hospitals are using their own surpluses to take care of the injured and sick along the gulf coast. So we hope that included in this $600 million for the whole country that we will find the money to reimburse those hospitals, which amounts to about $100 million to $150 million.

Then there is, luckily, $75 million for fisheries. Because while these cameras focus a great deal on the buildings, as people are on their rooftops, and there are homes that are flooded and pictures of urban areas, what the cameras don’t often catch, particularly in the gulf coast and particularly in Alabama, Mississippi, Louisiana, and Texas—America’s working coast, America’s energy coast—are hundreds of fishing boats, trawlers, commercial fishermen and sports fishermen whose boats, even though they try to protect them in these storms, end up as a pile of rubble. I see that. And the Federal Government acts as if this is not a business. This is a multibillion dollar business. These fishermen deserve our help.

This is the picture of Highway 1. I am sorry it is a little grainy, but people would be shocked to know this is the highway that goes down to the very tip of Louisiana, with the gulf being out here. It is completely under water. This is not a minor highway. This is a major energy highway. Highway 1—that runs from the tip of Louisiana all the way to Canada. So this is not a farm road. It is not a gravel road. This is a U.S. highway that we have been trying to build in Louisiana for the last 20 years, trying to get a few dollars here, trying to get a few dollars there. Most of the offshore oil and gas that comes out of the Gulf finds its way in and around this road.

I finally got Senator Murray to designate this as a priority highway a couple of years ago, as the chairman of the appropriations subcommittee. We have been pushing money into this. If we had revenue sharing, this would have been revenuesharing already, but that is another story.

But this is what south Louisiana looks like, and the fishermen need more help. This is Fort Fourchon. Again, this is a major oil and gas hub. When the tidal surge comes up, because we are not investing in the infrastructure—and when the refineries shut down and the oil rigs shut down, these are the conditions they are shutting down in.

To end this part, I hope I have demonstrated that while we are grateful for this $23 billion, and we had unprecedented cooperation from the Governors of all of the States, Republicans and Democrats, in unprecedented cooperation putting this package together, this is only a downpayment on the disasters we have to face. So in the continuing resolution there is the DOD appropriations bill, the Homeland Security bill, Military Construction, and luckily we were able to get in a $22 billion disaster relief bill.

But the reason I am on the floor tonight—and let me ask how much time I have remaining.

The PRESIDING OFFICER. One minute.

Ms. LANDRIEU. I ask unanimous consent for 5 more minutes.

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

Ms. LANDRIEU. The reason I am on the floor tonight is to call attention to the fact that despite this good help—and it is good help, and I am very appreciative—we have left out a very important segment of our population in disaster aid, and that is direct aid to our farmers.

This is a farmer from Louisiana, in Cheneyville, LA. He is standing in his rice field. You know, rice can be grown dry or in water, but too much of it is a problem. And if it has salt in it, that is a problem. The tidal surges that have come into Louisiana, and the floods, have been so great in central and north Louisiana, that even though some of our rice had been harvested, a great deal was in the fields when Gustav and Ike struck. So Fay came over the south and dumped a tremendous amount of rain just as southern agriculture was preparing for the harvest in September and October.

Mr. President, you most certainly, being a rancher yourself, can appreciate what goes on over the course of a year, where farmers work hard and hold their breath and say a lot of prayers. They roll up their sleeves and get up early and see that the crop looks good, and they have to get it before the early part of August, as we prepare for the harvest in September and October.

But this is a problem. And if it has salt in it, that is a problem. The tidal surges that have come into Louisiana, and the floods, have been so great in central and north Louisiana, that even though some of our rice had been harvested, a great deal was in the fields when Gustav and Ike struck. So Fay came over the south and dumped a tremendous amount of rain just as southern agriculture was preparing for the harvest in September and October. So Fay came over the south and dumped a tremendous amount of rain just as southern agriculture was preparing for the harvest in September and October.
parts of this country and the need for this Congress, before we leave, to do something more significant for agriculture and to do it in a way that provides direct assistance to farmers now. I will conclude with this. The reason we cannot wait is that the credit crunch is real and not just on Wall Street, there is no reason to wait for because the new farm program, the rules and regulations that we passed recently, will not even be finished being written, let alone to be able to receive applications for aid, until after next year. That will be too late.

So for Jay Hardwick, the farmers I represent, the farmers in the South, I am going to stand here for quite a while and talk about their situation and say that, most certainly, if we can spend a few weeks trying to figure out how to save the financial markets and Wall Street, we can spend a little bit of time and a little bit of money trying to help farmers who did not take out subprime loans, who managed their risk well and got caught in circumstances well beyond their control that were not manmade but were of nature's making.

The facts of Wall Street and the financial crisis were not natural disasters. I am sorry, I guess, making that happen. I am not here to point fingers or to blame anyone else. But for these farmers, this was not manmade. The men who grew these crops did everything they were supposed to do, their families did everything they were supposed to do, the rains came. If we do not give them help, they will not make it until the spring.

I will be speaking about this for quite some time this weekend. We are grateful for the aid we received but there needs to be some changes before we leave, and I am going to do what I can to make that possible.

I yield the floor.

**AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

Mr. REID. Mr. President, I rise to mark the enactment of the Americans With Disabilities Act amendments Act. S. 3466. Passed with overwhelming bipartisan support in the Senate and House of Representatives, this important bill was signed into law this week. I am proud and honored to celebrate the occasion with my colleagues, particularly Senator HARKIN and Senator HATCH, who worked so hard to craft the legislation and help guide it through Congress. The disability, civil rights, and business stakeholders behind this legislation deserve our recognition as well.

We are all part of a nation built on the promise of equal rights, justice, and opportunity for everyone. Eighteen years ago, we took a historic step toward fulfilling that promise with the passage of the original Americans with Disabilities Act. Unfortunately, we didn’t expect then that Supreme Court decisions would narrow the law’s scope contrary to congressional intent. As a result, the lower courts have now gone so far as to rule that people with amputation, muscular dystrophy, epilepsy, diabetes, multiple sclerosis, cancer, and even intellectual disabilities are not disabled. The Supreme Court decisions further imposed an excessively strict and demanding standard to the definition of disability, although Congress intended the ADA to apply broadly to fulfill its purpose.

The ADA Amendments Act finally rights these wrongs. For one, the new legislation expands the meaning and application of the ADA’s definition of disability. More major life activities will also be included in the definition of disability, so that more people with disabilities will be covered by the ADA. The amendments further clarify that the ADA covers people who use “mitigating measures,” such as medications or prosthetics, to treat their conditions or adapt to their disability. Otherwise, they will continue to be forced to choose between managing their disabilities or staying protected from job discrimination. No one should have to make that choice.

Thanks to the newly enacted amendments, the ADA’s focus can return to where it should be—the question of whether the discrimination occurred, not whether the person with a disability is eligible in the first place. Simply put, the ADA Amendments Act restores the landmark Americans with Disabilities Act to the civil rights law it was meant to be.

Mr. President, we cannot rest on our laurels as we look ahead to the future. Today we reaffirm the principle that discrimination based on disability doesn’t belong in the workplace, but we cannot ignore the low employment rates for people with disabilities who want to work. They want to achieve to the best extent of their potential and enjoy economic self-sufficiency, but this piece of the American dream remains just beyond their reach. Clearly, there is still much work to be done if our Nation is to realize the ADA’s vision of full inclusion and acceptance of all people.

So let us renew our commitment to the goals and ideals of the Americans with Disabilities Act. I look forward to continuing this effort on behalf of the American people, including all those in Nevada and throughout the country, celebrating the enactment of the Americans with Disabilities Act Amendments Act.

**110TH BIRTHDAY OF SEARCHLIGHT, NEVADA**

Mr. REID. Mr. President, I rise today in honor of a very special event—the 110th birthday celebration of my hometown, Searchlight, NV. My colleagues have heard me speak often of Searchlight, and here I am to know how proud I am to call it home.

On July 20, 1898, Searchlight was established like many towns across the West were—as a mining district. George Frederick Colton had struck gold the year before, bringing a rush of miners to the area. Over the next 10 years, Searchlight provided millions of dollars of gold to the world and grew to be one of the most populated areas in Nevada. New Mexico’s most prosperous years, Searchlight was one of the most modern, well-appointed towns in the State. While Searchlight’s mining boom may have ended 100 years ago, the pioneering spirit lives on in our small community. And on Saturday, October 4, 2008, the residents of Searchlight will commemorate the passing of the town’s 110th year with a BBQ dinner and various activities. I join the community in thanking the Searchlight Museum Guild for organizing this celebration.

In particular, I would like to recognize my friend Jane Overy, curator of the Searchlight Historic Museum. Jane was instrumental in the founding of the museum, and she continues her work as Searchlight’s resident historian in the planning of this year’s birthday celebration program, “Sharing Searchlight’s Historic Memories.” In addition to her work with the museum, Jane is involved with many town activities and is a well-known and well-loved figure in our community. She is a Navy veteran and she and her husband Carl, an Air Force veteran, have been very active members of Nevada’s Veterans. She has been a dedicated collector and preserver of Searchlight’s history, and I am grateful for her contributions to the community.

In my office in the Capitol, I keep a picture of my childhood home in Searchlight. It serves as a reminder of how my hometown has shaped my work on behalf of Nevada throughout my career in Congress. I recognize the historic occasion of Searchlight’s 110th birthday, and I wish its residents a successful and enjoyable event.

**TRIBUTE TO SENATORS**

Mr. AKAKA. Mr. President, today I wish to make a few comments about some of our departing colleagues who will no longer be with us next year. I have known some of them for just a little while, others I have known for a long time. And, to all of them I bid a fond farewell and mahalo for their service to their State and to this country. They are dear colleagues and friends of mine and I know that even if they leave this fine establishment, our friendships will continue long into the future.

The Senators that I am referring to are Senator John Warner from Virginia, Senator Pete Domenici from New Mexico, Senator Larry Craig from Idaho, Senator Chuck Hagel from Nebraska, and Senator Wayne Allard from Wyoming.
from Colorado. Please allow me just one moment to reflect on my service with each of these valuable members.

I want to extend my deepest appreciation and warmest mahalo to my friend and colleague, Senator John Warner. His example of discretion in service is truly admirable, and his integrity and dedication to duty make him a role model for all Americans. Few that have ever held the position of U.S. Senator have been able to combine his graciousness, intelligence, and ability to solve the problems of his home State and that have allowed him to be such an effective bipartisan leader.

His experiences as both a sailor and a marine during a time of war, combined with his executive responsibilities as former Secretary of the Navy, have given Senator Warner the ability to tackle complex policy issues during his term in the Senate. His leadership and experience on the Armed Services Committee, as well as his ability to reach across the political aisle and work with many legislators, will be irreplaceable. He is a gentleman of impeccable character, and will be sorely missed by us all. I am honored and humbled to serve with him.

Another good friend and colleague, the senior Senator from New Mexico, Senator Pete Domenici has been serving the people of his home State and this Nation for 36 years. Like Senator Warner, Senator Domenici also works beyond party lines to address controversial issues and the concerns of stakeholders. He is truly an exemplary role model for all members of Congress.

Senator Domenici is a man of his word and has respectfully worked with members on both sides of the aisle. As a dedicated advocate he has helped encourage informed debates in the Senate. He has been a passionate advocate for many causes and has sought workable solutions.

I have the distinct pleasure to serve with Senator Domenici as a member of the Senate Energy and Natural Resources Committee, as well as the Senate Indian Affairs Committee. Senator Domenici has played an integral role in overcoming difficult challenges and meeting our country's energy needs. As a member of these committees, I have witnessed his genuine concern and commitment to improve the well-being of and increase opportunity for indigenous communities in Hawaii, across the nation, and extending to our Insular areas.

Senator Domenici has been one of the leading advocates for mental health care in our country. He and Senator Paul Wellstone were great partners in trying to bring about mental health parity. Since Paul's death, Senator Domenici has led this initiative and worked with all of us in a continued effort to ensure that individuals can access essential treatment.

Senator Domenici is a statesman and a gentleman. It has been a pleasure to work with him in the United States Senate. I am going to miss Senator Domenici and I extend my warmest aloha and heartfelt well wishes. I would be remiss were I not to mention the retirement of another of our colleagues, my friend Larry Craig. Senator Craig and I served together on the Armed Services Committee, which he chaired in the 109th Congress. I will not forget Chairman Craig's willingness to bring the committee from Washington to my home State of Hawaii, to hear the concerns of Hawaii's veterans.

Under his leadership, the committee held an unprecedented series of field hearings on the needs of veterans living in Hawaii, the Nation's only island State. My colleagues made this possible, and I will not forget his generosity.

Senator Craig and I have not always agreed, but I am proud of the relationship he and I maintained as counterparts on the Veterans' Affairs Committee. His willingness to find workable compromises, and to work with, rather than against, those with opposing views, are both qualities in great need here in Washington. I wish him well as he returns to his native Idaho. Surely he will now be able to have more time with his wife, Suzanne, their three children, and nine grandchildren. I wish him happiness and the best with his future endeavors.

Another veteran that is leaving the Senate and a dear friend of mine is Senator Chuck Hagel. He has elected to leave the U.S. Senate after serving two terms, his service to this country started long before he became a U.S. Senator. In 1988, he and his brother served in Vietnam, where he earned multiple military decorations and honors, including two Purple Hearts. His long career in public service began during his tenure as an administrative assistant to Congressman John Y. McCollister from Nebraska in 1971 until 1977. In 1981, he was nominated and confirmed to be deputy administrator of the Veterans Administration where he had the privilege and honor to work for our Nation's veterans. Senator Hagel has served the State of Nebraska with great distinction and will be missed by all.

And, lastly, I wish a fond farewell to Senator Wayne Allard. For 18 years, the people of Colorado and have benefitted from the leadership of Senator Allard. Through his service on numerous committees, Appropriations, Budget, Banking and Urban Affairs, our nation has benefited as well. I applaud his commitment to energy and science as the founder of the Senate renewable energy and energy efficiency caucus as this is an issue that is also vitally important to me. On this 50th anniversary of the National Aeronautics and Space Administration, I should note that Senator Allard has been a champion of space science and technology research and I would like to thank his service, which has been crucial, in this arena. From his time as a Representative of Larimer and Weld Counties to his current position as the Senator from Colorado he has been a dedicated and capable public servant and I wish him all the best.

(At the request of Mr. Reid, the following statements were ordered to be printed in the RECORD.)

Mr. Kennedy. Mr. President, I regret that I am not able to be in the Senate today to pay tribute to my friend and colleague, Senator Pete Domenici of New Mexico.

Throughout my years in the Senate, I have been honored to work with some of the brightest, most committed elected leaders in our Nation. But Senator Domenici stands out in particular. He has the unique ability to rise above partisanship and find real solutions to real problems.

He comes to every issue with a deep knowledge and desire to improve the lives of the people of New Mexico and the Nation. It has been a special honor to work with him for nearly 36 years, including many years on mental health issues. We both share a deep commitment to those issues because we know the immense toll that mental illness has taken on beloved members of our families, our friends, and our neighbors.

Pete and I are on opposite sides of the aisle in the Senate, but he has never approached mental health issues in a partisan way. Instead, he thinks of himself as an advocate for mental health reform and basic fairness for all our citizens.

Through Pete's skilful guidance and leadership, Congress has made major progress in breaking down the walls of discrimination against the mentally ill, especially in the judicial system and in education. On reform in mental health care, it has been a long, difficult battle for over a decade, but Senator Domenici's will and dedication has never wavered.

Last year, young Pete played baseball for the Albuquerque Dukes, which was part of the old Brooklyn Dodgers farm system. Back in those days, dismissed Dodger fans coined the phrase, "Wait til next year" after coming up short of a championship season so often.

Now, at last, because of Pete, Americans suffering from mental illness may now have to "wait til next year" any longer. We are now closer than ever to finally securing mental health parity and putting an end to the longstanding shameful practice of discrimination in health insurance against persons with mental illness. On this issue, Senator Domenici has been absolutely relentless and absolutely brilliant. We could not have made it this far without him.

My only regret is that at the signing ceremony, when President Bush signs this landmark bill into law and looks up and hands the signing pen to Senator Domenici, we will all be sad that Pete is retiring from the Senate this year. He has been a continuing source of hope and inspiration to me and to
Mr. President, I wish very much that I could be here in person today to pay tribute to the extraordinary career of my friend and former colleague Senator Pete Domenici. I know that when we return to the Senate in January, all of us on both sides of the aisle will miss the decency, thoughtfulness, commitment, and friendship of our outstanding colleague from New Mexico.

We often speak about the high value of friendship in the Senate, about the importance of sustaining it despite the strong political and philosophical differences that often erupt between Senators, and about the way it sustains us in times of personal and political disfavor. I know that many of my colleagues feel the same way, and I am sure we all cherish our friendship with John Warner.

The Senate will not be the same without him. In many ways, he epitomizes the words of Shakespeare, that we should “do as adversaries do in law, strive mightily, but eat and drink as friends.”

John’s life is proof that individual people can make a difference for our country, if they have the will to try. From the time he enlisted in the Navy at the age of 17 during World War II, to joining the Marine Corps in 1950 after the outbreak of the Korean war, to his service as Secretary of the Navy, and to his brilliant career as a Senator representing the people of Virginia, John Warner has demonstrated a commitment to public service that few people in the history of this Nation can match.

As my brother, President Kennedy, once said: “Any man who may be asked in this century what he did to make his life worthwhile, I think can respond with a good deal of pride and satisfaction, ‘I served in the United States Navy.’” It has been a special privilege, as a member of the Armed Services Committee, to serve with John Warner, particularly during his years as chairman or ranking member of the committee. John deserves immense credit for his contributions to our country, and America is a stronger and better Nation today because of his life’s work.

Perhaps more than anyone I know, Senator Warner understands that we are Americans first and members of a political party second. Throughout his 30 years in the Senate, he has consistently demonstrated an all-too-rare willingness to reach across the aisle to achieve results for the American people.

When the partisan passions of the day become heated in this Chamber and threaten progress on fundamental issues, we always know that John Warner is available to help find the way forward—even if it costs him politically. President Kennedy would have called him a profile in courage, and I agree.

It is no secret that John and I don’t agree on everything, but even in times of disagreement, I have never questioned his position was the result of deep thought and his special wisdom and experience. Our Founders would regard the legislative career of John Warner as a shining example of the type of person they envisioned should serve in this body of our Government.

I am sad to see him leave, but as John and his wife Joan look to the future and the new challenges and possibilities that lie ahead, I know that he will always be available to answer the call of service, and we are very grateful for the opportunity to have served with him. We will miss him very much.

Mr. HATCH. Mr. President, I rise to speak today regarding the retirement of my esteemed colleague from Colorado, Senator Wayne Allard. I have known Senator Allard since he joined Congress in 1991 and have worked closely with him since that time.

Today, I am sure that I am joined by many of my colleagues in saying that his service, his work ethic, and his friendship in this institution will be missed. A native of Colorado, Senator Allard was born in Fort Collins in 1948. Using the skills he learned while growing up on a ranch, Senator Allard obtained a doctorate of veterinary medicine at Colorado State University. Soon after, he and his wife Joan opened the Allard Animal Hospital. Over the years that followed, Senator Allard successfully built his practice and raised his family. He even continued his practice while serving in the Colorado State Senate for four years. Ever the citizen-legislator, Senator Allard brought this same attitude to the U.S. Congress in 1991 and more specifically to our Senate legislative body in 1996.

It was in 1996 that Senator Allard was elected to the Senate with a promise to only serve two terms. Not being one to back away from that commitment, Senator Allard declared early in 2007 that he would not seek a third term because it would have gone against his word. I know that he declared it was a matter of integrity and of keeping his commitments. And it is now, that I can say nothing could be truer about the character of my good friend, Senator Allard. Born and raised in the West, he understands what it means when he shakes your hand and gives you his word. His integrity is of the character of which we need more of and his commitments are of the nature of which we will surely miss.

Indeed, for the last 17 years I have observed Senator Allard working tirelessly for the good people of Colorado. Throughout his tenure, the demands placed on Senator Allard have been great, yet he always manages to find the time to listen, to engage, and to talk to Coloradans about the things that are most important to them. Impressively, Senator Allard has held over 200 town hall meetings since he began his service in the Congress.

From his work on the Contract with America to his instrumental role in working with me to craft the current law promoting and regulating the development of oil sands in the United States, which was passed as part of the Energy Policy Act of 2005, Senator Allard has always done the work of the people and he will be missed. I wish him and his lovely family the best and thank him for the years of service he has provided to this body.

To my friend Senator Wayne Allard, I convey my highest admiration and respect for what he has been able to accomplish while in the Senate. As with any new chapter in our lives, our feelings are always mixed as we continue turning the pages that finish the tale of one story while we hurriedly rush to the next. Yet the story of Senator Allard’s journey in the Senate should not be complete without the support of his wife Joan and the love of his children and grandchildren. Without question, our loss is their gain. It is to them that I extend my deepest gratitude for the sacrifices they have made during their husband’s and their grandfather’s service so well these many years. I am certain they are excited to have Senator Allard back, but somehow I have a feeling that he will not be resting for long.

LARRY CRAIG

Mr. President, I rise to speak today regarding the retirement of my friend and colleague, the senior Senator from Idaho. At the conclusion of this Congress, Senator Larry Craig will end a political career that has included over three decades of service to the people of his State. I am sure many of my colleagues will agree, Senator Craig’s presence in the Senate will be missed.

Senator Craig is a lifelong citizen of Idaho, having been born in Council, ID, and growing up on a ranch in Washington County. He attended college at the University of Idaho and later served in the Idaho National Guard. These close ties to his home state, I believe, inform almost every decision he made while serving in Congress.

Larry’s career in public service began in 1974 when he was elected to the Idaho State Senate. Six years later, he was elected to the House of Representatives, where he served five terms. In 1990, he was elected to his first of three terms in the Senate, where his devotion to the people of Idaho continued.

During his time in the Senate, Senator Craig became involved in a number of efforts to serve the people of his State and the country as a whole. He has held prominent positions on the
Appropriations, Veterans' Affairs, and Energy and Resource Committees. He also had a brief stint on the Senate Judiciary Committee when I was serving as chairman. Although his time on the Judiciary Committee was short-lived, Senator Craig was always an active member of that panel, pursuing immigration reform to help the farmers from his State and throughout the country and vigorously supporting legislation to protect civil liberties.

In recognition of these efforts, he was inducted to the Idaho Hall of Fame in 2007.

Of course, no discussion of Senator Craig would be complete without mentioning "The Singing Senators," the now-famous barbershop quartet that featured Senator Craig along with my good friends Trent Lott, John Ashcroft, and James Jeffords. I think we all enjoyed the exploits of The Singing Senators during their brief moment in the limelight. Sadly, with the departure of Senator Craig, there will be no Singing Senators left. I still have my copy of their album, "Let Freedom Sing," and I can only hope that Larry will be taking home with him his copies of all the records I have recorded. If not, I am sure I can dig up some new ones for him.

Mr. President, I want to close by saying that I have greatly admired Senator Craig for his devotion to the people of his state and his efforts to improve our country. I want to wish him and his family the best of luck in any future endeavors.

PETE DOMENICI

Mr. President, I rise today to pay tribute to my very dear friend and colleague, Senator Pete Domenici. Other than the members of the Utah congressional delegation, Utah has had no better friend in the Senate than the senior Senator from New Mexico. My State of Utah is made up mostly of public lands, and we rely on this good Senator for the support and expertise of solving some of our most difficult natural resource problems. Senators who understand the complexities of living in a public-land dominated State are few and far between, especially here in Washington. Having Senator Domenici in a leadership on the Senate Committee on Energy and Natural Resource Policy has been my State's salvation many times over.

In my profession, Senator Domenici's crowning achievement was the passage of the Energy Policy Act of 2005. This was one of the most comprehensive and bipartisan energy proposals ever passed by Congress. I have no doubt that this summer's energy crisis would have been dramatically worse had EPACT 2005 not been passed when it was. It was a matter of dread and grave disappointment for some of us in the Senate to watch as the leadership of this Congress pursued efforts to turn back some of the most important steps that legislation took toward securing a better energy future for our people. And it is fitting that before this Congress ends along with Senator Domenici's Senate career, we have voted to reinstate and to extend many of the provisions established in EPACT 2005.

In particular, I praise Senator Domenici for his unfailing vision and leadership in working with me to establish the possibility in this country of developing our Nation's gigantic untapped oil shale resources. A lot has been said in the media about how oil shale's proven reserves are yet and therefore not likely to be successful. However, what these critics fail to consider is that the Government has long had a policy to not develop its oil shale. We should keep in mind that the United States controls about 72 percent of the world's oil shale and that 73 percent of our resource is on Federal lands.

Without Senator Domenici's leadership, we would not have been able to pass the Oil Shale and Tar Sands Development and Reclamation Act as part of EPACT 2005. We would not now have a large, tri-state environmental impact statement on oil shale, a voluminous task force report on oil shale from the Department of Energy, a research and development lease program ongoing at the Bureau of Land Management, and the soon-to-be released final regulations on commercial oil shale leasing on Federal lands. He has maintained the vision of oil shale's potential benefit to our Nation's future and has never wavered. I will ever be grateful to Senator Domenici for that.

My friend from New Mexico is not flashy. And I mean that as a high compliment. Where some Senators fight with rhetoric, Senator Domenici relies on reason. Where others search around for wedge issues, Senator Domenici finds solutions. Where others in the Senate seek to widen the aisle that divides us, Senator Domenici reaches across, and even to the Senate. The Senate is a better place because the people of New Mexico have sent us their senior Senator, and we will miss his presence here. As this Congress comes to a close, I say to my friend, arrivederci, ti voglio bene.

WAYNE ALLARD

Mrs. HUTCHISON. Mr. President, Senator Allard has spent many years working for Colorado.

He came to the Senate in 1996 after serving three terms in the U.S. House. As Colorado's senior Senator, he worked diligently to cut taxes, eliminate wasteful spending, return power to State and local governments, and assure the security of America both at home and abroad.

Consistent with his belief that elected officials should be citizen legislators, Senator Allard conducted more than 700 town meetings across Colorado, visiting each of Colorado's 64 counties.

He was one of only two veterinarians in the Senate and provided leadership on small business issues from his practical experience.

He also led by example, returning more than $1.2 million in unspent office funds to the U.S. Treasury.

As the Republican leader of the Interior Appropriations Subcommittee, Senator Allard worked to shape the Nation's spending priorities.

His work on the Internet Tax Non-discrimination Act helped keep access to the Internet tax-free.

He also worked to increase military benefits, including legislation to increase the death benefits for families of fallen heroes from $12,000 to $100,000.

I will miss working with him in this Chamber, and I will miss his friendship and support on the issues that matter most to America.

LARRY CRAIG

Mr. President, Larry Craig has a long history of service to the people of Idaho.

In 1974, he was elected to the Idaho State Senate, where he served three terms before winning the 1980 race for Idaho's first congressional seat.

He was re-elected four times before winning a U.S. Senate seat in 1990.

As chairman of the Veterans' Affairs Committee, he assured that the health care needs of our Nation's veterans were addressed, and he helped increase the number of claims processors to try to help veterans receive the benefits they deserve, with fewer delays.

Throughout his career, Senator Craig has been a forceful advocate for commonsense, conservative solutions to our Nation's problems.

He has been a leader in the battle for lower taxes, private property rights, and greater accountability in government.

He has been recognized by national groups, including Citizens for a Sound Economy, Citizens Against Government Waste, Watchdogs of the Treasury, and the National Taxpayers Union Foundation.

He is also one of America's foremost defenders of the second amendment.

I wish Senator Craig well in his retirement.

CHUCK HAGEL

Mr. President, I have really enjoyed working with Chuck Hagel.

Senator Hagel honorably served our country by enlisting in the U.S. Army during the Vietnam war.

While in Vietnam, he received the Vietnamese Cross of Gallantry, Purple Heart, Army Commendation Medal, and the Combat Infantryman Badge.

After working as Deputy Administrator of the VA, he became a successful entrepreneur and business leader.

In 1996, Chuck Hagel was elected to the U.S. Senate.

Six years later, he was overwhelmingly reelected with over 83 percent of the vote, the largest margin of victory in any statewide race in Nebraska history.

His knowledge and experience building a business and creating jobs was invaluable to the Senate.

He was a leader on the Foreign Relations Committee and represented the
Mr. President, JOHNNY WARNER is a Senator who has served his country heroically. During World War II, at the age of 17, he enlisted in the U.S. Navy. At the outbreak of the Korean war in 1950, Senator WARNER interrupted his law studies and started a second tour of active military duty.

Senator WARNER’s next public service began with his Presidential appointment to be Under Secretary of Defense in 1969. He served as Secretary of the Navy from 1972 to 1974.

Following his work there, JOHN WARNER was appointed by the President to coordinate the celebration of America’s bicentennial. Beginning in 1978, Senator WARNER has been elected to the Senate five times. In 2005, Senator WARNER became the second-longest serving U.S. Senator from Virginia in the 218-year history of the Senate. Now serving in his 30th year in the Senate, Senator WARNER rose to become chairman of the Senate Armed Services Committee. In that capacity, and throughout his career, he has shown unwavering support for the men and women of the Armed Forces.

Every time I am with JOHN WARNER, I learn something new, valuable, insightful or humorous. He is truly a unique blend of a military leader, country gentleman, historian, great storyteller and statesman. His hard work and devotion will be missed by all his friends in the Senate.

PETE DOMENICI
Mr. President, last, but certainly not least, I would like to speak about my great friend, Senator PETE DOMENICI of New Mexico.

The longest serving U.S. Senator in New Mexico history, PETE has been a respected leader on some of the most important issues of our time, including energy security, nuclear proliferation, and fiscal responsibility.

PETE was first elected to the U.S. Senate in 1972 and is serving his sixth term.

PETE is the ranking member of the Senate Energy and Natural Resources Committee, having previously served as its chairman following a long tenure in charge of the Senate Budget Committee.

When he became chairman of the Energy and Natural Resources Committee in 2003, PETE put his years of legislative experience to work to craft the first major comprehensive Energy bill since 1992.

Many thought that the task was nearly impossible, but Senator DOMENICI gained bipartisan consensus and passage of the Energy Policy Act of 2005. This new energy law created incentives to accelerate U.S. development of its own energy resources— including solar, wind, and nuclear power.

That same year, 2006, DOMENICI engineered the enactment of a new law that will open areas of the Gulf of Mexico for energy exploration. This could yield 1.26 billion barrels of American-owned oil and 5.8 trillion cubic feet of natural gas in the near future.

Senator DOMENICI’s commitment to America’s prosperity is also exemplified in his work to make the U.S. more competitive in the global marketplace. He is a coauthor of the America Competes Act, a landmark bill that will force substantial changes to promote science and technology education and ensure that the United States does not lose its place as the world’s innovation leader.

Senator DOMENICI is a nationally recognized advocate for people with mental illness, having written the 1996 Mental Health Parity law to ensure fair insurance coverage for people who suffer from that disease. PETE has also been a champion in promoting science in our economy. He has worked to ensure equal opportunities for women and minorities. He has worked to find consensus on difficult environmental issues. It has been a true honor to serve with him. The Senate will truly miss his leadership, and I will miss his friendship. Indeed, we will miss all our departing friends. I wish them well.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

LILLY LEDBETTER FAIR PAY ACT

Mr. KENNEDY. Mr. President, in addition to the many other vital matters the Congress has considered this year, the issue of pay equity remains of critical importance. The Lilly Ledbetter Fair Pay Act would restore a fair rule for filing claims of pay discrimination based on race, color, gender, national origin, religion, disability, or age. This measure, which passed the House last year, has broad public support, and I hope the Senate will pass it as soon as possible. I ask unanimous consent to include in the RECORD a series of letters of support for the bill which I have received from civil rights and workers’ organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


DEAR SENATE: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation’s oldest, largest and most diverse civil and human rights coalition, representing persons of color, women, children, labor unions, individuals with disabilities, older Americans, working families, and LGBT and human rights groups, we urge you to co-sponsor and vote for the Fair Pay Restoration Act (S. 1843) to correct the Supreme Court’s misinterpretation of Title VII regarding when a pay discrimination claim is timely filed.

In 1983, whose original measure, H.R. 2831, passed the House of Representatives July 31, 2007, is necessary to ensure that victims of workplace discrimination receive effective remedies. Title VII requires individuals to file complaints of pay discrimination within 180 days of “the alleged unlawful employment practice.” Good year Tire & Rubber, decided on May 29, 2007, the Supreme Court held that the 180-day statute of limitations should be calculated from the date the illegal pay decision is made, rather than from when the employee is subject to that decision or injured by it. The Court’s decision in this case was a sharp departure from precedent and would gut the ability of pay discrimination victims to vindicate their rights. Moreover, it has implications beyond Title VII, including for pay discrimination claims brought under the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act. Congress must make clear that a pay discrimination claim accrues when a pay decision is made, when employees are subject to that decision, or at any time they are injured by it, including each time they receive a paycheck that is reduced as a result of the discrimination.

As Justice Ginsburg pointed out in her dissent in Ledbetter, Congress has stepped in on other occasions to correct the Court’s cramped interpretation of Title VII. The Civil Rights Act of 1991 overturned several Supreme Court decisions that eroded the power of Title VII. As Justice Ginsburg sees it, “[o]nce again, the ball is in Congress’ court.” We agree and urge you to act expeditiously and reaffirm that civil rights laws have effective remedies.

Thank you for your time and attention to this important matter. If you have any questions, please feel free to contact Nancy Zirkin at (202) 263-2880 or Zirkin@civilrights.org, or Paul Edenfield. LCCR Counsel, at (202) 263-2852 or Edenfield@civilrights.org.

Sincerely,

WADE HENDERSON,
President & CEO.

NANCY ZIRKIN,
Executive Vice President.

NATIONAL WOMEN’S LAW CENTER.
Washington, DC, January 24, 2008.

DEAR SENATOR: On behalf of the National Women’s Law Center, I am writing in support of S. 1843, the Fair Pay Restoration Act. S. 1843 would reverse the Supreme Court’s decision in Ledbetter v. Goodyear Tire & Rubber Co. and help to ensure that individuals subjected to unlawful compensation discrimination are able to effectively assert their rights under the federal anti-discrimination laws. The bill wouldPrior law to make clear that pay discrimination claims accrue whenever a discriminatory pay decision or practice is adopted, when a person becomes subject to the decision or practice, or when a person is affected by the decision or practice, including whenever s/he receives a discriminatory paycheck. A companion bill, H.R. 2831, has already been passed by the House of Representatives, and we urge you to enact S. 1843 without delay.

The Supreme Court’s Ledbetter decision severely limits workers’ ability to vindicate their rights by requiring that all charges of pay discrimination be filed within 180 days of the employer’s originally discriminatory decision. The Ledbetter decision is severely precedent and is fundamentally unfair to those subject to pay discrimination. Under
The Ledbetter decision is a step backward for women and for any employee alleging pay discrimination. The decision reverses the longstanding law that the Anti-Discrimination Act of 1964 (Title VII) guarantees of equal employment opportunity, the Court’s ruling would leave many victims of pay discrimination without an effective remedy, even when their rights have been violated. If allowed to stand uncorrected, this decision authorizes employers to violate Title VII’s bar on pay discrimination with impunity as long as they do not get caught within 180 days. Now employers will have every reason to try to avoid liability simply by keeping pay disparities hidden during the period the timeliness standard for pay discrimination. Because pay information is often confidential, employees are rarely able to uncover such discrimination and file claims quickly. In addition, pay disparities can start small but grow in significance as the impact of raises—often set as a percentage of prior pay—accumulates over time. Employees might be reluctant to raise a pay discrimination claim at the outset over a minor salary discrepancy, when they have incomplete or insufficient information. Now they must assume discrimination in every situation and file claims preemptively—and potentially prematurely—to preserve any ability to challenge discriminatory pay decisions. The Ledbetter decision, therefore, likely will have the unintended consequence of encouraging an immediate adversarial response to any questions regarding pay. Employees who take the time to ask questions and seek information about pay disparities, whether they have a claim, under Ledbetter, risk having their claims rejected as untimely. Many claims that might otherwise have been timely filed are lost in a more adversarial setting and create a greater potential for protracted litigation. As a result, Ledbetter actually undermines one of Title VII’s primary goals—informal resolution of disputes.

Impact on Women’s Wages and Closing the Wage Gap

Although the CourtFlat the discrimination. In the past, the CourtFlat the discrimination that Ms. Ledbetter and so many others have endured is current and very real. Many women are all too painfully aware that there is nothing “long past” about the consequences of discriminatory pay practices—they have a present-day impact as they accumulate and grow over time. A woman loses ground every day she is paid less pursuant to a policy of discrimination. Unfortunately, this decision effectively disregards the real economic impact of pay discrimination. Further, pay discrimination is responsible for a significant portion of the wage gap experienced by women and people of color. The Supreme Court’s decision underscores the critical role that women workers and employees of color to close the wage gap.

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The decision in this case is not merely about sex discrimination. Rather, it has broader implications for all pay discrimination claims under Title VII, which bars discrimination in compensation not only on the basis of sex, but also on the basis of race, color, religion, and national origin, and other antidiscrimination laws, including the Age Discrimination in Employment Act, Americans with Disabilities Act, and the Rehabilitation Act. Accordingly, this bill amends the timeliness standard for pay discrimination claims under those laws as well.

RESTORING THE LAW IMPOSES NO UNFAIR BURDEN ON EMPLOYERS

Prior to the decision in this case, the EEOC, the majority of lower courts, and the Supreme Court had each allowed pay discrimination claims to proceed on the basis of the issuance of a paycheck that paid an employee a discriminatory wage. The Court’s decision in Ledbetter marks a reversal in the law. The proposed FPRA would restore the previous legal standard without placing an unfair burden on employers.

Although employers have suggested that a decision in favor of Ms. Ledbetter would have left them defenseless against an onslaught of pay discrimination claims, paying every employee each and every payday back many years, this rhetoric strains credibility. There is no evidence that employers would be overwhelmed by an avalanche of claims going back many years. The Lilly Ledbetter Fair Pay Act, the AWPC is an affiliate of the National Women’s Political Caucus (NWPC), a bipartisan multicultural organization dedicated to increasing women’s participation in the political process. NWPC’s employer base was designed to achieve equality for all women. NWPC and its hundreds of state and local chapters support legislation across the country without regard to political affiliation through recruiting, training, and financial donations. NWPC focuses on winning equality for women and on identifying, helping and promoting candidates who support NWPC’s goals. Of the utmost importance to breaking the glass ceiling restricting women, is making certain that women can assert their rights and remain free from pay discrimination at work. H.R. 2831 is the right solution for Alaska’s working women.

CONCLUSION

The Court’s unduly restrictive interpretation of Title VII effectively guts the law’s protection against pay discrimination, leaving many victims of pay discrimination without a remedy. Legislation is necessary to assure that all workers receive a fair, non-discriminatory wage and the opportunity to participate in the workforce on equal ground.

Sincerely,

DEBRA L. NESS,
President.

ALASKA WOMEN’S POLITICAL CAUCUS
ANCHORAGE, AK
SEPTEMBER 23, 2008.

Hon. EDWARD KENNEDY
U.S. Senate, Washington, DC.

Hon. ARLEN SPECTER
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR SPECTER:

On behalf of the Alaska Women’s Political Caucus (AWPC), I write to thank you for your continued leadership on H.R. 2831, the Lilly Ledbetter Fair Pay Act. The AWPC is an affiliate of the National Women’s Political Caucus (NWPC), a bipartisan multicultural organization dedicated to increasing women’s participation in the political process. NWPC’s employer base was designed to achieve equality for all women. NWPC and its hundreds of state and local chapters support legislation across the country without regard to political affiliation through recruiting, training, and financial donations. NWPC focuses on winning equality for women and on identifying, helping and promoting candidates who support NWPC’s goals. Of the utmost importance to breaking the glass ceiling restricting women, is making certain that women can assert their rights and remain free from pay discrimination at work.

H.R. 2831 is the right solution for Alaska’s working women.

Alaska is part of the Ninth Circuit, which for years (along with many of the other federal circuits), recognized the “paycheck accrual rule” in employment discrimination cases. Under Title VII of the Civil Rights Act of 1964, an employee has 180 days a discrimination act to file a claim. Before the Ledbetter v. Goodyear decision, if an employee in Alaska brought a federal claim for pay discrimination, the courts recognized that each new paycheck started a new clock because each paycheck was a separate discriminatory act. Under Title VII’s “continuing violation” doctrine, employees in Alaska were able to bring a timely federal claim because each paycheck was a separate discriminatory act. But, in reality, Ms. Hutchison’s legislation would fail to correct the injustice created by the Ledbetter decision, would create new, confusing, and unnecessary hurdles for those facing discrimination, and would flood the courts with premature claims and unnecessary litigation.

The approach of S. 3209 fails to recognize the basic principle that as long as discrimination in the workplace continues, so too should employees’ ability to challenge it. It is the wrong approach for working women, who depend on every rightfully-earned dollar. Every time an employer issues a discriminatory paycheck, that employer violates the law, and victims of that discrimination should be afforded a remedy.

Moreover S. 3209 would create new legal hurdles for employees by requiring employers to show they filed their claims within 180 days of when they had—or should have had—enough information to suspect they’d been subjected to discrimination. This “should have known” standard would encourage employees to prematurely file discrimination claims based on mere speculation or office rumors of wrongdoing just to preserve their rights through the courts. This novel standard is not just bad for employees, but also for employers who would be burdened with unnecessary litigation and increased costs. Far from creating a new legal standard, in contrast, H.R. 2831 would merely restore the law prior to the Ledbetter holding and fairly protect employees’ day in court.

The AWPC encourages you to help make equal pay for equal work a reality by supporting H.R. 2831 as the best solution for the problems created by the Ledbetter decision.

Sincerely,

SUE C. JOHNSON,
President, Alaska Women’s Political Caucus.

(At the request of Mr. Reid, the following statement was ordered to be printed in the RECORD.)

DC Gun Laws

Mr. KENNEDY. Mr. President, I strongly oppose H.R. 642. This bill would be a disastrous blow to gun safety in the District of Columbia. For almost three decades, the District’s handgun and assault weapon ban has helped to reduce the risk of deadly gun violence. City residents and public officials have relied upon the ban to keep our streets and neighborhoods safer. The ban has reduced the number of violent deaths in DC, including homicides, suicides, and accidental shootings. The increased availability of firearms will
make it more likely that deadly violence will erupt in our public buildings, offices, and public spaces. This bill will have dangerous consequences for residents and visitors alike. It removes criminal penalties for possession of unregistered firearms. It legalizes the sale of assault weapons in the District. It allows handguns and assault weapons to be kept legally in the city’s homes and workplaces. It hobbles the authority of the Mayor and the City Council to deal with gun violence. Absurdly, this bill even prevents the City Council from enacting any laws that “discourage” gun ownership or require safe storage of firearms.

As Congresswoman ELEANOR HOLMES NORTON has emphasized, this bill sets no age limit for possession of guns, including military-style weapons. It permits a person who is voluntarily committed to a mental institution to own a gun the day after the person is released. It prevents gun registration, even in the case of letting police know who has guns and tracing guns used in crimes. It prevents the DC government from adopting any regulations on guns, leaving only a bare Federal statute that would leave DC with one of the most permissive gun laws in the Nation.

This bill is a frontal assault on the well-established principle of home rule. It is an insult to the 580,000 citizens of the District of Columbia. It tramples on the rights of its elected leaders and local residents to determine for themselves the policies that govern their homes, streets, neighborhoods, and workplaces. Congress wouldn’t dare do this to any State, and it shouldn’t do it to the District of Columbia.

Congress has consistently opposed giving the residents of the District the full voting representation in Congress they deserve. Many of our colleagues have frequently attempted to interfere with local policy making and spend decisions. This bill is a blatant interference with DC law enforcement by denying the right of the City Council to regulate firearms and firearm ownership.

I commend Senator FEINSTEIN and Senator LAUTENBERG for their leadership in opposing this shameful legislation, and I urge my colleagues to oppose this reckless, special-interest bill that will endanger the safety of the District of Columbia’s residents and visitors.

The solution to DC’s gun crime problem lies in strengthening the Nation’s lax gun laws, not weakening those in the District. The tragic and graphic stories of gun violence that capture front-page headlines in the District show that current gun-safety laws need to be strengthened, not abolished. I have long been committed to reasonable gun control laws, and I am concerned that the Supreme Court’s decision that DC can ban ownership of handguns has opened a Pandora’s box. Much of the progress we have made in making Americans safer by placing reasonable restrictions on the possession of firearms is now in doubt. It is a bitter irony that this gross setback comes in the name of a right to self-defense, and I urge the Senate to oppose it.

NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT

Mr. INHOFE. Mr. President, I would like to explain why there are objections to bringing up H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act of 2008. As has been mentioned by several of my colleagues on the floor today, the Highway Bridge Program in its current form needs to be reformed to make it more useful for States. Unfortunately, H.R. 3999 hinders, rather than strengthens, States’ abilities to address their greatest bridge priorities. It would force States to follow a risk-based system that developed in Washington to prioritize replacement and rehabilitation of bridges. There is great concern that this one-size-fits-all approach would not allow for important local factors, such as seismic retrofit. This legislation also forces States to spend scarce resources on new procedures that will provide little or no new information to State bridge engineers.

SAFETEA-LU will expire on September 30, 2009. Any major policy changes at this point in the process would nullify the goal of completing a comprehensive bill on time. For that reason, a policy change of this magnitude should be handled in the context of reauthorization. Furthermore, it is counterproductive to attempt to fix our crumbling infrastructure through piecemeal efforts. Comprehensive reform is necessary and should be addressed in a holistic approach in the reauthorization bill the Environment and Public Works Committee will work on in the coming months.

There has been a lot of press about the poor condition of the nation’s bridges in the wake of the Minnesota tragedy. Our bridges are certainly in need of additional investment, but the roads on the National Highway System, NHS, are actually in greater need. According to the Federal Highway Administration, FHWA, the Nation’s bridges receive an average of 15 percent less funding from the Federal Government than the maximum amount that could be economically invested. In contrast, the roads on the NHS receive 78 percent less funding than the maximum economic level.

This is not to say that there are not enormous bridge needs. These are simply 20 year averages, and much more could be economically invested in the short term. According to the same study by the FHWA, $52 billion could be invested immediately in a cost-benefit fashion. This is critical, however, to view investment in the Nation’s highways and bridges in a comprehensive fashion.

The authors of H.R. 3999 tout one of the benefits of the bill is that it prohibits transfers from the current bridge program to other highway programs. I would like to take a few minutes to explain that while that sounds good, it is not. The transfer prohibitions areSz9633

September 26, 2008 CONGRESSIONAL RECORD — SENATE
President Mikheil Saakashvili to demonstrate solidarity in the face of Russia’s incursion. The United States pledged its support for the democratically elected Government of Georgia and for Georgia’s territorial integrity and territorial完整. The leaders of the post-Soviet era helped broker a cease-fire agreement. The United States, Europe, and the CEE nations must continue to stand together in the face of Russian aggression and interference in the region.

Nevertheless, as Russia’s behavior has been, we must find a way to step back from the path of confrontation with Russia. It makes better sense to find common ground than to engage in confrontation. This does not mean indulgence of Russia’s recent actions. On the contrary, we must find a way to work with Russia without ceding freedom and democracy in the region.

Let me be clear. I am deeply committed to the continued freedom, democracy, and independence of the Central and Eastern European nations. At the same time, I fully support the democratization of Russia. Ultimately, we need to find a way to improve relations with Russia, but the effort cannot be one-sided. It is in Russia’s own economic interest to step up to the plate and be a positive member of the international community. Our relationship with Russia may be complicated, but we can find common ground in working together to strengthen global security, economic stability, and democracy. Moreover, the United States needs Russia as a partner in peaceful and prosperous Europe.

The United States does not have to choose between the Central and Eastern European countries and Russia. We should be able to form real partnerships with both.

DOMESTIC INFRASTRUCTURE GAPS POST 9/11

Mr. FEINGOLD. Mr. President, it has been more than 7 years since al-Qaida attacked us at home. There are many lessons those attacks should have taught us, many things we should have been doing as a nation since that date which we have yet to do. These post-9/11 gaps in our efforts and strategies need as much if not more attention today as they did on September 12, 2001. The largest gap we face is a strategic gap between what we should have done and what this administration elected to do in response to the tragic events of 9/11. The administration chose to attack Iraq rather than complete the mission in Afghanistan where the attacks were hatched and address al-Qaida’s expanding influence in northern Africa, Southeast Asia, and beyond. Those threats are real and have the continuing potential to manifest themselves again in disastrous ways here at home and around the world.

There are other gaps—failures by this administration to address the real challenges of our post-9/11 world. We have created a gap in the readiness of our military. Our National Guard, an integral part of any large disaster response, has been severely strained. We continue to have insufficient intelligence and information infrastructure at home and abroad. We have insufficient diplomatic personnel, with insufficient language and other cultural experience, to cover the many places in the world where our national security interests require that we know more—about those who know us least. And while I applaud the efforts of this administration to encourage more of our citizens to engage in international volunteer programs, there is room for much more to be done to strengthen our image and our impact abroad through citizen outreach and private diplomacy. In a post-9/11 world, these continuing gaps pose real threats to our security at home, and we cannot ignore them at the expense of a strate
gically misguided and expensive ongoing military presence in Iraq.

Closer to home, we are now beginning to suffer serious challenges to our economic stability and longer term economic outlook. We are squandering our wealth and failing to invest in our economic future and our domestic security.

So where do we go from here? We go where Americans have always gone in times of challenge. We will take up the challenge and face it head on and work to close the gaps we face in the fabric of our domestic security.

Here at home, we continue to have critical gaps in our domestic security, in our infrastructure, in our first responder systems. We still have not deployed an effective system to prevent the smuggling of radiological materials through our ports. We have not done everything we can to secure chemical facilities that could be the source of potential terrorist weapons like the ones we have seen cause so much damage in Baghdad. We have not fully implemented the command system needed to ensure that first responders know how to work together across federal, state and local government.

We have also failed to replenish the military forces needed to conduct medical triage, search and rescue, and decontamination in the wake of a WMD incident at home. I tried to offer an amendment to the 2009 Defense authorization bill that included that we must be maintained at the highest levels of readiness. This
amendment would have addressed what the Commission on the National Guard and Reserves characterized as an “appalling gap” in our domestic defenses. I was unsuccessful, but I will continue to press for enactment of this legislation. It is time that we get our priorities straight and put the defense of the American people first.

State and local authorities will always be the first to defend the American people in any disaster, whether manmade or natural. We need to ensure that we give them the resources they need to fulfill their responsibilities. That is why I have long supported adequate funding for homeland security and emergency management grants. I opposed the administration’s proposal to reduce funding for these grants this year and am pleased that 2009 Homeland Security appropriations bill, which we should vote on shortly, includes increased funding for these and other important State and local grants.

The security of our borders is another critical priority. While I had serious concerns about some provisions of the Comprehensive Immigration Reform Act of 2006, the bill took some steps to tighten border security that I strongly supported, such as requiring the Department of Homeland Security, DHS, to develop a national border security strategy and border surveillance plan. The bill also required DHS to develop a schedule for implementing the US-VISIT exit-entry program, created new criminal penalties for constructing border tunnels, provided grants to law enforcement agencies to address criminal activity along the border, and required the Government to work with countries south of the border to combat human smuggling and drug trafficking.

While that bill ultimately failed, I have supported other measures to enhance border security which have been signed into law, including funding to hire 23,000 new Border Patrol agents, put in place vehicle barriers along the border, install 105 radar and camera towers, remove and detain undocumented aliens, construct barriers, and purchase ground and aerial surveillance devices. Congress must take a practical approach to securing the borders and provide the resources necessary for our Government to carry out that important responsibility.

From our borders to the first responders in our communities, we face tremendous challenges. As we work to close those security gaps, we must also draw on America’s boundless capacity for innovation and creativity. We need those talents more than ever as we face unprecedented challenges in our energy sector and elsewhere. We remain hostage to foreign oil sources, yet we have not invested adequately in the necessary alternatives. We face huge challenges with port facilities, which consume the largest proportion of our petroleum resources. We are beginning to understand that fresh water may be the next oil and that we have to use, conserve, and manage it as the scarce resource that it is. And where do these alternatives necessary to rebuild and sustain the economy of our future come from? Our history tells us they come from our entrepreneurs. Eisenhower, in his farewell address to the Nation, called the “solitary inventor, tinkering in his shop”—the entrepreneurial small businessperson.

So we must invest in our skilled workers and our infrastructure. We must find ways to invigorate our creative and entrepreneurial small businesses so that we can not only drive innovation and employment but strengthen our own security in the process.

Two programs—the Small Business Innovation Research and Small Business Technology Transfer Programs—are prime examples of how we can encourage innovation to improve our security. Those highly successful programs not only need to be reauthorized, they need to be substantially increased and targeted at the key challenges of our time. Our domestic security, our innovative and entrepreneurial opportunities, our country’s long-term employment prospects, and our economic future are all directly benefited by these programs, which provide Federal money for small business innovation. And the National Research Council, in an exhaustive study of the SBIR Program, tells us that Congress could effectively increase funding of this effort. This is the kind of investment we need to be making in our national security and in our economic future.

As we make that investment, we should make security-related innovation a stated priority of SBIR, not simply a byproduct of some SBIR-supported research. There are few, if any, Government programs better positioned to develop technologies to protect the American people than SBIR. I have introduced legislation to make domestic security, water security and quality, transportation, and energy top SBIR priorities. By focusing SBIR innovation and research in all of these areas, but especially domestic security and water security and quality, we can do a great deal to address the security challenges we face.

Today there are many technologies addressed as research such as first responder emergency responses, detection of radioactive materials, cargo scanning and cybersecurity, that demand more research and innovation to meet our security needs in a post-9/11 world. Recent reports from the Government Accountability Office and the National Academy of Sciences, for instance, identify troubling gaps in first responders’ ability to deal with hazardous releases in urban areas or our ability to better transport and detect radioactive materials. SBIR can be harnessed to research that can close these security gaps, and that program—and most importantly the small business innovators themselves—deserve our full support in Congress.

Mr. President, as this administration comes to a close, we have an opportunity to revisit how best to address the gaps that have arisen in our national security both before and since 9/11. We need to be more urgent now than it was 7 years ago, except that we have squandered time and great resources in the intervening period. I urge those of us who will return in the next Congress to work with the new administration to address these gaps with a renewed perspective on the sense of urgency they deserve.

FIREARMS AND SUICIDE

Mr. LEVIN. Mr. President, a recent article in the New England Journal of Medicine examined the link between the presence of guns in the home and the chance of suicide. The article, written by Dr. Matthew Miller and Dr. David Hemenway, entitled “Guns and Suicide in the United States,” illustrates a direct correlation between having a loaded firearm in a home and the access rate of suicide attempts.

According to the article, in 2005, the most recent year mortality data are available, suicide was the second leading cause of death among Americans 40 years of age or younger. More than half of all suicides in the United States are carried out by a firearm. An average of 46 Americans per day committed suicide with a firearm in 2005, accounting for 53 percent of all completed suicides.

Many of the attempts made at suicide are both impulsive and fleeting. There is often a very short window between the time a person decides they are going to attempt suicide and the time they follow through with the attempt. These attempts are often made impulsively in reaction to a specific event. However, as the initial reaction to the event subsides, so often does the urge to attempt suicide. This is illustrated by the fact that more than 90 percent of the people who survive a suicide attempt, do not go on to die by suicide. Unfortunately, those attempt suicide using a firearm are rarely fortunate enough to survive and thus have an opportunity for reconsideration. Suicide attempts that involve drugs or cutting have a much lower mortality rate.

The article cites over a dozen studies that have found that there is between a two and ten times greater risk of suicide in a home with a firearm than without. These risks do not only increase for the gun owner but also for the gun owner’s spouse and children.

The simple fact is that guns increase the chance of suicide. Suicide prevention is a national problem that demands our attention and commitment. Congress must do its part by taking steps to tighten gun manufacture suppliers trigger locks and closing the loopholes that allow young people easy access to guns.
OVARIAN CANCER
Mr. CARPER. Mr. President, ovarian cancer, the fifth most fatal cancer among women in the United States, is a serious and underrecognized threat to women’s health. This year alone, there will be an estimated 21,650 new cases of ovarian cancer in the United States and it will cause more than 15,000 deaths. In Delaware, there were 322 cases of ovarian cancer between 1999 and 2003—the most recent data—and 211 deaths during that time.

Unfortunately, there is no screening test currently available for the early detection of ovarian cancer despite the fact that it is highly treatable when detected early.

Increased public awareness of this disease, its risk factors and its subtle symptoms can save the lives of women across Delaware. Moreover, women’s doctors must learn to recognize the warning signs of ovarian cancer, which are often the only early indication of illness.

Throughout this past September, the Delaware Chapter of the National Ovarian Cancer Coalition has promoted ovarian cancer awareness activities and encouraged every Delaware woman to become educated about the symptoms and risk factors of ovarian cancer.

More ovarian cancer research will help to develop reliable diagnostics, better therapies and prevention strategies, offering women in Delaware and throughout the United States an opportunity to win their battle against this tragic gynecologic cancer.

It is time for all women and their doctors to become more aware of the warning signs of ovarian cancer and to become better educated about early treatment options, because lives depend on it.

RENEWABLE ENERGY AND JOB CREATION ACT
Mr. ROCKEFELLER. Mr. President, I am pleased to support the Renewable Energy and Job Creation Act of 2008, which includes a provision that extends a credit under section 45 of the Tax Code to “steel industry fuel.” Steel industry fuel is a feedstock for the production of coke that is important to our Nation because it provides significant energy, environmental, economic, and financial benefits.

The energy and environmental benefits include utilizing a high Btu content hazardous waste in a fuel product that is coated using a process that has been approved by the Environmental Protection Agency. The use of steel industry fuel makes our domestic steel industry economically more competitive by lowering production and operational costs. This in turn provides national defense benefits from a stronger domestic manufacturing base. It also provides financial benefits to steel company employees and retirees who all gain from a more competitive steel industry.

The addition of steel industry fuel to the section 45 credit is intended to promote the use of the steel industry fuel process to manufacture a feedstock for the production of coke that recaptures the Btu content of “coal waste sludge.”

Coal waste sludge is the tar decanter sludge and other byproducts of the coking process. These materials have generally been treated as hazardous wastes under applicable Federal environmental rules (and in the past have been stored in the ground and in lagoons).

Coal waste sludge has an energy content ranging from 7,000 Btus to 16,000 Btus per pound.

Coal waste sludge can generally be disposed of by one of several methods—use as part of a fuel product, steel industry fuel, incineration, or foreign land-filling. The most favorable method, from an energy resource and environmental perspective, is to use a process that liquefies the coal waste sludge and combines the liquefied coal waste sludge with coal to create steel industry fuel for use as a fuel product in steel producers’ coke batteries. This method recaptures the significant energy content of the coal waste sludge and can be performed onsite at the steel producers’ coke operations.

The disposal of coal waste sludge in this manner has been approved by the Environmental Protection Agency. See 50 Fed. Reg. No. 120, July 2, 1992.

The alternative methods of disposal are to transport the coal waste sludge offsite for incineration or to foreign countries for land-filling. Offsite disposal has significant drawbacks, including the need to physically convey a hazardous waste, which is a dangerous, cumbersome, and expensive undertaking, and the failure to recapture the energy content of the coal waste sludge if it is incinerated or landfilled in a foreign country. Incineration of coal waste sludge also requires the utilization of energy resources to burn up another energy resource, the coal waste sludge.

Steel industry fuel is produced using a facility that liquefies and distributes on each ton of coal approximately one-quarter to one-half gallon of coal waste sludge. Liquefied coal waste sludge in these amounts avoids operational and equipment problems with the coke battery. Steel industry fuel may be used as a feedstock to produce coke. An excessive amount of coal waste sludge in the coke battery causes adverse and irreparable damage to the coke battery.

Steel industry fuel facilities include a facility that is comprised of one or multiple batch tanks and/or one or more storage tanks, steam and spray pipes, processing pumps, variable speed drives, a flowmeter, and related electrical equipment.

Explanation of Credit: The refined coal credit for steel industry fuel in the act is intended to provide an incentive for the expanded production of steel industry fuel. This expanded production is intended to provide energy and environmental benefits by promoting the use of an alternative fuel that recaptures the energy content of a byproduct of the coking process, coal waste sludge, which would otherwise be treated as a hazardous waste. Accordingly, a credit is provided for the refined coal equivalent production of steel industry fuel.

The steel industry fuel provision the Senate approved would modify the current credit under section 45 with regard to the amount of the credit and the time period for eligibility of the credit. This is necessary to differentiate the refined coal product that becomes steel industry fuel from the refined coal product currently eligible for a credit under section 45.

The steel industry fuel provision in this act is drafted for greater certainty to steel industry fuel producers that their fuel production is eligible for the credit by providing specific definitions for both “steel industry fuel” and “coal waste sludge.” This greater specificity is designed to attract the outside investment that is needed to finance steel industry fuel projects and expand the use of the steel industry fuel process.

IMMIGRATION REFORM
Mr. ENZI. Mr. President, I rise today to talk about an important issue for the people of the state of Wyoming. It is one that this body has attempted to address several times over the last three years, but never successfully: immigration reform.

Last year I introduced a “Ten Steps to Health Care” plan. This plan set forth 10 pieces of legislation that, if enacted, would make positive changes in America’s health care situation. I believe this approach will work well for the topic of immigration reform so I created a principles document of six steps to address this issue. This is not intended to be a comprehensive list—we have tried comprehensive approaches in the past and it doesn’t work. This is a proposal of six reasonable items, based generally on proposals and ideas in other pieces of legislation.

 Amnesty for illegal immigrants is not a part of this proposal. Amnesty rewards people for breaking the law and sends the wrong message to those...
wishing to immigrate to our country legally. It puts illegal immigrants at the head of the line, in front of those who are following the rules in order to gain citizenship.

These six steps address border enforcement, interior enforcement, temporary worker programs, the employer verification system, English as our national language, and a merit-based permanent alien program.

The first step is what I have always said must be the top priority of any immigration reform proposal. Our Nation must have control of its borders. The enforcement of our laws is constitutionally the responsibility of the executive branch. Congress can ensure that we have adequate authorization and funding for continuing to hire and train border agents and they must have the proper authorization and funding to do their jobs. Congress already enacted the Secure Fence Act to increase the safety of our Southern border.

The enactment of this law, however, has hit a number of snags. Congress should increase oversight over the construction of the physical barriers and the development of the elements of the virtual fence. The fact that this program is much behind schedule, future legislation must include specific construction and acquisition goals. We should also include mandates for the administration to report regularly if those goals are being met and if not, detailed explanations of why.

Interior enforcement is also the responsibility of the executive branch and our law enforcement. Congress should use our authority to clarify the ability of local law enforcement to assist in the detention of illegal immigrants and the reimbursement of those costs from federal agencies. As a former mayor, I understand the burden placed on sheriff’s departments, police departments, and highway patrols when they are stretched too thin. They are impacted by the delays in receiving reimbursements. Congress should also close loopholes that allow so-called sanctuary cities to avoid and ignore enforcement of Federal immigration laws. When these cities blatantly disregard Federal laws, they put their own citizens at risk by harboring those with no driver’s licenses. These communities increase the burden on their taxpayers when social services are provided to illegal immigrants. They also should look at increasing the penalties for employers who knowingly and willingly, and especially those who repeatedly, hire illegal immigrants.

Employers must have adequate protections, but we need to show that no business can pay a simple fine and continue to hire illegal workers. One of the best ways to help our businesses is by enacting some common-sense changes in our temporary worker system. The current system is serving as a deterrent for following our country’s laws. The problems with this system are not about a policy debate in Washington, they are about the ability of a small business owner to operate, stay in business, and provide for their family. In Wyoming, I have heard from hospitality businesses under the H-2B program, ranchers under the H-2A program, and high-tech businesses under the H-1B program that there is a fair requirement and I have not heard from any business in my State that disagrees with that. I want to work with the business community on this proposal to create language that truly addresses their workforce needs.

Some ideas we should consider for an updated temporary worker system include requiring uniform procedures at all consular offices so that both employers and prospective employees understand the requirements, and the process. We could also reduce the amount of paperwork required for businesses going through the temporary worker process. We must re-examine the congressionally mandated caps on the visa numbers. The reality is that there are current shortfalls may exist and how to fix them. Congress can raise the caps by reasonable levels and then allow for market needs and usage to permit reasonable fluctuation in the numbers. Above all, Congress needs to ensure that we have a program in our Nation and work with them to create a realist program that meets security and economic needs. We cannot afford for even more small businesses to close or for large businesses to move overseas.

Another area affecting business is the employer verification system or E-Verify. I am hopeful that before the 110th Congress adjourns for the year, we will address the expiring authorization for businesses to use this program. I would like this to be permanent. I understand there are some who are concerned about the accuracy of the program. We need to encourage usage of the system to determine what shortfalls may exist and how to fix them. I am pleased that the President has directed that all Federal Government contractors use E-Verify. We should enact this requirement into law. We also need to give employers the opportunity to correct any errors and not just new hires. The U.S. Citizenship and Immigration Service, USCIS, should also be providing monthly reports to Immigration and Customs Enforcement, ICE, with information that merits investigation. In order for this system to work, information must be shared between federal agencies. Finally, I support USCIS creating a pilot system to provide small and rural businesses with the opportunity to use E-Verify.

One of the most common comments I have heard from the people of Wyoming is support for English as our national language. My proposal contains two elements addressing our national language. First, we should declare English as our national language. Currently, 30 States have laws in place doing so. A common language for our government unifies our citizens. We have a great Nation made up of immigrants, and I want to know whether a new citizen or a 10th generation American, to keep their family’s traditions and cultures thriving in their homes and lives. This effort is about government documents and ensuring all citizens know what to expect from their government. Second part of this proposal eliminates an Executive order that may have been well intended, but has costly consequences. Executive order 13166 was designed to help those with limited English proficiency have access to government documents and services, but the fact that there were no reasonable limitations set forth make this order effectively require that every document and every service be ready for access in every possible language.

The final step in this plan is creating a merit-based permanent alien program. This concept is different from permanent alien programs of other industrialized nations like Canada, Germany, the United Kingdom, and Australia. The United States should have a similar program in place. This concept does not eliminate permanent alien programs for families or those with refugee status but would allow our Nation to ensure that a larger portion of green cards are going to those individuals who are contributing to our economy.

Canada’s point system allows for approximately 60 percent of permanent resident aliens to qualify based on their skills and their benefit to the Canadian economy. The remaining 40 percent of permanent resident grants are based on family relations or refugee status. Current U.S. law allows about 70 percent of our annual 1 million permanent resident admissions be based on family family based grants and only about 13 percent to be based on employment with the rest going to refugees and diversity visas.

These six steps reflect ideas and concepts from a host of legislative proposals already introduced by my congressional colleagues. We could enact several of these proposals today and produce results tomorrow. I encourage my colleagues to listen to their constituents over the next several months. We need to get the message that Americans want our country’s borders secure and our laws enforced. We need to hear the needs of our businesses and the financial concerns of our communities. The message has not gotten through that there are ways to improve our immigration system and make positive changes without our country’s borders secure and our laws enforced.
ANTIBIOTIC RESISTANT INFECTIONS

Mr. BURR. Mr. President, I rise today to speak about legislation passed by the Senate yesterday, S. 3560. Antibiotic resistant infections are a serious and growing threat to public health in the United States, and I am pleased that S. 3560 contains a provision to address this threat.

The Institute of Medicine and the Infectious Disease Society of America, among others, have been warning us about antibiotic resistance for decades. We all know that the therapies that work today against infections will be less effective over time as bacteria mutate into new resistant strains—and the pipeline of new antibiotics is nearly empty. My colleagues and I in Congress have been talking about the importance of developing new antibiotics for years, yet little has been done to create incentives to bring these anti-infectives to market.

In 2000, Senator KENNEDY stated on the Senate floor, ‘We are in a race against time to find new antibiotics before microbes become resistant to those already in use.’ He could not have been more correct. That year, the Centers for Disease Control and Prevention estimated that methicillin-resistant Staphylococcus aureus, MRSA, was the cause of 126,000 hospitalizations in the United States. Today, that rate has tripled to nearly 400,000 hospitalizations per year and MRSA is the cause of an estimated 19,000 deaths every year.

The number of MRSA infections in hospitals has increased 10-fold since 1993. The University of North Carolina hospital systems reported earlier this year that 55 percent of patients with skin infections had a resistant strain.

Perhaps more frightening than hospital-acquired infections are those infections acquired in the community, including our elementary schools, athletic teams, and offices.

These numbers are more than statistics. Every Senator in Congress has constituents who have been impacted by MRSA. These super bugs are attacking and in several cases, killing healthy children and adults.

Earlier this year, six otherwise healthy high school football players at East Forsyth High School in Winston-Salem were diagnosed with MRSA. As the father of two boys who grew up in Winston-Salem and a former football player myself, this story hits close to home. Unfortunately, this outbreak was far from isolated.

According to the National Institute for Allergy and Infectious Diseases, antimicrobial resistance is driving up health care costs, contributing to the severity of disease, and increasing death rates from certain infections. In 2003, the economic burden for staph aureus associated hospital stays in the United States was $4.5 billion.

As you may know, many pharmaceutical companies are abandoning or scaling back antibiotic research and development in favor of more profitable drugs that treat chronic conditions. This is a regrettable, but understandable, development as market forces that would lead companies to consider investing in new antibiotic development are weak. Because antibiotics work quickly in most cases, they are prescribed for only one or two weeks. That means antibiotics do not have as large a market as drugs that patients take for years. Bottom line—increasing the number of antibiotics available in the United States is crucial to protecting the public health.

Section 4 of S. 3560, entitled ‘Incentives for the Development of and Access to Certain Antibiotics,’ is an important step forward to help spur research on new antibiotics and provide incentives for the creation of additional generic antibiotics.

In the Food and Drug Administration Modernization Act of 1997, FDAMA, legislation I sponsored in the House, Congress moved antibiotics from section 507 to section 505 of the Food, Drug and Cosmetic Act because it did not make sense to have antibiotics separate from other drugs in the statue. Congress wanted FDAMA to ensure that antibiotics approved under section 507 would not be able to double dip on Hatch-Waxman benefits due to their new status under section 505. Those benefits include 3-year and 5-year data exclusivity and patent term extension for drugs. The FDAMA language said that any application for an antibiotic that was submitted to the Secretary could not ‘double dip.’ As a result, companies have no access to Hatch-Waxman incentives to develop drugs based on active ingredients of the old 507 antibiotics submitted to, but not approved by, the Food and Drug Administration, FDA.

Equally important, the FDAMA language also negated generic drug companies’ ability to gain approval of and market generic equivalents of antibiotics approved under section 507.

Section 4 of S. 3560 says that any antibiotic that was the subject of an application submitted to the FDA, but not approved before FDAMA, can get the 3 year and/or 5 year Hatch-Waxman exclusivity or a patent term extension. According to the FDA, approximately 10 antibiotic programs of submitted but not approved and about half of those could never be approved because of issues with the active ingredients. According to a Congressional Research Service legal expert, the Patent Act would apply to this language, and it would be legally confusing if it did not mention the available Hatch-Waxman patent term extensions. For that reason, the provision authors added language providing the option of data exclusivity or a patent term extension.

In addition to the negative consequences of the FDAMA language on generic drugs, Section 4 of S. 3560 includes language clarifying the ability of generic drug companies to gain approval of and market generic equivalents of antibiotics approved under section 507.

This provision was included in Senate-passed S. 1082, the Food and Drug Administration Revitalization Act, and recommended Senators Baucus, Grassley, Kennedy, Enzi, and Brown for making antibiotic incentives a priority at this time. It is important to encourage more treatments for the increasing number of resistant microbes we face.

IMPROVING ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONAL ACT

Mr. AKAKA. Mr. President, too many Americans are left out of our mainstream financial institutions. Millions of working families do not have a bank or credit union account. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, and send remittances. Many of the unemployed are low- and moderate-income families that can ill afford having their earnings diminished by reliance on these high-cost and often predatory financial services. In addition, the unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses.

There are few affordable alternatives for consumers who need small loans quickly.

We need to enact S. 3410, the Improving Access to Mainstream Financial Institutions Act of 2008. This legislation authorizes grants intended to help low-income, underbanked individuals establish credit union or bank accounts. The legislation also authorizes a grant program to encourage the development of affordable small loans at banks and credit unions.

Mr. President, I ask unanimous consent to have a letter of support from the Credit Union National Association, CUNA, for S. 3410 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. Daniel Akaka, U.S. Senate, Washington, DC.

Dear Senator Akaka: On behalf of the Credit Union National Association (CUNA), I am writing in regards to S. 3410, the “Improving Access to Mainstream Financial Institutions Act of 2008.” CUNA is the nation’s largest credit union advocacy organization, representing nearly 90 percent of our nation’s 8,300 state and federally chartered credit unions, their state credit union leagues, and their more than 90 million credit union members.
CUNA applauds your efforts to encourage low and moderate-income individuals to establish account relationships with mainstream financial institutions and to assist financial institution in offering low cost alternatives to payday loans.

Promoting thrift is one of the core missions of credit unions. Credit unions throughout the nation are dedicated to developing and offering products that provide consumers affordable payday lending alternatives. Credit unions also strive to improve their members' economic well-being through financial literacy programs and other initiatives. Because the intent of S. 3410 and the mission of credit unions are so well aligned, CUNA supports the effort to work with you and your staff to suggest operational improvements to the bill as it makes its way through the legislative process.

On behalf of CUNA, our state leagues, member credit unions and their credit union members, I appreciate the opportunity to share our views on S. 3410, and we look forward to continuing to work with you on these and other issues important to consumers.

Sincerely,

DANIEL A. MICA,
President & CEO.

TRIBUTE TO JAMES K. “KENNY” HOLMES

Mr. BUNNING. Mr. President, today I pay tribute to Kenny Perry and J.B. Holmes for their contribution to the success of the 2008 United States Ryder Cup team.

The 2008 Ryder Cup was recently held in my home State at the Valhalla Golf Club in Louisville, KY. On Sunday, the American team defeated the Europeans 16 to 11. This was their first Ryder Cup victory since 1999. If not for the remarkable performances by Mr. Perry and Mr. Holmes, this success would not have been possible.

Mr. Perry was born in Elizabethtown, KY, and calls Franklin, KY, his home. He started playing golf at the age of 7 and spent years perfecting his game. He later went on to attend Western Kentucky University and started golfing professionally in 1982. He has shown his dedication to the game of golf by building a public golf course in his hometown specifically designed for handicapped individuals. Perry’s performance at this year’s Ryder Cup was exceptional as he finished with a total record of two wins, one loss, and one tie. His achievements on and off the course are to be commended.

Mr. Holmes was born and currently resides in Campbellsville, KY. He has played golf most of his life, including playing for his local high school golf team and a third grade elementary student. He later went on to attend the University of Kentucky and started playing professional golf in 2005. His hard work and dedication have earned him the right to be named among the highest skilled golfers in the world. Mr. Holmes performed well at the 2008 Ryder Cup and was one of the best. He finished with a total score of two wins, no losses, and one tie. It was a pleasure to watch Mr. Holmes compete and I congratulate him on an outstanding performance.

I now ask my fellow colleagues to join me in congratulating Mr. Perry and Mr. Holmes for their remarkable performance and achievement. These two men have represented Kentucky and the United States well.

NATIONAL FIRST RESPONDER APPRECIATION DAY

Mr. CRAPO. Mr. President, I rise today to recognize and honor Idaho’s first responders.

I have been joined by a bipartisan group of my Senate colleagues in passing a resolution that designates today, September 25, 2008, as National First Responder Appreciation Day. I would like to celebrate this day by showing my appreciation for the brave men and women who have risked life and limb and sacrificed family time and personal comfort to perform a task that is critical to citizens of the State of Idaho.

I would like to recognize the heroic efforts of all of Idaho’s first responders, our firefighters, EMTs, medical personnel, and law enforcement officers. Thousands of first responders have made the ultimate sacrifice and have proven critical in leading the Nation through national tragedies such as Hurricane Katrina and wildfires across the Western United States.

In Idaho, fire is a way of life. During the 2007 fire season, over 2 million acres burned, more than at any other time in Idaho’s recorded history. Generally, Idaho’s fire season begins in mid-July and extends into September, but in 2007, the Cascade Complex fire burned until the snow fell. The Cascade Complex fire was only one of several very large fires in the West. The Zone Complex fire in central Idaho burned over 300,000 acres, and the Murphy Complex fire in south-central Idaho burned over 600,000 acres. During this trying time, our first responders and firefighters went above and beyond the call of duty. Incident management teams and area command teams worked for weeks on end, battling flames and working to protect homes and lives. I have had the opportunity to visit fire camps and speak to these heroes who, like our veterans, often endanger their own lives to save the lives of others. Staff at the National Interagency Fire Center in Boise, ID, is to be commended for their tireless response and stewardship of Idaho’s fire resources.

While the severity of this fire season has not risen to the level of last year’s fire season in Idaho, firefighters and other first responders have remained vigilant. The Oregon Trail fire in Boise, ID, began on August 25, 2008, and was a 161 by 110-mile fire, with high winds, dry sage brush, high heat, and aided by sloped terrain, spread to the nearby Oregon Trail and Columbia Village subdivisions. The fire caused the destruction of ten homes, damage to nine others, and claimed the life of Mary Ellen Ryder, a professor at Boise State University. During this trying time, my thoughts and prayers go to the Ryder family and others who have lost loved ones or homes that have been lost or damaged. Thankfully, preplanning and preparation enabled Boise firefighters to avert the possibility of greater damage and loss. Firefighters arrived at Sweetwater Drive within 2 minutes of the flames, and they risked their lives to draw a fire line between the burning houses and the other nearby subdivisions, protecting more than 1,000 homes and families.

The example of professionalism, strength, and bravery displayed by the Boise Police and Fire Departments during the events of the Oregon Trail fire is just one of many examples I could cite to illustrate the invaluable service provided by our communities. Likewise, our EMTs, medical personnel, law enforcement, and others put their lives on the line daily to help others. Today, these efforts will receive recognition before the United States Senate and the American people.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today’s letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

These rising fuel prices are hurting my family and our business! We own a logging company which, being all mechanized, requires use of a lot of fuel. In addition, our jobs are usually 100 miles or more away and even with our employees commuting together, the cost is outrageous. In the logging industry, it is not at all that easy to pass the cost on to the customer. The jobs we are doing right now were bid on last year; therefor the price is set and the prediction that the fuel prices were going to be this high. Our employees can forget
raises, bonuses or benefits as we cannot afford them, therefore it will be harder to keep and find new employees. We subcontract our log hauling and the truck drivers that have not chosen to drive our way are charged a fee to haul our logs to the mills. At this point, we are unsure of our future as a business which, in turn, is affecting our family and colleagues.

We have to be careful with our spending and put money aside. Forget that vacation to Yellowstone or any camping this summer as the cost of fueling our boat is too expensive, and even driving to our favorite fishing spots is costly. Therefore, our Idaho way of life, that have always been inexpensive family fun are now considered luxury.

I have always and especially now support utilizing our own natural resources and relying less on foreign sources for anything. Although I am suspicious that the rising fuel costs can be more controlled and are not just a factor of supply and demand. I wish I could do more other than tell my story and something about the Idaho lifestyle. I feel powerless and controlled as you were saying, Mr. Crapo; Idahoans have no choice with the distance we have to travel and to transport our goods and our jobs which require the use of fuel. Thanks for your efforts but this problem needs a solution immediately!

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Barbara, Post Falls.

One way to give back to the community is to volunteer for a non-profit. My wife does this regularly. The group that she is with will do home visits to help a particular group of people—those that are on the margin about to fall financially. The idea is to give people hope and prevent them from falling into a cycle of dependence for a long time.

Frequently, she’d ask me to go with her as she always require two people for safety reasons. I sit and watch the faces of the people being harmed by the current inaction in Congress. They know that so much is riding in the future. Today, they are proud and know that they pay their dues. However, they fear having to live off of taxes, becoming a burden and losing their pride in the process.

People know what is going on. Regarding Congress, the words we speak at these meetings does not matter. The people of this country have worked for a long time to put us in this position. They are pushing you to the ground, and then grinding their heels into your head.

Many are suffering today—not because Congress does not give them stuff, but because Congress erodes the foundation of their prosperity—access to energy.

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Robert, Boise.

I am a manager of low-income senior housing in Boise. Many of our tenants are on a fixed income and no longer drive. I have been transporting a few of my residents to the food bank as a courtesy to those that cannot drive and who do not have family to help. I have had to discontinue this charitable action because I can no longer afford to drive around unless it is absolutely necessary. This is truly unfortunate. One of the residents told me they cannot afford a taxi (especially now with the higher rates) so how are they supposed to get around?

On a personal note, I used to enjoy recreational activities throughout Idaho. I know I personally cut down on about half of these activities because the gas prices have a negative impact on tourism and small businesses. I would drive up to Cascade to the Flea Market or to Horseshoe Bend or Lucky Peak to go fishing. I haven’t been able to go camping or fishing yet this year. We need some relief from the gas prices before the quality of living for the average Idahoan will start to decline. The price of groceries, visiting friends and family, normal daily activities become a tough choice.

Please help!

Amber, Boise.

Normally I wait until election time to express my opinions through my right to vote. However, at this time, I feel so strongly about a plague facing our country that I cannot wait until November, praying for a change to take place. This plague which I speak of is our current gas prices. I am certain you are hearing about this on a daily basis. I live in Boise, the capital of Idaho, but I want to be included amongst those who choose to elevate this issue.

No one can afford gas prices since they crept up to the $3 gallon mark for regular. So, why is it that something is being done about this by our government as those prices further creep up above the $4 gallon mark? There is plenty of talk, but no immediate action. According to the Bureau of Labor Statistics, the average wages increased in Boise, by 2% in 2007, thanks to the high paying tech jobs that the majority of Boise residents do not possess. Supposedly, the average cost of living here is only $29,861. So, that leaves the “average” Boisean with $237 a month to pay their bills outside what is considered “cost of living”. And those are 2007 statistics. We haven’t seen a wage increase in our fair town, to compensate for the fact that we are paying double for gasoline what we paid a year ago. Not only is gasoline cost eating up our income, but cost of goods go up as a direct result of cost incurred while transporting food. Many of the people in this area you represent are suffering over something that the government you work for has indirect control over. I plead with you—this issue needs to get resolved prior to the elections in November. We as a country cannot wait five more months for economic relief and then endure the growing pains the first year with the President-elect brings. The rising cost of gasoline and lack of an increase in personal income will actually do this because then you would have to face the facts that Americans are drowning and our government is throwing us anvils to help.

Caralea, Boise.

I live in rural Idaho, and my wife and I have five children. Since we have a large family, my wife drives our minivan. She gets an average of 14-16 mpg. Each time we have to run the children to piano, dance, clogging, baseball, etc., it costs us $2-$3. Making several trips a day can cost as much as $15-$20. If you multiply that by 5 days a week X 52 weeks, it becomes very expensive. Our lifestyle has been drastically changed, and I do not think we can ever get back to the way it was. I am certain you are hearing about this on a daily basis, plus there is no evidence that humans have ever been able to do anything that has caused climate change, so we need to stop this insanity and get our country moving forward again and begin using our natural resources.

Are we going to remain hostage to the Arab oil? Is the radical fringe that is taken over this country of ours? Everyone needs to take a step back and be accountable and do something so we do not become a country that is irrelevant in the world we live in.

Lowell.

A really simple way to show your colleagues on Capitol Hill how the high price of fuel is affecting the “real people in Idaho” is to give up all the freebies our Senators and Representatives get through the government and try living on your actual salaries for 60 days. No free trips, free airfare or lodging, discounted gas, food, benefits, medical insurance, etc. This is a real test.

Have your families (wives & kids) try and live on what you actually make, just like the “real people in Idaho.” Get back in touch with reality and then maybe you will see why some people have to choose between putting gas in the car or food on the table. I know none of our distinguished legislators will actually do this because then you would have to face the facts that Americans are drowning and our government is throwing us anvils to help.

Cara-Lea, Boise.
Mr. GRASSLEY. Mr. President, I want to provide some comments for the RECORD with respect to S. Res. 580. This resolution expresses the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

Today, I have agreed to cosponsor S. Res. 580, introduced by Senator BAYH, Senator THUNE, and Senator SMITH. This resolution makes clear the need to take economic, political, and diplomatic action to prevent Iran from acquiring the capability to develop nuclear weapons.

S. Res. 580 sends an important message, and I support the policy reflected in this resolution. I did work with the authors of the resolution, however, to come to an agreement on a few minor changes to the resolution. For example, the word “importation” should be replaced with the word “exportation” on page 6. That’s a technical change. I also wanted to see the word “banning” replaced with the phrase “encouraging foreign governments to ban.”

Again, my staff and I have worked with Senator BAYH and his staff to address these issues and I’m graciously agreed to work toward incorporating these changes prior to any action by the Senate. On the basis of that understanding, I have agreed to cosponsor S. Res. 580.

ADDITIONAL STATEMENTS

TRIBUTE TO BATTELLE

Mr. BROWN. Mr. President, today I pay tribute to Battelle, one of Ohio’s oldest and most respected organizations.

On October 22, 1938, 70 years ago next month, a sea change in printing occurred, though no one but the inventor, Chester Carlson, and Battelle had the foresight to recognize it.

The invention of dry printing, forever memorialized by the etched words “10–22–38 Astoria,” was the genesis of an American product so successful its name became eponymous: Xerox.

Battelle, the world’s largest non-profit independent research and development organization, began its operations in 1929 at the behest and funding of founder Gordon Battelle’s will. With-in a few years, it would make history with the same vision, risk taking, and wisdom its employees display to this very day.

Even in today’s increasingly paperless era, it is easy to see that a simple, rapid, and inexpensive copying process was one of the 20th century’s most important innovations. With the advent of the Xerox machine, the world could make copies at the push of a button.

Battelle lies at the crossroads of necessity and creativity, an intersection we know as innovation. Taking on daunting, real-world challenges with technical prowess and ingenuity is Battelle’s hallmark.

In 1933, New York patent attorney and amateur physicist Chester Carlson began thinking of easier ways to duplicate material. Extra copies of patent applications and drawings, sometimes dozens or more, were necessary with each new job. The man-hours needed for each project were staggering.

So Carlson came up with the unconventional idea of copying by creating a visible image on paper using an electrostatic charge. He filed for a patent in 1937, calling the process electrophotography. He made it work in a real world situation the next year.

Though he stopped for financial backing in more than 20 of America’s largest corporations, no one saw the value in Carlson’s invention. Then, in 1944, he found Battelle. Even though America was in the midst of World War II, Carlson and Battelle signed a contract to further develop and perfect the electrophotography process. Four years later on September 28, 1948 the first public demonstration of the new technology—then named xerography, Greek for dry writing—was performed in Detroit.

Partnering in 1959 with a company called Haloid Xerox, Battelle and Carlson forged ahead to produce the first fast, low-cost, and convenient office copier—the 914 model. Xerox would go on to become one of the world’s largest corporations.

Battelle grew and diversified with earnings from xerography’s success. As a result, Battelle is currently the world’s largest independent R&D organization. It provides services to those who are willing to take risks, develop needed technology, and nurture the final product with long-term commitment.

So today, 60 years after the production of the first photocopy, I would like to commend Battelle for its role in the development of the Xerox copy machine and its continued commitment to technological advancement and investment in our Nation’s future.

TRIBUTE TO THOMAS J. KENNEDY

Mr. BROWNBACK. Mr. President, I rise to speak about an exceptional Kansas and good friend of mine who I thought deserved a special mention from the floor.

BG Thomas J. Kennedy has served his country, State, and community with exemplary service for more than 70 years. General Kennedy began his military career in 1937 when he attended CMTC Camp at Fort Leavenworth. On September 26, 1999, he enlisted in Company B, 137th Infantry, 35th Infantry Division, Kansas Army
National Guard at Emporia, KS. He was orded to Active Duty on December 23, 1940, with the 60th Field Artillery Brigade, 35th Infantry Division and was commissioned a second lieutenant of the Field Artillery at Fort Sill, OK, on October 1, 1941. General Kennedy was promoted in December 1942 and served in the European Theater of Operations. He was released from Active Duty in January of 1946 and assigned to the Officer’s Reserve Corps. In October of 1946, he was promoted to major and served as the Kansas National Guard and rose steadily in rank to brigadier general. In May of 1968, General Kennedy retired to Active Duty during the Pueblo Crisis. In 1968, he became the commanding officer of the 69th Infantry Brigade, 5th Infantry Division at Fort Carson, CO, until his release from Active Duty on December 12, 1969. During his distinguished military career, General Kennedy received numerous awards and honors, including his induction into the Army OCS Hall of Fame located at Fort Sill, OK. He has remained active in veterans’ issues and fundraising for veterans memorials.

From 1977 to 1984, Kennedy served as the director of the Alcoholic Beverage Control for the Kansas Department of Revenue. He also served as president of the National Conference of State Liquor Administrators. His remarkable military and public service was recognized by the Washburn University with its Distinguished Service Award.

For more than 30 years, General Kennedy has been an active member in Topeka Fellowship and served as the program chair for the Kansas Prayer Breakfast. He worked diligently with Dr. Roy Browning, Vernon Jarboe, Clayton McRary, and many volunteers to make this inspirational event, which promotes prayer for our national, state, and local leaders, possible. The dedication and volunteerism demonstrated by Kennedy sets an example for the generations to come.

CONGRATULATING THE INSTITUTE OF REAL ESTATE MANAGEMENT

Mr. BUNNING. Mr. President, today I wish to congratulate the Institute of Real Estate Management, IREM, on its 75th anniversary. As an affiliate of the National Association of Realtors, IREM advocates on behalf of the real estate management industry. With 80 U.S. chapters, eight international chapters, and several partnerships around the globe, IREM constantly strives to promote the principles of professional real estate management.

Ethics are the cornerstone of the IREM mission. The IREM Code of Professional Ethics seeks to defend the public interest, promote healthy competition, and guarantee that IREM members will act ethically, consistently, and strictly enforced, the Code of Professional Ethics provides a foundation for public trust in the integrity and expertise of professional real estate managers. IREM’s commitment to ethics underlies its 75 years of success as a professional association.

I would also like to congratulate IREM Kentucky chapter 59, which will be celebrating its 40th anniversary on November 10, 2008. Kentucky chapter 59 is the largest IREM chapter in the Commonwealth of Kentucky and serves as an excellent resource on real estate management education and information for its members.

I congratulate IREM on more than seven decades of dedication to the real estate management profession. By providing dedicated service to its members, as well as setting higher standards for the real estate industry as a whole, IREM serves as an exemplary model of a professional association.

TRIBUTE TO REV. CAESAR ARTHUR WALTER CLARK, SR.

Mr. CORNYN. Mr. President, today I honor the life of a highly respected and gifted Baptist, Arthur Walter Clark, Sr. Born on December 13, 1914, in Shreveport, LA, Reverend Clark spent his life devoted to the teaching of his faith, blessing many around the State and Nation by his work. He died Sunday, July 27, 2008, at age 93 in Dallas, where he spent more than five decades preaching at Good Street Baptist Church.

Reverend Clark showed his passion for preaching throughout his life, starting as a 19-year-old pastor of the Israelite Baptist Church in Longstreet, LA, where his fiery sermons earned him the nickname “Little Caesar.” After joining Good Street Baptist Church in 1950, Reverend Clark helped build the church into a 5,000 member congregation. It was through his work with the local NAACP chapter that Reverend Clark met Reverend Martin Luther King, Jr., and invited him to give a speech hosted by Good Street Baptist.

Reverend Clark cared as much about the presentation of his sermons as the presentation of his actions. He sought to live what he preached to the best of his ability, becoming a mentor to many. As a result, Reverend Clark’s sphere of influence extended far beyond the pulpit. For example, he worked to improve the lives of his parishioners and members of the community by opening day care centers, a credit union, a legal clinic, and low-income housing. In addition, he served as vice president of the National Baptist Convention and as president of the Missionary Baptist Association of Texas. Reverend Clark’s service touched many lives; in particular, Reverend R.E. Price, pastor at Mt. Zion Baptist Church in Dallas. Reverend Price said, “Dr. Clark was a man of great integrity and a speaker for all occasions. It was an honor to know him in various leadership roles as his advice was always sage. Most of all, he was my friend.”

Reverend Clark’s accomplishments as a pastor and civic leader have earned him the respect and admiration of many. He leaves a legacy of good works, a mighty faith, and a purpose-filled life. I join with his family and friends in celebrating Reverend Clark for his long life of service to God and community.

TRIBUTE TO ROGER STONE

Mr. CORNYN. Mr. President, when the Texas A&M sailboat Cynthia Woods capsized off the coast of Texas, Safety Officer Roger Stone was trapped below deck with two other men. It was a frightening event, which would have put anyone into a panic. But Stone, thinking of his crewmates before himself, pushed Steven Guy and Travis Wright out of the upturned sinking boat’s cabin, saving their lives. He did not have time to escape. Roger Stone was a hero.

The remaining crew was rescued by the U.S. Coast Guard 26 hours later. Only after Steven Guy and Travis Wright retold the story did Roger Stone’s family find out what happened. While the pain of losing a loved one is tremendous, the Stone family should find some comfort in Roger’s courageous and selfless acts. His brave sacrifice is a lasting testament to his great character and personal strength.

Roger was originally from London, England, but came to Texas to work at the University of Texas Medical Branch in Galveston. He had been sailing his entire life. Roger and his wife Linda were engaged on a sailboat and were married in the port—Veracruz—that the Cynthia Woods was bound for. Throughout Roger’s career he was always serving others, from teaching younger sailors to helping competitors. In addition to his wife Linda Stone, Roger was survived by his daughter Elizabeth Stone, son Eric Stone, mother Doris Stone, and sister Valerie Stone.

These heroic actions are something we all can admire. At the age of 53 Roger gave his life to save the lives of others. This ultimate sacrifice is embodied in chapter 15, verse 13 of the Book of John, “Greater love has no one than this, that he lay down his life for his friends.” This courageous deed leaves a lasting legacy for his wife and his children.

While Roger’s friends and family will mourn his loss, the people of Texas will honor with solemn pride his heroism. I join today in commending his courage, and honoring his sacrifice.

ALBURNETT COMMUNITY EDUCATION

Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.
I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Alburnett Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Alburnett Community School District received a 2005 Harkin grant totaling $500,000 which it is using to help expand and renovate the high school building. Though parts of the construction project are still under way, this school will be a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, this is the kind of local school district that every child in America deserves. The district also received a fire safety grant in 2002 totaling $50,000 which was used to construct a fire wall and repair existing exit signs.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Alburnett Community School District. In particular, I would like to recognize the leadership of the board of education—president Barry Woodson, Mike Olinger, Dee Luedtke, Cindy Francois, David Kirk and Rhonda Langle, and former board president Duane Bolton and vice president Gregg Smith. I would also like to recognize the leadership of superintendent Mike Harrold and former superintendent Angel Melendez.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Alburnett Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.

**BEDFORD COMMUNITY EDUCATION**

- **Mr. HARKIN.** Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Bedford Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Bedford Community School District received several Harkin fire safety grants totaling $174,000 which it used to improve fire safety systems and included such things as emergency lighting and exit doors, new wiring and other electrical improvements, heat detectors, and sprinkler systems. The auditorium which was built in 1926 was renovated and the grant was used to update the wiring, install heat detectors and other electrical improvements. The district had been cited by the State Fire Marshall for severe deficiencies in fire safety. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Bedford Community School District. In particular, I’d like to recognize the leadership of the board of education—president Tony Brown, Layne Thornton, Mike Irvin, Ed Hensley, Jack Spencer and Rodger Ritchie. District staff who were helpful in the grant application and implementation process included principal Sharon Hart, grant writer Paul Boyesen, and buildings and grounds supervisor Dan Walston.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Bedford Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.

**BELMOND-KLEMMME COMMUNITY EDUCATION**

- **Mr. HARKIN.** Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Belmond-Klemme Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Belmond-Klemme Community School District received several Harkin fire safety grants totaling $174,000 which it used to improve fire safety systems and included such things as emergency lighting and exit doors, new wiring and other electrical improvements, heat detectors, and sprinkler systems. The auditorium which was built in 1926 was renovated and the grant was used to update the wiring, install heat detectors and other electrical improvements. The district had been cited by the State Fire Marshall for severe deficiencies in fire safety. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Belmond-Klemme Community School District. In particular, I’d like to recognize the leadership of the board of education—president John Griffith, Layne Thornton, Mike Irvin, Ed Hensley, Jack Spencer and Rodger Ritchie. District staff who were helpful in the grant application and implementation process included principal Sharon Hart, grant writer Paul Boyesen, and buildings and grounds supervisor Dan Walston.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Belmond-Klemme Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.
grant totaling $500,000 which it used to help build a new elementary school. This new school is part of the district’s goal to modernize schools in the district which will include renovating the high school. The new elementary school, fire alarms, to update electrical wiring and to make other safety improvements in schools throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Belmond-Klemme Community School District. In particular, I would like to recognize the leadership of the board of education—Jim Swenson, Dennis Lowenberg, Claude Post, Steve Tenold, Mark Jenison, Lynn Loux and Curt Stadtlander and former board members Jodi Pentico, Kevin Brunes and the late Stan Olsen. I would also like to recognize superintendent Larry Frakes, interim superintendent Dave Sextro, grant writer Trish Morris, maintenance director Steve Dougherty, the committee supporting passage of the bond referendum and Richard O. Jacobson for his generous financial contribution to the district.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Cedar Falls Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a successful new school year.

CEDAR FALLS COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

As we mark the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Cedar Falls Community School District received four Harkin grants totaling $1,481,178. A 1999 grant for $393,466 which was used to help build classroom additions at Hansen Elementary and at Southdale Elementary; a 2000 grant for $497,742 which helped build Cedar Falls High School; and a 2001 grant for $500,000 for an addition and renovations at Cedar Falls High School. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received a 2005 fire safety grant for $100,000 to install fire alarms systems at Peet Junior High School, Holmes Junior High School and Cedar Falls High School.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Cedar Falls Community School District. In particular, I would like to recognize the leadership of the board of education—Jim Swenson, Dr. James Kenyon, Dan Battcher, Joyce Coll, Duane Hamilton, Susan Lantz and Richard Vande Kieft and former board members Marlene Behn and Tom Reisetter. I would also like to recognize former superintendent Dr. Dan Smith, former business manager Dr. Craig Hansel, Hansen principal Dr. Tony Reid, former high school principal Dean Dreyer, former Cedar Heights principal Chris Smith and former Southdale principal Tom Galligan.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

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That is why I am deeply grateful to the professionals and parents in the Cedar Falls Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.

JESUP COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

Since 1998, I have been fortunate to secure a total of $71,800 in fire safety grants.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Cedar Falls Community School District. In particular, I would like to recognize the leadership of the board of education—Jim Swenson, Den- nis Lowenberg, Claude Post, Steve Tenold, Mark Jenison, Lynn Loux and Curt Stadtlander and former board members Jodi Pentico, Kevin Brunes and the late Stan Olsen. I would also like to recognize superintendent Larry Frakes, interim superintendent Dave Sextro, grant writer Trish Morris, maintenance director Steve Dougherty, the committee supporting passage of the bond referendum and Richard O. Jacobson for his generous financial contribution to the district.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

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That is why I am deeply grateful to the professionals and parents in the Cedar Falls Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.

CEDAR FALLS COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

As we mark the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Cedar Falls Community School District received four Harkin grants totaling $1,481,178. A 1999 grant for $393,466 which was used to help build classroom additions at Hansen Elementary and at Southdale Elementary; a 2000 grant for $497,742 which helped build Cedar Falls High School; and a 2001 grant for $500,000 for an addition and renovations at Cedar Falls High School. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received a 2005 fire safety grant for $100,000 to install fire alarms systems at Peet Junior High School, Holmes Junior High School and Cedar Falls High School.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Cedar Falls Community School District. In particular, I would like to recognize the leadership of the board of education—Jim Swenson, Dr. James Kenyon, Dan Battcher, Joyce Coll, Duane Hamilton, Susan Lantz and Richard Vande Kieft and former board members Marlene Behn and Tom Reisetter. I would also like to recognize former superintendent Dr. Dan Smith, former business manager Dr. Craig Hansel, Hansen principal Dr. Tony Reid, former high school principal Dean Dreyer, former Cedar Heights principal Chris Smith and former Southdale principal Tom Galligan.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

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That is why I am deeply grateful to the professionals and parents in the Cedar Falls Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.

JESUP COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

Since 1998, I have been fortunate to secure a total of $71,800 in fire safety grants.
collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Jesup Community School District. In particular, I would like to recognize the leadership of the board of education—Staci Brown, Fritz Demuth, Dean Mallie and Ann Opatz. I would also like to recognize superintendent Terry Christie, former superintendent Sarah Pinion, board secretary Mary Anne Harrold and the individuals involved with the Vote Yes Committee.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Jesup Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.

LISBON COMMUNITY EDUCATION

Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Lisbon Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Lisbon Community School District received a 2002 Harkin grant totaling $1 million which it used to build an elementary school addition and make renovations to the existing building. The school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received two fire safety grants totaling $655,521 to make safety improvement throughout the building.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence and an extraordinary amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Lisbon Community School District. In particular, I would like to recognize the leadership of the board of education Andy Sullivan, Eric Krob, Doreen Montgomery, Dave Prasill and Connie Sproston and former board members Jeff Bohr, Scott Morningstar, Dean Mallie and Ann Opaz. I would also like to recognize superintendent Vincent Smith, former superintendent Bob Torrence, elementary principal Roger Teeling, former elementary principal Dr. George Karam, former custodian Tony Karam, former business manager Gene Lawson, high school principal Dan Conner, John Nietupski from Grant Wood Area Education Agency, the architectural firm Neumann Monson and Associates, Lighting, Bob Hill, Scott West and the many individuals who worked to pass the bond referendum in 2003.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am gratified to report that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Lisbon Community School District. Indeed, they are the kind of schools that every child in America deserves.

The district also received six fire safety grants totaling $819,658 which it used to help modernize and make safety improvements throughout the district. Harkin construction grants totaling $2.5 million have helped with renovation projects at Marshalltown High School, Miller Middle School and Anson, Woodbury, Franklin, Lenihan and Rogers Elementary Schools. These projects have included new classrooms, new roofs, and new HVAC systems. These schools are facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves.

The district also received six fire safety grants totaling $819,658 to make improvements at Marshalltown High School, Miller Middle School, and Woodbury. Rogers, Anson, Hoglan, Lenihan and Franklin Elementary Schools. The improvements included new sprinkler systems, upgraded fire alarm systems and other safety repairs. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Marshalltown Community School District. In particular, I would like to recognize the leadership of the board of education—Pam Swarts, Kay

MARSHALLTOWN COMMUNITY EDUCATION

Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Marshalltown Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Marshalltown Community School District received several Harkin grants totaling $3,319,658 which it used to help modernize and make safety improvements throughout the district. Harkin construction grants totaling $2.5 million have helped with renovation projects at Marshalltown High School, Miller Middle School and Anson, Woodbury, Franklin, Lenihan and Rogers Elementary Schools. These projects have included new classrooms, new roofs, and new HVAC systems. These schools are facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves.

The district also received six fire safety grants totaling $819,658 to make improvements at Marshalltown High School, Miller Middle School, and Woodbury. Rogers, Anson, Hoglan, Lenihan and Franklin Elementary Schools. The improvements included new sprinkler systems, upgraded fire alarm systems and other safety repairs. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Marshalltown Community School District. In particular, I would like to recognize the leadership of the board of education—Pam Swarts, Kay

September 26, 2008
CONGRESSIONAL RECORD — SENATE S9645
Beach, Jay Merryman, Dick Hessenius, Paul Gassman, Anne Paulius and Dean Stucky and former board members Betsy Macke, Floyd Jury, Jack Lashier, Bob Downey, Kent Loney, Dick Russell, Adrienne Macmillan, Anne Bacon, Linda Borsch, Sally Hansen, Jon Robert, JoAnn Miller, Wayne Sawtelle, Doug Betts, Bob Christenson and Steve Ford. I would also like to recognize superintendent Dr. Marvin Wade; former superintendents Dr. Stephen Williams, Dr. Richard Doyle, Dr. Harrison Casse, Dr. principals Bonnie Lowry, Brad Clement, Ralph Bryant, Sarah Johnson, Tom Renze, Mick Jurgensen, Bea Niblock, Vicki Vopava, Amy Williams and Tim Holmgren; former principals Jerry Stephens, Pat Kremer, Mary Giese and; finance director Kevin Posekany; former finance directors Larry Pfantz and Dan Gillen; director of buildings and grounds Rick Simpson and architect Dave Schuize from TSP Group.

As the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Marshalltown Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.

MOUNT VERNON COMMUNITY EDUCATION

Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation. I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Mount Vernon Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction grant program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from upgrading school buildings to new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Mount Vernon Community School District received a 2004 Harkin grant totaling $500,000 which it used to help build a new 93,000 square foot high school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a fire safety grant in 2005, totaling $25,000, which was used to upgrade existing smoke and fire protection systems at the Middle School.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Mount Vernon Community School District. In particular, I would like to recognize the leadership of the board of education—president Tom Wieseler, vice president Bob Penn, John Cochrane, Deb Herrmann, Paul Mort, Ann Stoner and Jeff Walberg, and former members, Dean Borj, Todd Tripp, Janet Griffith and Rebecca Brandt. I would also like to recognize superintendent Jeff Schwiebert and business manager Matt Burke.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am required to note that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Mount Vernon Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.

WEST HARRISON COMMUNITY EDUCATION

Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation. I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the West Harrison Community School District. To report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from upgrading school buildings to new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The West Harrison Community School District received a 2002 Harkin grant totaling $125,000 which it used to help build two new preschool rooms. Since the addition of the preschool program the students are more ready for Kindergarten and there has been an improvement in test scores from children who went through the preschool. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the West Harrison Community School District. In particular, I would like to recognize the leadership of the board of education—president Jason Gerkling, principal Doug Barry, and principal Mike Bunde.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am required to note that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the West Harrison Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.
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That is why I am deeply grateful to the professionals and parents in the West Harrison Community School District. There is no question that a quality public education is an even higher priority in that community. I salute them, and wish them a very successful new school year.

100TH ANNIVERSARY OF GENERAL MOTORS

• Mr. LEVIN. Mr. President, I have the distinct honor of rising today to commemorate the 100th anniversary of a true Michigan success story, the founding of General Motors Corporation. It was 100 years ago this month that a man named Billy Durant who, after years in the horse-drawn carriage business, founded General Motors in Flint, MI. Durant had taken the helm at a small motor car company called Buick, and, in September 1908, incorporated it into General Motors. Under his stewardship, Buick became the best-selling brand in the world, affording Durant the opportunity to buy a number of other small companies including Oldsmobile, Cadillac, and the company that would eventually be known as Pontiac. Later he started Chevrolet and brought it into General Motors as well.

Over the century that followed its incorporation, GM would become the largest company in the world, driven by the goal articulated by Alfred Sloan, president of GM in the 1920s and largest company in the world, driven by the goal articulated by Alfred Sloan, president of GM in the 1920s and 1930s, to build “a car for every purse and pocketbook.” Sloan understood that GM was far more than a car company; it was a community that brought consumers the first automatic transmission, the Volt, to consumers. The company that invented the electric starter is going to be a leader in bringing consumers the first zero-emissions commute.

I offer my congratulations to the entire GM family on 100 remarkable years, and wish them all the best in keeping the pedal to the metal for 100 more.

LIBERTY BAPTIST CHURCH 125TH ANNIVERSARY

• Mrs. LINCOLN. Mr. President, it is with great joy that today I recognize the 125th anniversary of Liberty Baptist Church located in the northwest Arkansas town of Dutch Mills in Washington County along the historic Butterfield Stagecoach Route.

According to its members, Liberty Baptist was built in 1883 by the founding families—Kimbrough, Bryant, Douthit, Fields,Greer, Grisham, Holman, Hodges, McCarty, and Seay—of what was then known as Harrisonburg, AR. In fact, Rufus Seay, the husband of Jennie Kimbrough and son-in-law to Thomas Kimbrough, donated the land for the church, and the Kimbrough, McCarty, English, Seay, Holland, Patterson, and Hodges families funded the construction. It was a community effort as the men built the church and the women provided food and encouragement.

While much has changed since Liberty Baptist’s doors opened in 1883, the community spirit and spiritual nourishment provided by Liberty Baptist Church remain a foundation for the citizens of Dutch Mills.

Liberty Baptist will commemorate its anniversary the week of November 2 through 9 with community events and activities. Although I will be unable to attend the festivities, I want to take this opportunity to extend my congratulations and recognize them on this glorious occasion.

CELEBRATING 100 YEARS OF 4-H IN ARKANSAS

• Mrs. LINCOLN. Mr. President, tomorrow evening, Arkansas 4-H will cap a year long celebration, “Honoring the Past, Celebrating the Future,” at the 4-H Centennial gala in Little Rock. On November 1, 2007, the 4-H Centennial Celebration kicked off in Searcy, AR, located in White County, where Arkansas 4-H began.

Founded as a boys’ corn and cotton club in 1908, Arkansas 4-H soon expanded to include girls’ canning clubs and is now one of the largest youth development programs in Arkansas. The mission of 4-H is to provide opportunities for youth to acquire knowledge, develop life skills, form attitudes, and practice behavior that will enable them to become self-directing, productive, and contributing members of society.

It is exemplified in the pledge every Arkansas 4-Her recites: I pledge my Head to clearer thinking, my Heart to greater loyalty, my Hands to larger service, my Health to better living for my club, my community, my country, and my world.

Mr. President, what great words to live by.

Approximately 183,000 young people, in all 75 Arkansas counties, participate in Arkansas 4-H clubs. Arkansas 4-H carries out its mission across our diverse State in inner cities, suburbs, and rural communities. It seeks to break barriers among our youth by focusing on a philosophy of learning by doing.

Associated with the University of Arkansas’ Division of Agriculture, through the Cooperative Extension Service, 4-H members can select activities in 82 project areas from automotive and clothing to space camp and show horse competitions. In addition, Arkansas 4-H youth receive more than $80,000 in college scholarships each year at the State level for their 4-H work.

So as Arkansas 4-H culminates its year long celebration, I want to extend my congratulations on a tremendous 100 years and wish 4-H the best for another 100 years.

I would also like to take this time to recognize the over 40 clubs statewide that joined the Centennial Club Circle to help fund centennial activities this year. They include the following: Crawford County: Galloping Clovers, Garland County: Busy Beavers 4-H Club, Pope County: Elkins 4-H Club, Washington County: Galloping Cavatars, Yell County: Fusion 4-H Club, Columbia County: Town & Country 4-H Club, Benton County: Bear Pride 4-H Club, White County: Yellowjackets 4-H Club, Grant County: Rocky Top 4-H Club, Crawford County: 4-H Soaring Eagles Group, Cross County: Perry County Trail Riders, Perry County: Victoria 4-H Club, Faulkner County: Oxton 4-H Club, Benton County: Pastoria 4-H Club, Jefferson County: Western Wranglers 4-H Horse & Pony Club, Lawrence...
HONORING DORIS J. JOHNSON  

• Mrs. LINCOLN, Mr. President, yesterday morning I met Edward Johnson of Springdale, AR, who was selected by Experience Works, the nation’s oldest and largest provider of job training and employment opportunities for older Americans, as the 2008 Outstanding Older Worker from Arkansas. I want to take this opportunity to congratulate Mr. Johnson on receiving this award and thank him for his steadfast service to our country and my home State of Arkansas.

More than 60 years ago, as an 18-year-old young man, Mr. Johnson enlisted in the U.S. Army. After the war, he returned home to Arkansas and began a second 30-year career as a local veterans representative in the Fayetteville office for the Arkansas Department of Workforce Services. In this capacity, Mr. Johnson has assisted countless veterans find employment and helped disabled veterans find uses for their unique talents. He has said that the pleasure of putting veterans to work and their excitement when hired is what motivates him.

Throughout his life Mr. Johnson has become like a father figure and invaluable member of the DWS staff. It is not uncommon for him to go above and beyond to assist in a variety of capacities around the office. He is known to mentor new employees, especially veterans in the workstudy program, and takes it upon himself to recognize colleagues with awards when they provide an outstanding level of service.

At the age of 78, Mr. Johnson is showing no signs of slowing down. He continues to learn how to use the newest technology needed to perform his job. He also likes to treat the staff by grilling hamburgers and hotdogs in the parking lot or bringing in his wife’s homemade soup.

Beyond his work, Mr. Johnson is a valuable member of his community. He is a 23-year member of the Noon Lions Club, where he served as President from 1968 to 1969, and in 1999, he served as the Rotary-United Way’s Volunteer of the Year.

In closing, I want Mr. Johnson to know that he is an inspiration, not only to me and my colleagues but to the millions of seniors around our great State and across this country. We are thankful for his many contributions.

HONORING EDWARD R. JOHNSON  

• Mrs. VINOVIICH, Mr. President, today I honor and congratulate an outstanding community member, distinguished veteran of World War II and...
Bob Feller, also known as “Rapid Robert,” was born in 1918, and grew up in humble beginnings during the Great Depression on his family’s farm outside Van Meter, IA. There he learned the importance of hard work, leadership, and civic responsibility from his father Bill, who worked the family farm, and his mother Lena, who was a nurse and a school teacher.

While doing chores around the farm—including milking the cows and taking the hogs to market—Bob dreamed of becoming a Major League Baseball player. With the encouragement of his parents—especially his father, who had been a semi-pro pitcher—Bob honed his skills and worked to achieve his dream.

Bob and his father spent countless hours playing pitch and catch on the mound and a backstop his father had built for his sons. In fact, NBC covered when it was too cold to throw outside in the winter, they moved practice sessions into the barn.

As he grew, Bob’s pitching speed increased, and by the time he was in grade school, he was regularly beating high schoolers. Word of his curveball and strong arm quickly spread, and sports fans across the country began to take notice of the kid with the “Heater from Van Meter.” As interest in Bob’s pitching grew, his father expanded the pitching mound and backstop into a full field with bleachers and a concession stand. A team was formed with Bob as pitcher and his father managing. Hundreds of people traveled to each game at the farm to pay 35 cents to watch young Bob dominate batters and strong arm quickly spread, and sports fans across the country began to know about young Bob. Bob’s curveball, as he led the league in strikeouts in the waters off New Guinea, Guam, and the Philippines. Though Bob earned 5 campaign ribbons and 8 battle stars, he’ll quickly tell you that he is most proud that the Alabama never lost a man to the enemy in battle.

While on the Alabama, Bob stayed in shape by leading exercise classes twice a day, and playing on the ship’s baseball team; but his dedication to his mission and his shipmates was unquestioned. In fact, Bob declined an invitation by Admiral Nimitz to leave the war zone and fly to Honolulu to pitch in the Army-Navy World Series game, telling the admiral that he had more important things to do.

Bob missed nearly all of the next 3 seasons—and nearly all of the 1945 season—but he never had any regrets. His wife Anne says, “For all that Bob accomplished in baseball, and all that baseball means to him, I still think Bob’s more proud about his service in the Navy.”

When the war was won, Bob returned to baseball. For many athletes, 3 years off would be a difficult challenge to overcome, but Bob returned to the Indians for the 1946 season and had arguably the best season of his career, as he won 26 games, pitched a no-hitter, two-one hitters and struck out 348.

After the 1946 season, Bob played a major role in the desegregation of baseball. In a series of exhibitions played across the country organized by Bob and his good friend Satchel Paige, the Bob Feller All-Stars matched up against the best Negro Leaguers from the U.S.S. Alabama League of Gates Mills and the U.S.S. Alabama League of Gates Mills. These games offered a great amount of national exposure, smoothing the path for Jackie Robinson and other African Americans who would later enter Major League Baseball.

Bob retired after the 1956 season as one of Cleveland’s all-time great players. Throughout his career he won 20 or more games in a season 6 times, and he was an integral part of the 1948 Indians team that won the World Series and played in the All-Star Game eight times. He still stands as Cleveland’s all-time leader in shutouts, innings pitched, wins and strikeouts.

In 1962, Bob’s achievements were recognized when he was elected to the Hall of Fame in his first year of eligibility, becoming the first pitcher to enter the Hall in his first year of eligibility since charter member Walter Johnson.

More important than all of the records Bob holds are the lives he has touched and the people he has inspired with his amazing gift. Like so many other boys growing up in the 1940s and 1950s, Bob Feller was one of my heroes. Getting to know Bob and observe his down-home humility, enthusiasm for life and baseball and, more importantly, his community, has been a great joy for me during my time as mayor of Cleveland, Governor and now Senator for Ohio. I will never forget being on the mound with Bob and President Clinton on opening day at Jacobs Field in 1994, and I still treasure the baseball he signed for me that day.

Since retiring from baseball, Bob has continued to touch countless lives, as he has devoted himself to serving the community with the same passion and work ethic that made him one of the best pitchers in baseball history. He is well known for always taking time to sign autographs and visit with fans and has dedicated countless hours to a number of causes. Today he proudly lists the Salvation Army, the Cleveland Indians Charities, the Little League of Gates Mills and the U.S.S. Alabama Foundation among his favorite charities. Bob also remains very active in the Major League Baseball Players Alumni Association and the Bob Feller Museum in Van Meter, IA.

Cleveland will be forever indebted to Bob for his contributions and I am proud he still fondly calls the area home. In fact, he currently lives with his beautiful wife Gates Mills, where he remains in close touch with his three sons and grandson.

Despite all that he has accomplished, Bob remains the hard-working, down-to-earth, patriotic and compassionate farm boy from Van Meter. When asked once if he could relive any one of the many great moments of his life, Bob answered without hesitation, “Playing catch with my dad between the red barn and the house.”

As a member of a grateful Nation, I would like to congratulate Bob Feller on his upcoming 90th birthday, and thank him for his service to his country, his dedication to the community and for sharing his love of baseball and the Cleveland Indians with so many. He is truly a role model that all of us should strive to emulate. I wish him continued health and happiness.

TRIBUTE TO NANCY NEIGHBOR RUSSELL

Mr. WYDEN. Mr. President, I wish to recognize a great Oregonian, Nancy Neighbor Russell. Not long ago, Nancy woke up and demanded that her family take her to see the Columbia River Gorge. It was not an unusual request because Nancy has been a tireless and fearless defender of the gorge for more than a quarter century. The scenic beauty of the gorge was her passion and she was determined to protect it at all costs.

What made this trip different was that Nancy suffered from amyotrophic lateral sclerosis, ALS, often referred to...
as “Lou Gehrig’s disease.” Taking her to visit the place she loved most would not be easy. Her family hired an ambulance, placed Nancy in the back, and drove east from her home in Portland. Once there, Nancy saw her beloved gorge for the last time. On September 19, 2008, Nancy Neighbor Russell passed away.

While she is gone, her legacy is not. No individual has had the lasting and profound impact on a Pacific Northwest natural landscape more important to the communities along the Columbia River than Nancy. Nancy Russell and her last visit there.

In the early 1980s, she founded the Friends of the Columbia Gorge and began an unprecedented effort that in 1986 resulted in passage of the Columbia River Gorge National Scenic Area Act. As Congressman of the Third Congressional District at the time, I was proud to stand with friends and allies to vote for this historic legislation. That act preserved the gorge while protecting the valuable orchards and agricultural land and acting as a catalyst to the communities along the Columbia.

But Nancy didn’t stop there. She continued to push the Federal Government to purchase important pieces of property from willing sellers so that stunning views of the gorge would remain open to the public. She personally purchased more than 30 properties and donated them to the public so hikers could enjoy them for generations to come.

Today, the Columbia Gorge faces issues that Nancy would have never contemplated three decades ago. Fortunately, Nancy Russell leaves behind what may be her greatest accomplishment—an organization with members who are inspired by her vision and determined to follow in her footsteps. The gorge may have lost an ardent supporter, but it has not lost support. I am confident that Nancy’s children and grandchildren, her countless friends, and others who have dedicated their lives to the Columbia River will honor her by continuing to protect this great legacy.

On those times when I return to Oregon and my flight takes me over the Columbia River Gorge, I will think of Nancy Russell and her last visit there. Knowing what I do about Nancy and all that she did for that beautiful area, it will be hard to think of anything else. I pay tribute to her life well-lived today and thank her and her family for all of her many, lasting accomplishments.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:00 a.m., a message from the House of Representatives, delivered by Mr. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:


H.R. 1157. An act to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

H.R. 3018. An act to provide for payment of administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice you her program of the Department of Housing and Urban Development.

H.R. 3232. An act to establish a non-profit corporation to communicate United States entry policies and otherwise promote tourism, business, and scholarly travel to the United States.

H.R. 3402. An act to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services.

H.R. 4649. An act to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network.

H.R. 6568. An act to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes.


H.R. 6959. An act to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors.

The message also announced that the House has passed the following bill, without amendment:

S. 1810. An act to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 255. Concurrent resolution expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated.

H. Con. Res. 393. Concurrent resolution supporting the goals and ideals of “National Sudden Cardiac Arrest Awareness Month”.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 1345) to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

The message further announced that in accordance with the request of the Senate, the bill (H.R. 3068) to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony, is hereby returned to the Senate.

At 12:17 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 7060. An act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, and to extend certain expiring provisions, to provide for individual income tax relief, and for other purposes.

At 4:59 p.m., a message from the House of Representatives, delivered by Mr. Zapata, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

S. 1382. An act to amend the Public Health Service Act to authorize the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 2932. An act to amend the Public Health Service Act to require the establishment of a national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 214. Concurrent resolution expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur “Jack” Johnson for the 1913
racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation.

The message further announced that the bill to amend the amendment of the Senate to the bill (H.R. 4120) to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

At 7:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:


H.R. 6199. An act to designate the facility of the United States Postal Service located at 245 North Main Street in New City, New York, as the “Kenneth Peter Zobrowski Post Office Building”.

H.R. 6847. An act to designate the facility of the Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the “First Lieutenant Noah Harris Ellijay Post Office Building”.

H.R. 7061. An act to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support educational programs, to provide grants to states and localities, and for other purposes.

H.R. 7110. An act making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

At 7:38 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1046. An act to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second time by unanimous consent, and referred as indicated:

S. 3241. An act to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the “CeeCee Ross Lyles Post Office Building”.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7967. A communication from the Chairman of the Senate Select Committee on Indian Affairs.

EC-7969. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Fort Collins, CO” ((Docket No. FAA-2008-0336)(Airspace Docket No. 08-ANM-4)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.


EC-7968. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Red Dog, AK” ((Docket No. FAA-2008-0413)(Airspace Docket No. 08-AEA-16)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7971. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Lexington, OK” ((Docket No. FAA-2008-0003)(Airspace Docket No. 08-ASW-1)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7973. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D and Class E Airspace; Altus AFB, OK” ((Docket No. FAA-2008-0339)(Airspace Docket No. 08-ASW-5)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7972. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Rome, NY” ((Docket No. FAA-2008-0308)(Airspace Docket No. 08-AEA-19)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7974. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Pampa, TX” ((Docket No. FAA-2008-0306)(Airspace Docket No. 08-ANM-3)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7975. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Low Altitude Area Navigation Route (T-Route); Southwest Oregon” ((Docket No. FAA-2008-0038)(Airspace Docket No. 07-ANM-16)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7976. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Low Altitude Area Navigation Route (T-Route); Ellijay, Georgia” ((Docket No. FAA-2008-0073)(Airspace Docket No. 08-ANM-15)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7977. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Emporium, PA” ((Docket No. FAA-2007-0099)(Airspace Docket No. 07-AAL-18)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7978. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Rome, NY” ((Docket No. FAA-2007-0275)(Airspace Docket No. 07-AEA-15)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7979. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Rome, NY” ((Docket No. FAA-2007-0275)(Airspace Docket No. 07-AEA-15)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7980. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Fort Collins, CO” ((Docket No. FAA-2008-0336)(Airspace Docket No. 08-ANM-4)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7981. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Removal of Class E Airspace; Romance Rapids, NC” ((Docket No. FAA-2008-0307)(Airspace Docket No. 08-AEA-18)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7982. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Luke AFB, Phoenix, AZ” ((Docket No. FAA-
entitled ‘Airworthiness Directives; Cessna Aircraft Company Models 175 and 175A Airplanes’ ((RIN2120-AA64)(Docket No. FAA-2007-2920)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; General Electric Co. (GE) CF6-50E Series Turbofan Engines’ ((RIN2120-AA64)(Docket No. FAA-2008-0621)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8019. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Bell Helicopter Textron Inc. (Bell) Model 430 Helicopters’ ((RIN2120-AA64)(Docket No. FAA-2008-0450)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Short Brothers Model S9D-60 Airplanes’ ((RIN2120-AA64)(Docket No. FAA-2008-0375)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8021. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (RRD) Dart 529, 532, 535, 542, and 552 Series Turboprop Engines’ ((RIN2120-AA64)(Docket No. FAA-2006-2685)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8022. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, and DC-8-63P Airplanes’ ((RIN2120-AA64)(Docket No. FAA-2008-0497)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8023. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 310 Airplanes’ ((RIN2120-AA64)(Docket No. FAA-2008-0541)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8024. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Bombardier Model DHC-8-100, -200 and -300 Airplanes’ ((RIN2120-AA64)(Docket No. FAA-2008-0586)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8025. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes’ ((RIN2120-AA64)(Docket No. FAA-2008-0655)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8026. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Dornier Model 747-100, -200, -200C, -300, -400 and -500 Series Airplanes’ ((RIN2120-AA64)(Docket No. FAA-2007-0412)) received on September 18, 2008; to the Committee on Commerce, Science, and Transportation.
EC-8003. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Reauthorization of the Houston/Galveston/Brazoria Ozone Nonattainment Area: Texas; Final Rule” (FRL No. 8712-9) received on September 25, 2008, to the Committee on Environment and Public Works.

EC-8004. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Cyfluquinol; Pesticide Tolerances” (FRL No. 8832-5) received on September 25, 2008, to the Committee on Environment and Public Works.

EC-8005. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pendimethalin; Pesticide Tolerances” (FRL No. 8968-6) received on September 25, 2008, to the Committee on Environment and Public Works.

EC-8006. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Standards of Performance for Petroleum Refineries” (RIN2060-AN72) received on September 25, 2008, to the Committee on Environment and Public Works.

EC-8007. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Defense Advanced Research Projects Agency when contracting personnel inadvertently issued a duplicate contract modification; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3617. An original bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States (S. 3617).

By Mr. DODD, from the Committee on Foreign Relations, without amendment:

S. 2685. A bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes (S. 2685).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2201. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve and for other purposes (S. 2201).

S. 2699. A bill to prohibit cigarette manufacturers from making claims or representations based on data derived from the cigarette testing method established by the Federal Trade Commission (S. 2699).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendment:

S. 2196. A bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes (S. 2196).

By Mr. LEAHY, from the Committee on the Judiciary:

To accompany S. 2196, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes (S. 2196).

By Col. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3639. An original bill to protect pregnant women and children from dangerous lead exposures (Rept. No. 110-515).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services:

Michael Bruce Donley, of Virginia, to be Secretary of the Air Force.

David H. McIntyre, of Texas, to be a Member of the National Security Education Board for a term of four years.

Mark J. Geoghegan, of New Jersey, to be a Member of the National Security Education Board for a term of four years.

Navy nomination of Rear Adm. (jh) Timothy V. Flynn III, to be Rear Admiral (lower half).

Navy nomination of Capt. George W. Ballance, to be Rear Admiral (lower half).

Army nomination of Brig. Gen. Patrick J. O'Reilly, to be Lieutenant General.


Air Force nomination of Gen. David D. McKiernan, to be General.

Army nominations beginning with Brigadier General Daniel B. Allyn and ending with Brigadier General Terry A. Wolff, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2008, (minus 1 nominee: Brigadier General Gerri Parisee).

Army nomination of Lt. Gen. H. Steven Blum, to be Lieutenant General.

Air Force nominations beginning with Brigadier General Sarah C. Danan and ending with Colonel James W. Schroeder, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

Navy nomination of Rear Adm. Alan S. Thompson, to be Vice Admiral.

Army nomination of Col. Karlynn P. O'Shaughnessy, to be Lieutenant General.

Army nomination of Maj. General William G. Webster, Jr., to be Lieutenant General.

Army nominations beginning with Brigadier General Daniel B. Allyn and ending with Brigadier General Terry A. Wolff, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2008, (minus 1 nominee: Brigadier General Gerri Parisee).

Army nomination of Lt. Gen. H. Steven Blum, to be Lieutenant General.

Air Force nominations beginning with Brigadier General Sarah C. Danan and ending with Colonel James W. Schroeder, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

Navy nomination of Rear Adm. Alan S. Thompson, to be Vice Admiral.

Army nomination of Col. Karlynn P. O'Shaughnessy, to be Lieutenant General.

Army nomination of Maj. General William G. Webster, Jr., to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nominations which are printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Sarah C. L. Scullion, to be Lieutenant Colonel.

Air Force nomination of Richard E. Cutts, to be Lieutenant Colonel.

Air Force nomination of Karl L. Brown, to be Major.

Air Force nominations beginning with Andrew T. Harkness and ending with Tarris S. Hawkins, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2008.

Air Force nominations beginning with Darrell M. Morgan and ending with Roger E. Jones, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2008.

Air Force nominations beginning with Thomas R. Reed and ending with Vijayalakshmi Sripathy, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2008.

Air Force nomination of Daniel Urie, to be Colonel.

Air Force nomination of Mark A. Lambertsen, to be Lieutenant Colonel.

Air Force nominations of Handy L. Manella, to be Lieutenant Colonel.

Air Force nomination of Timothy W. Ricks, to be Colonel.

Air Force nominations beginning with Marco V. Galvez and ending with John T. Symonds, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2008.

Air Force nominations beginning with John J. Abbatangelo and ending with Timothy A. Zoeller, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

Air Force nominations beginning with Michelle T. Aaron and ending with Julie F. Zwis, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

Air Force nominations beginning with Elaine M. Alexa and ending with Dennis C. Wooten, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

Air Force nominations beginning with Nicola S. Adams and ending with Tambra L. Yates, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

Air Force nominations beginning with Robert L. Clark and ending with John K. Bini, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

Air Force nominations beginning with Jade A. Alota and ending with Michelle L. Wing, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

Air Force nominations beginning with Robert L. Clark and ending with John K. Bini, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

Air Force nominations beginning with Allen D. Perry, to be Colonel.

Army nomination of Theodore A. Mickle, Jr., to be Colonel.

Air Force nominations beginning with Michael G. Butel and ending with Timothy S. Woodruff, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2008.

Army nominations beginning with Kord H. Basnight and ending with Frank D. Whitney, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2008.

Army nominations beginning with Bradley Aebi and ending with Jonathan Yun, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2008.

Army nominations beginning with Julie A. Ake and ending with Scott E. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2008.

Army nomination of Mark V. Flasch, to be Colonel.

Army nomination of Steven B. Horton, to be Colonel.

Army nomination of Mary F. Braun, to be Colonel.

Army nomination of James C. Bayley, to be Colonel.

Army nomination of Jose R. Rafols, to be Major.
Army nomination of Matthew Myles, to be Major.
Army nomination of Jayanthi Kondamini, to be Major.
Army nominations beginning with Katherine G. Arterburn and ending with Jesse C. White, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2008.
Army nominations beginning with Leeanne M. Capace and ending with Duaine J. Kaczinski, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2008.
Army nominations beginning with Job Andujar and ending with Ralph Layman, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2008.
Army nomination of Chris D. Fritz, to be Colonel.
Army nominations beginning with Shannon B. Brown and ending with Arnold K. Iaea, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.
Army nominations beginning with Howard Davis and ending with James Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.
Army nominations beginning with Philip W. O'Neill and ending with Arch Harry N. Thombleson, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
Army nomination of Katherine L. Froehling, to be Colonel.
Army nomination of D600712, to be Colonel.
Army nominations beginning with Michael M. King and ending with Bradley C. Ware, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
Army nominations beginning with D600674 and ending with D600715, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
Army nomination of D600634, to be Major.
Army nominations beginning with D600478 and ending with D600552, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
Army nominations beginning with D600513 and ending with D700008, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
Army nominations beginning with Jonathan T. Ackis and ending with D600789, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
Army nominations beginning with Stephen L. Adamson and ending with X0005, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
Army nominations beginning with Matthew T. Adamczyk and ending with D600798, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
Army nominations beginning with Orman W. Boyd and ending with D600747, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2008.
Army nominations beginning with Christopher H. Cooper and ending with Jepnor G. Winter, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2008.
Army nominations beginning with Anthony M. Griffay and ending with Andrew G. Liggett, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2008.
Army nominations beginning with Cathrine K. K. Chiappetta and ending with Sylvaine W. Wong, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.
Army nominations beginning with Padma S. Barrera and ending with Horacio G. Tan, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.
Army nominations beginning with James B. Vernon and ending with James Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.
Army nominations beginning with Howard Davis and ending with James Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.
Army nominations beginning with Michael M. King and ending with Bradley C. Ware, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
Army nominations beginning with Philip W. O'Neill and ending with Arch Harry N. Thombleson, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2008.
*Coast Guard nominations beginning with Kurt A. Sebastian and ending with Glenn M. Sulmasy, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.
*Coast Guard nominations beginning with John J. Arenstam and ending with John D. Wood, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.
*Coast Guard nominations beginning with Lara A. Anderson and ending with Christopher D. Tamimie, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.
*Coast Guard nominations beginning with Robert D. Byrd, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2008.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.
(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS
The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. MURkowski):
S. 3604. A bill making emergency supplemental appropriations for economic recovery for the fiscal year ending September 30, 2008, and for other purposes; read twice, to the Committee on Appropriations.

By Mr. REID (for Mr. BIDEN (for himself and Mr. HATCH)):
S. 3605. A bill to extend the pilot program for volunteer groups to obtain criminal history background checks; considered and passed.

By Mr. BURR (for himself, Mr. McCaIN, Mr. BROWN, Mrs. DOLLY, Mr. LEVIN, Mr. KENNEDY, Mr. ISAKSON, Mr. WYDEN, Mr. WYNN, Mr. VoinoViCH, and Mr. CHAMbliss):
S. 3606. A bill to extend the special immigration nonminister religious worker program and for other purposes; considered and passed.

By Mr. BURR (for himself, Mr. McCaIN, Mr. BROWN, Mrs. DOLLY, Mr. LEVIN, Mr. KENNEDY, Mr. ISAKSON, Mr. WYDEN, Mr. WYNN, Mr. VoinoViCH, and Mr. CHAMbliss):
S. 3607. A bill to reauthorize the memorial to Martin Luther King, Jr.; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Ms. MURkOWSkI, Mrs. MURRAY, Mr. WYDEN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. WARNER, Mr. VoinoViCH, and Mr. CHAMbliss):
S. 3608. A bill to establish a Salmon Stronghold Partnership program to protect wild Pacific salmon and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:
S. 3609. A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself, Mr. COLEMAN, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEVIN, Mr. FEINGold, Mr. cardIN, Ms. Collins, Mr. Boxer, Mr. Specter, Mr. Smith, and Mr. Pryor):
S. 3610. A bill to improve the accuracy of fur product labeling, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW:
S. 3611. A bill to amend title XIX of the Social Security Act to provide for the improvement of rehabilitation services and case management and targeted case management services under title XIX, and for other purposes; to the Committee on Finance.

By Mr. FEINGold (for himself, Ms. CANTWELL, Mr. AkAka, and Mr. CardIN):
S. 3612. A bill to protect citizens and legal residents of the United States from unreasonable searches and seizures of electronic equipment at the border, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WyDEN (for himself, Ms. Mi-cKelleSH, Mr. WunnehoUSS, and Mr. cardIN):
S. 3613. A bill to amend title XVIII of the Social Security Act to provide for certain health care for Medicare beneficiaries suffering from multiple chronic conditions with access to Independence at home services in lower cost treatments such as their residences, under a plan of care developed by an Independence at Home physician or Independence at Home nurse practitioner; to the Committee on Finance.

By Mr. MasEy:
S. 3614. A bill to require semiannual indexing of mandatory Federal food assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself and Mr. CASEY):
S. 3615. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of church pension plans, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:
S. 3616. A bill to amend title 31, United States Code, to provide for the licensing of International shipping and international shipping facilities, and for other purposes; to the Committee on Finance.

By Mr. WyDEN (for himself and Mrs. BOXER):
S. 3617. An original bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. COLLINS (for herself and Mr. FenSTEIN):
S. 3618. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technology for heavy-duty plug-in hybrid vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MasEy (for himself and Mr. SPECTER):
S. 3619. A bill to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LiBerman (for herself and Mr. MENENDEZ):
S. 3620. A bill to amend the Social Security Act to enable States to carry out quality initiatives, and for other purposes; to the Committee on Finance.

By Mr. MARTINEZ:
S. 3621. A bill to amend title 10, United States Code, to authorize extended benefits for certain autistic dependents of certain retirees; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself, Mr. LEVIN, and Mr. BROWN):
S. 3622. A bill to establish a grant program to promote the conservation of the Great Lakes; to the Committee on Commerce, Science, and Transportation.

By Mr. LaUTENBERG (for himself and Mr. MENENDEZ):
S. 3623. A bill to authorize appropriations for the Department of Homeland Security for fiscal years 2008 and 2009, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:
S. 3624. A bill to amend title 49, United States Code, to require States and metropolitan planning organizations to develop transportation greenhouse gas reduction plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mr. SCHUMER):
S. 3625. A bill to designate the facility of the United States Postal Service located at 245 North Main Street in New York, New York, as the "Kenneth Peter Zebrowski Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. Hatch:
S. 3626. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:
S. 3627. A bill to improve the calculation of, and the accountability of, secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:
S. 3628. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodations in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBin:
S. 3629. A bill to create a new Consumer Credit Safety Commission, to provide individual consumers of credit with better information and stronger protections, and to provide sellers of consumer credit with more regulatory certainty; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself and Mr. VoinoViCH):
S. 3630. A bill to authorize a comprehensive program of nationwide access to Federal remote sensing data, to promote the use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:
S. 3631. A bill to amend title XIX of the Social Security Act to establish a State plan option under Medicaid to provide an all-inclusive program of care for children who are medically fragile or have one or more chronic conditions that impede their ability to function; to the Committee on Finance.

By Mr. MENENDEZ:
S. 3632. A bill to combat predatory lending practices and to provide access to capital to those living in low-income and traditionally underserved communities; to improve the Federal Home Loan Bank Act to improve financial services to underserved communities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:
S. 3633. A bill to amend the Federal Food, Drug, and Cosmetic Act to require country of origin labeling on prescription and over-the-counter drugs; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LaUTENBERG (for himself and Mr. MENENDEZ):
S. 3634. A bill to reduce gun trafficking by prohibiting bulk purchases of handguns; to the Committee on the Judiciary.

By Mrs. CLINTON:
S. 3635. A bill to authorize a loan forgiveness program for students of institutions of
higher education who volunteer to serve as mentors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. MENENDEZ).

S. 3636. A bill to amend title II of the Public Health Service Act to provide for an improved methodology to measure poverty so as to enable a better assessment of the effects of programs under the Public Health Service Act and the Social Security Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. HAGEL).

S. 3637. A bill to provide for an annual comprehensive report on the status of United States efforts and the level of progress achieved to counter and defeat Al Qaeda and its related affiliates and undermine long-term support for the violent extremism that helps sustain Al Qaeda’s recruitment efforts, as carried out under a broad counterterrorism strategy; to the Committee on Foreign Relations.

By Mr. NELSON of Florida:

S. 3638. A bill to reauthorize the National Windstar Impact Reduction Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER.

S. 3639. An original bill to protect pregnant women and children from dangerous lead exposures; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. CARDEN).

S. 3640. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 686. A resolution to authorize the production of records; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 687. A resolution to authorize testimony and legal representation in People of the State of Michigan v. Sereal Leonard Gravlin; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 688. A resolution to authorize testimony in United States v. Max Obuszewski, et al; considered and agreed to.

By Mrs. FEINSTEIN:

S. Res. 689. A resolution to authorize the printing of a revised edition of the Senate Rules and Manual; considered and agreed to.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. KOHL, Mr. BURK, Mrs. LINCOLN, Mr. STEVENS, Mr. CASEY, Mr. ROBERTS, Mr. FEINGOLD, Ms. STabenow, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. LIEBERMAN, Mrs. BOXER, Mr. BIDEN, Mr. BARRASSO, Mr. COLLINS, and Mr. SPECTER):

S. Con. Res. 194. A concurrent resolution supporting "national Afterschool!"; a national celebration of after-school programs; considered and agreed to.

ADDITIONAL COSPONSORS

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 459, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

At the request of Mr. MENEZES, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. COLLINS), the Senator from North Dakota (Mr. DORGAN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women’s suffrage movement and in advancing equal rights for women.

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

At the request of Mr. DODD, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

At the request of Mr. DODD, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

At the request of Mrs. LINCOLN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

At the request of Mr. DORGAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

At the request of Mr. AKAKA, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from North Carolina (Mr. BURR), the Senator from Montana (Mr. Tester) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2593, a bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from Tennessee (Ms. COLLINS), the Senator from Tennessee (Mr. CONEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2668, supra.
At the request of Mr. Rockefeller, the names of the Senator from Vermont (Mr. Sanders) and the Senator from Kansas (Mr. Roberts) were added as cosponsors of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother’s Day.

At the request of Mr. Schumer, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 2929, a bill to ban bisphenol A in children’s products.

At the request of Mr. Cardin, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. 2942, a bill to authorize funding for the National Advocacy Center.

At the request of Mrs. Boxer, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 3020, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the postmarket surveillance of devices.

At the request of Mr. Akaka, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 3023, a bill to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

At the request of Mr. Grassley, the name of the Senator from Utah (Mr. Hatch) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

At the request of Mr. Reid, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 3136, a bill to encourage the entry of firms and entrepreneurs to the NCIC database by States and provide additional resources for extradition

At the request of Ms. Snowe, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. 3249, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on mobile wireless communications services, providers, or property.

At the request of Mr. Barrasso, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. 3290, a bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and certain territories and insular areas of the United States, and for other purposes.

At the request of Mr. Leahy, the names of the Senator from Michigan (Ms. Stabenow) and the Senator from Ohio (Mr. Brown) were added as cosponsors of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

At the request of Mr. Brown, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 3368, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

At the request of Mr. Reed, the names of the Senator from New York (Mr. Schumer) and the Senator from Rhode Island (Mr. Whitehouse) were added as cosponsors of S. 3442, a bill to reauthorize the National Oilheat Reliance Alliance Act of 2000, and for other purposes.

At the request of Mr. Warner, the names of the Senator from Vermont (Mr. Sanders) and the Senator from Delaware (Mr. Carper) were added as cosponsors of S. 3477, a bill to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

At the request of Mr. Specter, the names of the Senator from Pennsylvania (Mr. Casey), the Senator from New Jersey (Mr. Menendez) and the Senator from Kansas (Mr. Brownback) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

At the request of Mr. Reid, the names of the Senator from New York (Mr. Schumer) and the Senator from Mississippi (Mr. Wicker) were added as cosponsors of S. 3487, a bill to amend the National and Community Service Act of 1990 to extend and improve opportunities for service, and for other purposes.

At the request of Mr. Specter, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 3507, a bill to provide for additional emergency unemployment compensation.

At the request of Mr. Cardin, the names of the Senator from Hawaii (Mr. Inouye), the Senator from Oklahoma (Mr. Coburn) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. 3525, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the “Star-Spangled Banner”, and for other purposes.

At the request of Mr. Akaka, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 3527, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority.

At the request of Ms. Collins, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 3539, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

At the request of Mrs. Murray, the names of the Senator from New York (Mrs. Clinton) and the Senator from West Virginia (Mr. Byrd) were added as cosponsors of S. 3566, a bill to prohibit the Secretary of Labor from issuing, administering, or enforcing a rule, regulation, or requirement derived from the proposal submitted to the Office of Management and Budget entitled “Requirements for DOL Agencies’ Assessment of Occupational Health Risks” (RIN: 1290-AA29).

At the request of Mr. Cornyn, the names of the Senator from Connecticut (Mr. Lieberman) and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of S. 3580, a bill to assure the safety of expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas.

At the request of Mrs. Clinton, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. Con. Res. 102, a concurrent resolution expressing the sense of Congress that ensuring the availability of adequate housing is an essential component of an effective strategy for the prevention and treatment of HIV and the care of individuals with HIV.

At the request of Mr. Specter, the name of the Senator from Arizona (Mr. Kyl) was added as a cosponsor of S. Res. 499, a resolution urging Palestinian Authority President Mahmoud Abbas, who is also the head of the Fatah Party, to officially abrogate the 10 articles in the Fatah Constitution that call for Israel’s destruction and terrorism against Israel, oppose any political solution, and label Zionism as racism.

At the request of Mr. Bayh, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran
from acquiring a nuclear weapons capability.

S. RES. 615
At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Res. 615, a resolution reducing maternal mortality both at home and abroad.

S. RES. 660
At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. COLLINS) was added as a co-sponsor of S. Res. 660, a resolution condemning the sales of arms to beligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

STATEMENTS ON INTRODUCED BILL$ AND JOINT RESOLUTIONS
By Mr. REID (for himself and Mr. BYRD):
S. 3604. A bill making emergency supplemental appropriations for economic recovery for the fiscal year ending September 30, 2008, and for other purposes; read twice; to the Committee on Appropriations.
Mr. REID. 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:

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I INFRASTRUCTURE, ENERGY, AND ECONOMIC RECOVERY
CHAPTER 1 DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY
SALARIES AND EXPENSES
For an additional amount for ‘‘Farm Service Agency, Salaries and Expenses’’, for the purpose of maintaining and modernizing the information technology system, $171,700,000, to remain available until expended.

RURAL HOUSING SERVICE
RURAL HOUSING INSURANCE PROGRAM ACCOUNT
For an additional amount for gross obligations for the principal amount of direct and guaranteed loans and grants as authorized by section 306 of the Consolidated Farm and Rural Development Act, to be available from the rural community facilities program account, and the rural community facilities direct loans; $130,000,000 for guaranteed rural community facilities loans; and $50,000,000 for rural community facilities grants.

For an additional amount for the cost of direct loans, guaranteed loans, and grants, including the cost of modifying loans, as defined in section 306 of the Consolidated Farm and Rural Development Act of 1974, to remain available until expended, as follows: $35,000,000 for rural community facilities direct loans; $4,000,000 for rural community facilities guaranteed loans; and $50,000,000 for rural community facilities grants.

RURAL BUSINESS—COOPERATIVE SERVICE
RURAL BUSINESS ENTERPRISE GRANTS
For an additional amount for ‘‘Rural Business Enterprise Grants’’, $40,000,000, to remain available until expended.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT
For an additional amount for gross obligations for the principal amount of direct loans as authorized by the Rural Development Loan Fund Act (42 U.S.C. 9612(a)), $30,000,000.

For an additional amount for the cost of direct loans, guaranteed loans, and grants, including the cost of modifying loans, as defined in section 306 of the Consolidated Farm and Rural Development Act of 1974, to remain available until expended, as follows: $12,600,000, to remain available until expended, $12,600,000; $50,000,000, to remain available until expended.

For an additional amount for the special rural development loan fund (42 U.S.C. 9812(a)), $30,000,000.

RURAL UTILITIES SERVICE
RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT
For an additional amount for the cost of direct loans, including guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 310B of the Consolidated Farm and Rural Development Act, $200,000,000, to remain available until expended.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM ACCOUNT
For an additional amount for grants for distance learning and telemedicine services in rural areas, as authorized by 7 U.S.C. 950aaa, et seq., $20,000,000, to remain available until expended.

FOOD AND NUTRITION SERVICE
SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN
For an additional amount for the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $450,000,000, to remain available through September 30, 2009.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
For an additional amount for the Emergency Food Assistance Program, as authorized by Section 4201 of Public Law 110-286, as increased under section 4204(c), to remain available until September 30, 2009, of which the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

COMMODITY ASSISTANCE PROGRAM
For an additional amount for the Commodity Support Food Program, $30,000,000, to support additional food purchases, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER
Sec. 1101. (a) In this section, the term ‘‘nondisabled critical cattle’’ means cattle, other than cattle that are less than 5 months old or weigh less than 500 pounds, subject to inspection under section 3(b) of the Federal Meat Inspection Act (21 U.S.C. 603(b)) that cannot rise from a recumbent position, including cattle with a broken appendage, severed tendon or ligament, nerve paralysis, fractured vertebral column, or a metabolic condition.

(b) None of the funds made available under this Act may be used to pay the salaries or expenses of any personnel of the Food Safety and Inspection Service to pass through inspection any nondisabled critically disabled cattle for use as human food, regardless of the reason for the nondisabled status of the cattle or the time at which the cattle became nondisabled.

(c) In addition to any penalties available under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Secretary shall impose penalties consistent with sections 1914 and 1915 of the Animal Health Protection Act (7 U.S.C. 8313, 8314) on any establishment that slaughters nondisabled critically disabled cattle or prepares a carcass, part of a carcass, or meat or meat food product, from any nondisabled critically disabled cattle, for use as human food.

CHAPTER 2 DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS
For an additional amount for ‘‘Economic Development Assistance Programs’’ for economic adjustment assistance as authorized by section 209 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 601 et seq.), $50,000,000, to remain available until expended.

FOODSTUFFS PROGRAM
(For fiscal year 2008, $314,000,000, to be used to provide coordination and assistance to Federal, State, and local agencies to support food commodity flows to areas of the United States whose economic dislocation and job loss due to corporate restructuring.

DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE
SALARIES AND EXPENSES
For an additional amount for ‘‘Salaries and Expenses’’, $50,000,000 for the United States Marshals Service, to remain available until September 30, 2009, to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109-248) to apprehend non-compliant sex offenders.

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES
For an additional amount for ‘‘Salaries and Expenses’’, $5,000,000, to remain available until September 30, 2009.

OFFICE OF JUSTICE PROGRAMS
STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE
For an additional amount for ‘‘State and Local Law Enforcement Assistance’’, $100,000,000, to remain available until September 30, 2009.

For an additional amount for ‘‘State and Local Law Enforcement Assistance’’, $100,000,000, to remain available until September 30, 2009, for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of
which $15,000,000 shall be transferred to the “Bureau of Alcohol, Tobacco, Firearms and Explosives”, “Salaries and Expenses” for the ATF Project Gunrunner.

COMMUNITY ORIENTED POLICING SERVICES

For additional amount for “Community Oriented Policing Services”, for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. 379dd) and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (1) of such section, $500,000,000, to remain available until September 30, 2009.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $250,000,000, to remain available until September 30, 2009, with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to “Science”, “Aeronautics”, and “Exploitation Capabilities” for restoration of funds previously reallocated to meet return to flight activities.

RELATED AGENCY

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Payment to the Legal Services Corporation”, $37,500,000, to remain available until September 30, 2009, to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated foreclosure: Provided, That each limitation on expenditures, and each term or condition, that applies to funds appropriated to the Legal Services Corporation under the Consolidated Appropriations Act of 2008 (Public Law 110-61), shall apply to funds appropriated under this Act: Further, That priority shall be given to entities and individuals that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates; and (2) have the capacity to begin using the funds within 90 days of receipt of the funds.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL CONSTRUCTION

For an additional amount for “Construction” of additional facilities of Corps of Engineers owned and operated hydropower facilities and for other activities, $400,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for “Defense Environmental Cleanup”, $100,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. FutureGen. (a) Subject to subsection (b), the Secretary of Energy shall re-establish and continue the FutureGen Program:

(1) the cooperative agreement numbered DE-FC26-06NT27073 (as in effect on May 15, 2008); and

(2) Budget Period 1, under such agreement, through March 31, 2009.

(b) During the period beginning on the date of enactment of this Act and ending March 31, 2009:

(1) The agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) Funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.


SEC. 1303. Provided further, That funds shall be expended in conjunction with the State of Louisiana: Provided further, That funds shall be expended in consultation with the State of Louisiana.

CHAPTER 4

DEPARTMENT OF THE TREASURY OFFICE OF INSPECTOR GENERAL

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND (LIMITATION ON AVAILABILITY)

For an additional amount to be deposited in the Federal Buildings Fund, $547,639,000, to remain available until expended.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to be available until September 30, 2009, $4,000,000 for marketing, management, and technical assistance under section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the Microloan program.

For an additional amount to be available until September 30, 2009, $600,000 for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $1,000,000, to remain available until September 30, 2009, and for an additional amount for the cost of guaranteed loans, $200,000,000, to remain available until September 30, 2009.

Provided, That the amount for the cost of guaranteed loans, $152,000,000 shall be for loan subsidies and loan modifications for loans to small businesses authorized by section 7(a)(14) of this Act; $34,000,000 shall be for the increased veteran participation pilot program.
under paragraph (33) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as redesignated by section 1401 of this Act; and $414,000,000 shall be for the energy efficient technologies under section 7(a)(32) of the Small Business Act (15 U.S.C. 636(a)(32)): Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 562 of the Congressional Budget Act of 1974.  

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION  

Sec. 1401. Economic Stimulus for Small Business Concerns. (a) Reduction of Fees.—  

(1) In general.—Until September 30, 2009, and to the extent the cost of such reduction in fees is covered by appropriations with respect to each loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)) for which the application is approved on or after the date of enactment of this Act, the Administrator shall—  

(A) in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect a annual fee in an amount equal to a maximum of .25 percent of the outstanding balance of the deferred participation share of such loan;  

(B) in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect a guaranteed fee in an amount equal to a maximum of—  

(i) 1 percent of the deferred participation share of a total loan amount that is not more than $150,000;  

(ii) 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000 and not more than $700,000; and  

(iii) 3 percent of the deferred participation share of a total loan amount that is more than $700,000;  

(C) in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect no fee.  

(2) Implementation.—In carrying out this subsection, the Administrator shall reduce the fees for a loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)) to the maximum extent possible, subject to the availability of appropriations.  

(b) Technical Correction.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by redesignating paragraphs (32) and (33) therein as paragraphs (33) and (34), respectively; and  

(c) Application of Fee Reductions.—The Administrator shall reduce the fees under subsection (a) for any loan guarantee subject to such subsection for which the application is approved on or after the date of enactment of this Act, to the maximum extent possible, subject to the availability of appropriations under the heading “Small Business Loans Program Account” under the heading “Small Business Administration” under this Act is funded.  

definitions.—In this section—  

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and  

(2) the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).  

Sec. 1402. None of the funds made available under this Act or any other appropriations Act for any fiscal year may be used by the Small Business Administration to implement the proposed rule relating to women-owned small business Federal contract assistance procedures published in the Federal Register on December 27, 2007 (72 Fed. Reg. 72885 et seq.).  

CHAPTER 5 DEPARTMENT OF HOMELAND SECURITY  

OFFICE OF THE UNDER SECRETARY FOR POLICY  

For an additional amount for the “Office of the Under Secretary for Policy”, $120,000,000, to remain available until expended, solely for planning, design, and construction costs to create the Department of Homeland Security headquarters.  

U.S. CUSTOMS AND BORDER PROTECTION  

For an additional amount for “Border Security, Fencing, Infrastructure, and Technology” and for the service line extension of existing Coast Guard polar icebreakers, $925,000,000, to remain available until expended.  

CONSTRUCTION  

For an additional amount for “Construction”, $200,000,000, to remain available until expended, for the purpose of repair and construction of inspection facilities at land border ports of entry.  

COAST GUARD  

ACQUISITION, CONSTRUCTION, AND RELATED EXPENSES  

For an additional amount for “Acquisition, Construction, and Improvements”, $100,000,000, to remain available until September 30, 2009, for the BioWatch environmental monitoring system.  

FEDERAL LAW ENFORCEMENT TRAINING CENTER  

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES  

For an additional amount for “Acquisitions, Construction, Improvements, and Related Expenses”, $9,000,000, to remain available until expended, for security upgrades to the Federal Law Enforcement Training Center’s border-related training facilities.  

CHAPTER 6 ENVIRONMENTAL PROTECTION AGENCY  

SCIENCE AND TECHNOLOGY  

For an additional amount for “Science and Technology”, $215,000,000, to remain available until September 30, 2010, for urgent bio-defense research activities.  

HAZARDOUS SUBSTANCE SUPERFUND  

For an additional amount for “Hazardous Substance Superfund”, $24,165,000, to remain available until expended, for urgent decontamination and laboratory response activities.  

STATE AND TRIBAL ASSISTANCE GRANTS  

For an additional amount for “State and Tribal Assistance Grants”, $900,000,000, to remain available until expended, for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended.  

GENERAL PROVISIONS—THIS CHAPTER  

Sec. 1601. Secured Rural Schools Act Amendment. (a) For fiscal year 2008, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 105(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 1606–103; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.  

(b) There is appropriated $1,200,000,000, to remain available until December 31, 2008, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.  

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking “2007” and “2008” each place they appear and inserting “2008” and “2009”, respectively.  

Sec. 1602. Notwithstanding any other provision of law, including section 152 of division H.R. 2631 (the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009), the terms and conditions contained in section 453 of division P of Public Law 110–151 shall remain in effect for the fiscal year ending September 30, 2009.  

CHAPTER 7 DEPARTMENT OF LABOR  

EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES  

For an additional amount for Training and Employment Services under Employment and Training Administration, $600,000,000, for youth activities and displaced worker activities by the Workforce Investment Act of 1998 (“WIA”): Provided, That $300,000,000 shall be for youth activities and available for the period April 1, 2008 through June 30, 2009: Provided further, That no portion of funds available under this heading in this Act shall be reserved to carry out section 127(b)(1)(A), section 128(a), or section 133.  

That the WIA: Provided, That the work readiness performance indicator described in section 136(b)(2)(A)(i)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of the youth activities, and that the performance indicators in section 136(b)(2)(A)(i) of the WIA shall be the measures of performance used to assess the effectiveness of the displaced worker activities funded with such funds.  

DEPARTMENT OF HEALTH AND HUMAN SERVICES  

CENTERS FOR DISEASE CONTROL AND PREVENTION DISEASE CONTROL, RESEARCH, AND TRAINING  

For an additional amount for “Disease Control, Research, and Training”, $146,000,000, to remain available through September 30, 2009, of which $20,000,000 shall be to continue and expand investigations to determine the root causes of disease clusters, including but not limited to polycthemia vera clusters; of which $20,000,000 shall be for the expansion of and response to medical errors including research, education and outreach activities; and of which $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.  

NATIONAL INSTITUTES OF HEALTH OFFICE OF THE DIRECTOR (INCLUDING TRANSFER OF FUNDS)  

For an additional amount for “Office of the Director”, $1,200,000,000, which shall be transferred to the Office of the Director of the National Institutes of Health and to the Common Fund established under section
SECTION 1701. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

(a) Study.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, on the rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

(b) Report.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

(c) Economic Information.—To provide sufficient economic data for the conduct of the study under subsection (a)—

(1) the Bureau of Labor Statistics shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic projections.

SEC. 1702. GRANTS FOR SCHOOL REPAIR AND RENOVATION.

(a) Allocation of Funds.—(1) Reservation.—From the funds appropriated to carry out this section for a fiscal year, the Secretary shall reserve 1 percent to provide assistance under this section to the outerlying areas and for payments to the Secretary of the Interior to provide assistance consistent with this section to schools funded by the Bureau of Indian Education. Funds reserved under this subsection shall be distributed by the Secretary among the outerlying areas and the Secretary of the Interior to provide assistance, as determined by the Secretary, in accordance with the purposes of this section.

(2) Allocation to State Educational Agencies.—After making the reservations described in paragraph (1), the Secretary shall allocate to each State educational agency (including a State an amount that bears the same relation to the remainder for the fiscal year as the amount the State received under part A of title I of such Act for fiscal year 2008 bears to the amount all States received under such part for fiscal year 2008, except that no such State educational agency shall receive less than 0.5 percent of the amount allocated under this paragraph.

(b) Within-State Allocations.—(1) Administration Costs.—(A) State Educational Agency Administration.—Except as provided in subparagraph (C), each State educational agency may not use more than 10 percent of the funds allocated by the Secretary for school repair and renovation grants to pay administrative costs.

(B) Required Uses.—The State educational agency shall use any portion of the reserved funds to establish or support a State-level data system or survey, including a database of public school property inventory, condition, design, and utilization.

(C) State Entity Administration.—If the State educational agency transfers funds to a state entity described in paragraph (2)(A), the State educational agency shall transfer to such entity 0.75 of the amount reserved under this paragraph for the purpose of administering the distribution of grants under this subsection.

(2) Reservation for Competitive School Repair and Renovation Grants to Local Educational Agencies.—(A) In General.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under this subsection (2)(A), the Subgrantee agency shall distribute 100 percent of such funds to local educational agencies or, if such State educational agency is not responsible for the financing of education facilities, the State educational agency shall transfer such funds to the State entity responsible for the financing of education facilities (referred to in this section as the subgrantee agency) for disbursement by such entity to local educational agencies in accordance with this paragraph.
to be used, consistent with subsection (c), for school repair and renovation.

(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The State educational agency shall allocate grants, on a competitive basis, to local educational agencies for the purpose described in subparagraph (A). Of the total amount made available under this subparagraph, the Secretary shall—

(a) award to the State educational agency or State entity a percentage of the aggregate amount which bears the same relationship to such total amount as the aggregate amount which such high-need local educational agencies received under such part for fiscal year 2008 bears to the aggregate amount received for such fiscal year; and

(b) award to rural local educational agencies the following amounts:

(i) the amount which bears the same relationship to the fiscal capacity of rural local educational agencies as the amount awarded to such agencies under subsection (a)(2) bears to the aggregate amount made available under such part for such fiscal year;

(ii) the amount which bears the same relationship to the percentage of poor children in the rural area as the amount awarded to such agencies under subsection (a)(2) bears to the aggregate amount made available under such part for such fiscal year; and

(iii) the amount which bears the same relationship to the percentage of students with disabilities in the rural area as the amount awarded to such agencies under subsection (a)(2) bears to the aggregate amount made available under such part for such fiscal year.

(C) CRITERIA FOR AWARDING GRANTS.—In awarding grants under this paragraph, the Secretary shall take into account the following criteria:

(i) the likelihood of maintaining the facility;

(ii) the ability of the local educational agency to meet the needs of the local educational agency for repair and renovation of public school facilities, including repairs for—

(A) emergency repairs or renovations;

(B) construction of new facilities; or

(C) modification of existing facilities to render public school facilities accessible in order to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(iii) the financial capacity of the local educational agency to fund repairs or renovations to public school facilities.

(D) RULES APPLICABLE TO SCHOOL REPAIR AND RENOVATION.—With respect to grants made available under this section that are used for school repair and renovation, the following rules shall apply:

(1) PERMISSIBLE USES OF FUNDS.—School repair and renovation shall be limited to 1 or more of the following repairs or renovations:

(A) emergency repairs or renovations;

(B) modifications to public school facilities to ensure health and safety, including repairs for—

(i) repairing, replacing, or installing roofs, windows, doors, electrical wiring, plumbing systems, or sewage systems;

(ii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

(iii) making public school facilities accessible in compliance with fire and safety codes.

(2) IMPOSSIBLE USES OF FUNDS.—No funds received under this section shall be used for—

(A) the construction of new facilities; or

(B) the provision of services to the general public.

(3) AMOUNT ALLOCATED.—The amount allocated to a State educational agency under this section shall be used for—

(A) the construction of new facilities; or

(B) the provision of services to the general public.

(D) RULES APPLICABLE TO SCHOOL REPAIR AND RENOVATION.—With respect to grants made available under this section that are used for school repair and renovation, the following rules shall apply:

(1) PERMISSIBLE USES OF FUNDS.—School repair and renovation shall be limited to 1 or more of the following repairs or renovations:

(A) emergency repairs or renovations;

(B) modifications to public school facilities to ensure health and safety, including repairs for—

(i) repairing, replacing, or installing roofs, windows, doors, electrical wiring, plumbing systems, or sewage systems;

(ii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

(iii) making public school facilities accessible in compliance with fire and safety codes.

(2) IMPOSSIBLE USES OF FUNDS.—No funds received under this section shall be used for—

(A) the construction of new facilities; or

(B) the provision of services to the general public.

(3) AMOUNT ALLOCATED.—The amount allocated to a State educational agency under this section shall be used for—

(A) the construction of new facilities; or

(B) the provision of services to the general public.

(E) CHARTER SCHOOL BUILDING INFRASTRUCTURE.—The term "charter school" shall be defined for the purposes of this section as a public charter school that—

(A) is State-owned or operated; and

(B) is eligible to receive funds under the Public Charter School Fund Act of 2006 (20 U.S.C. 6311 et seq.) for fiscal year 2008.

(4) REALLOCATION.—If a State educational agency determines that the purposes described under paragraph (1) are not being effectively achieved, the Secretary may reallocate the funds made available under this section to another State educational agency or another public school or local educational agency.

(5) USES.—The uses described in subparagraphs (B) and (C) of paragraph (1) shall be used—

(A) for—

(i) the construction of new facilities; or

(ii) the provision of services to the general public.

(B) for—

(i) the construction of new facilities; or

(ii) the provision of services to the general public.

(C) for—

(i) the construction of new facilities; or

(ii) the provision of services to the general public.

(D) for—

(i) the construction of new facilities; or

(ii) the provision of services to the general public.

(E) for—

(i) the construction of new facilities; or

(ii) the provision of services to the general public.

(6) LIMITATION ON USES.—No funds received under this section may be used for—

(A) the construction of new facilities; or

(B) the provision of services to the general public.

(7) IN GENERAL.—Nothing in this subparagraph shall be construed to alter any applicable statutory or regulatory prohibition on services with respect to an entity described in subparagraph (IV) or of clause (i),
for the purposes of the definition of States for this paragraph, sections 101(a)(32) of title 49, United States Code, shall apply.

**FEDERAL RAILROAD ADMINISTRATION**

**SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION**

For an additional amount for the immediate investment in capital projects necessary to maintain and improve national intercity passenger rail service, $350,000,000, to remain available until September 30, 2009: 

**Provided,** That funds made available under this heading shall be obligated directly to the corporation for the purpose of immediate investment in, including the rehabilitation of rolling stock for the purpose of expanding passenger rail capacity: 

**Provided further,** That the Board of Directors shall take action to ensure that funds provided under this heading shall be obligated within 180 days of the enactment of this Act and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources: 

**Provided further,** That the Secretary of Transportation shall institute measures to ensure that funds provided under this heading shall be obligated within 180 days of the enactment of this Act and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local or corporate sources: 

**Provided further,** That the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary of any funds provided in this paragraph to the Secretary of Transportation to facilitate the timely use of such funds.

**Supplemental Grants to Public Housing Agencies for Extraordinary Energy Costs**

For an additional amount for discretionary grants to public housing agencies for operating expenses permitted under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $200,000,000, to remain available until September 30, 2009: 

**Provided,** That the Secretary shall institute measures to ensure that funds provided under this paragraph shall be used to cover extraordinary energy costs: 

**Provided further,** That in administering funds provided under this paragraph, the Secretary shall institute measures to ensure that funds provided under this paragraph shall be obligated within 180 days of the date of enactment of this Act: 

**Provided further,** That in administering funds provided in this paragraph, the Secretary shall institute measures to ensure that funds provided under this paragraph shall be obligated within 180 days of the date of enactment of this Act: 

**Provided further,** That the Secretary shall institute measures to ensure that funds provided under this paragraph shall be used to cover extraordinary energy costs: 

**Provided further,** That the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary of any funds provided in this paragraph to the Secretary of Transportation to facilitate the timely use of such funds.

**Housing Assistance for Tenants Displaced by Foreclosure**

For an additional amount for grants to public housing agencies or grantees participating in Continuums of Care receiving assistance through existing Housing and Urban Development grant programs providing relocation and temporary housing assistance to individuals and families that
reside in dwelling units that have been

closed, or to be in default and where fore-
closure is imminent, $200,000,000, to be avail-
able until September 30, 2008: Provided, That
the Secretary and Urban Development
ment shall allocate amounts made available under this heading to grantees located in areas with the greatest number and percent-
age of homes in default or delinquency and the greatest number and percentage of homes in foreclosure: Provided further, That this fund funding made available under this heading may be used for temporary rental assistance, first and last month’s rent, security deposit, case management services, or other appro-
sive services necessary to assist eligible individ-
ments in finding suitable and affordable permanent housing: Provided further, That the Secretary shall provide notice of the availability of funding provided under this heading within 60 days of the enactment

Federal Housing Administration

Information Technology

For an additional amount to maintain, modernize and improve technology systems and infrastructure for the Federal Housing Administration, $37,000,000, to remain available until September 30, 2009: Provided, That these funds shall supplement and not supplant planned expenditures for the Federal Housing Administration for information technology maintenance and development funding provided through the Depart-
mental Watts Consolidated Fund.

Salaries and Expenses

For an additional amount for salaries and expenses of the Federal Housing Administra-

General Provisions—This Chapter

Sec. 1901. Section 5309(g)(4)(A) of title 49, United States Code, is amended by striking "or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(A) and (m)(2)(A)(ii)" and inserting "or the sum of the funds available for the next three fiscal years beyond the current fiscal year, assuming an annual growth of the pro-

(1) IN GENERAL.—The Secretary may not use the additional Federal funds paid to the State for a purpose of the auction, sale or lease of such rights, authorizations or per-

(2) INCREASE IN CAP ON MEDICAID PAYMENTS

(a) IN GENERAL.—For the costs of State admin-

(c) General Provisions—This Chapter

Sec. 1901. Section 5309(g)(4)(A) of title 49, United States Code, is amended by striking "or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(A) and (m)(2)(A)(ii)" and inserting "or the sum of the funds available for the next three fiscal years beyond the current fiscal year, assuming an annual growth of the pro-

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(2) INCREASE IN CAP ON MEDICAID PAYMENTS

(a) IN GENERAL.—For the costs of State admin-

(c) GENERAL PROVISIONS—INCREASE FOR FISCAL YEAR 2009 AND FIRST CALENDAR QUARTER OF FISCAL YEAR 2010.

(1) IN GENERAL.—Subject to subsections (d), (e), and (f), for each State for fiscal year 2009 and for the first calendar quarter of fiscal year 2010, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 4.0 percentage points.

(2) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (e) and (f), the FMAP shall be increased by 6.0 percentage points with respect to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1396d) shall each be increased by an amount equal to 4.0 percent of such amounts.

(d) Scope of Application.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments des-

(e) State Reinstatement of Eligibility Permitted.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) in a cap amount under subsection (c)(2), if the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 1, 2008, may not use the Federal funds paid to the State as a result of such waiver or rainy day fund maint-

(f) Rule of Construction.—Nothing in paragraph (1) or (2) shall be construed as af-

(1) IN GENERAL.—A State may not use the additional Federal funds paid to the State as a result of this section for purposes of increasing any reserve or rainy day fund maint-

(2) Additional Requirement for Certain States.—In the case of a State that requires or authorizes subdivision within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1903(a)(2) of the Social Security Act (42 U.S.C. 1396d), such State is not eligible for an increase in its FMAP under subsection (c)(1), or an increase in a

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FISCAL YEAR 2009.—Subject to subsections (d), (e), and (f), for each State for fiscal year 2009 and for the first calendar quarter of fiscal year 2010, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 4.0 percentage points.

(2) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (e) and (f), the FMAP shall be increased by 6.0 percentage points with respect to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1396d) shall each be increased by an amount equal to 4.0 percent of such amounts.

(3) General Provisions—In Increase for Fiscal Year 2009 and First Calendar Quarter of Fiscal Year 2010.

(1) IN GENERAL.—Subject to subsections (d), (e), and (f), for each State for fiscal year 2009 and for the first calendar quarter of fiscal year 2010, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 4.0 percentage points.

(2) Increase in Cap on Medicaid Payments to Territories.—Subject to subsections (e) and (f), the FMAP shall be increased by 6.0 percentage points with respect to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1396d) shall each be increased by an amount equal to 4.0 percent of such amounts.

(3) General Provisions—In Increase for Fiscal Year 2009 and First Calendar Quarter of Fiscal Year 2010.

(1) IN GENERAL.—Subject to subsections (d), (e), and (f), for each State for fiscal year 2009 and for the first calendar quarter of fiscal year 2010, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 4.0 percentage points.

(2) Increase in Cap on Medicaid Payments to Territories.—Subject to subsections (e) and (f), the FMAP shall be increased by 6.0 percentage points with respect to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1396d) shall each be increased by an amount equal to 4.0 percent of such amounts.

(3) General Provisions—In Increase for Fiscal Year 2009 and First Calendar Quarter of Fiscal Year 2010.

(1) IN GENERAL.—Subject to subsections (d), (e), and (f), for each State for fiscal year 2009 and for the first calendar quarter of fiscal year 2010, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 4.0 percentage points.

(2) Increase in Cap on Medicaid Payments to Territories.—Subject to subsections (e) and (f), the FMAP shall be increased by 6.0 percentage points with respect to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1396d) shall each be increased by an amount equal to 4.0 percent of such amounts.

(3) General Provisions—In Increase for Fiscal Year 2009 and First Calendar Quarter of Fiscal Year 2010.
SEC. 4001. EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) ADDITIONAL FIRST-TIER BENEFITS.—Section 4002(b)(1) of the Supplemental Appropriations Act, 2008, (26 U.S.C. 3304 note) is amended—

(1) in subparagraph (A), by striking "50 percent of the total amount of regular compensation made payable by such amendment" and inserting "50 percent of the total amount of regular compensation made payable by such amendment (including any additional emergency unemployment compensation made payable by such amendment)";

(2) by inserting paragraph (1) after paragraph (1); and

(b) SECOND-TIER BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended by adding at the end of the section the following:

"(b) LIMITATION ON AMOUNT.—The total amount of the Fund shall be payable for any week beginning after such individual's first calendar quarter of fiscal year 2010, and such amount shall be payable for any week beginning after November 27, 2009."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, subject to paragraph (2).

(2) in subparagraph (B), by striking "13" and inserting "20".

(d) TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.

With respect to weeks of unemployment beginning after the date of enactment of this Act and before March 2, 2009, the term "waiting week" means the first calendar quarter of fiscal year 2010, and such amount shall be payable only with respect to any week of unemployment beginning on or after the date of enactment of this Act and before March 2, 2009.

SEC. 4002. TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.

(1) FUND.—The term "Fund" means the National Park Centennial Fund established under section 5003.

(2) NATIONAL PARK CENTENNIAL FUND ACT.

SEC. 5001. SHORT TITLE.

This Act may be cited as the "National Park Centennial Fund Act".

SEC. 5002. DEFINITIONS.

In this Act—

(1) FUND.—The term "Fund" means the National Park Centennial Fund established under section 5003.

(2) IN-KIND.—The term "in-kind" means the fair market value of non-cash contributions provided by non-Federal partners, which may be in the form of real property, equipment, supplies and other expendable property, as well as services.

(3) PROJECT OR PROGRAM.—The term "Project or program" means a National Park Centennial Project or Program funded pursuant to section 5004.

(4) PROPOSAL.—The term "Proposal" means a National Park Centennial Proposal submitted pursuant to section 5004.

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

SEC. 5003. NATIONAL PARK CENTENNIAL FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a Fund which shall be known as the "National Park Centennial Fund". In each of fiscal years 2009 through 2018, the Secretary of the Treasury shall deposit into the Fund the following:

(1) Cash donations received by the National Park Service in support of projects or programs authorized by National Park Centennial Proposals;

(2) From the General Fund, an amount equivalent to—

(A) the amount described in paragraph (1), excluding donations pledged through a letter of credit in a prior year; and

(B) the amount of donations pledged through letters of credit in the same fiscal year.

(b) LIMITATION ON AMOUNT.—The total amount of Federal funds which shall be transferred to the General Fund under subsection (a)(2) shall not exceed, in the aggregate, $1,000,000,000 for fiscal years 2009 through 2018.

SEC. 5004. PROGRAM ALLOCATION.

(a) IN GENERAL.—Each fiscal year, the President’s annual budget submission for the Department of the Interior shall include a list of National Park Centennial Proposals. The Secretary shall establish a standard process for developing the list that shall encourage input from both the public and a broad cross-section of employees at every level of the National Park Service. The list—

(1) shall include proposals involving an aggregate cost to the Federal Government equal to the unobligated amount in the Fund;

(2) shall include only proposals consistent with National Park Service policies and adopted park planning documents;

(3) may include proposals for any area within the national park system (as that term is defined in section 1 of the Act of August 8, 1953 (16 U.S.C. 1c)), clusters of areas within such system, a region or regions of such system, or such system in its entirety; and

(4) shall include only proposals meeting the requirements of one or more of the initiatives set forth in subsection (b);

(5) shall give priority to proposals demonstrating long-term viability beyond receipts from the Fund;

(6) shall include only proposals meeting the requirements of one or more of the initiatives set forth in subsection (b);

(7) should contain proposals under each of the initiatives set forth in subsection (b); and

(8) shall give priority to proposals with committed, non-Federal support but shall also include proposals funded entirely by the Fund.

(b) NATIONAL PARK CENTENNIAL INITIATIVES.—Proposals for the "Education in Parks Centennial Initiative" shall meet the following requirements:

(1) EDUCATION IN PARKS CENTENNIAL INITIATIVE.—Proposals for the "Education in Parks Centennial Initiative" shall meet the following requirements:

(A) Priority shall be given to proposals designed to increase National Park-based educational opportunities for elementary, secondary and college students particularly those from populations historically underrepresented among visitors to the National Park System.

(B) Priority shall be given to proposals designed to bring students into the National Park System in person.

(C) Proposals should include strategies for encouraging young people to become lifelong advocates for National Parks.

(D) Proposals shall be developed in consultation with the leadership of educational and youth organizations expected to participate in the proposed initiative.

(2) DIVERSITY IN PARKS CENTENNIAL INITIATIVE.—Proposals for the "Diversity in Parks Centennial Initiative" shall meet the following requirements:

(A) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing a service-wide strategy for increasing diversity among National Park Service employees at all levels and visitors to the National Park System.
(B) PROPOSALS.—Proposals for the "Diversity in Parks Centennial Initiative" shall meet the following requirements:
(i) Each proposal shall be based on recommendations contained in the report required in paragraph (A).
(ii) Each proposal shall be designed to make National Park Service employees, visitors to the Park System, and communities more reflective of the diversity of the population of the United States.

(3) SUPPORTING PARK PROFESSIONALS CENTENNIAL INITIATIVE.—Proposals for the "Supporting Park Professionals Centennial Initiative" shall meet the following requirements:
(A) Taken as a whole, proposals shall provide specific opportunities for National Park Service employees, at all levels, to participate in professional career development.
(B) Proposals may include National Park Service–designed, internal professional development programs.
(C) Proposals may also be designed to facilitate participation in external professional development programs or established courses of study by National Park Service employees.
(4) ENVIRONMENTAL LEADERSHIP CENTENNIAL INITIATIVE.—Proposals for the "Environmental Leadership Centennial Initiative" shall meet the following requirements:
(A) Each proposal shall be designed to do one or more of the following:
(i) Reduce harmful emissions.
(ii) Preserve energy or water resources.
(iii) Reduce solid waste production within the National Park System.
(B) Each proposal shall include strategies for educating the public regarding Environmental Leadership projects and their results.
(C) Priority shall be given to proposals that provide for the potential to spread technological Leadership projects and their results.

(5) NATURAL RESOURCE PROTECTION CENTENNIAL INITIATIVE.—Proposals for the "Natural Resource Protection Centennial Initiative" shall meet the following requirements:
(A) Each proposal shall be designed to restore or conserve native ecosystems within the National Park System.
(B) Priority shall be given to proposals designed to control invasive species.
(C) Each proposal shall be based on the best available scientific information.

(6) CULTURAL RESOURCE PROTECTION CENTENNIAL INITIATIVE.—Proposals for the "Cultural Resource Protection Centennial Initiative" shall—
(A) either:
(i) increase the National Park Service's knowledge of cultural resources located within the National Park System through means including, but not limited to, surveys, study, mapping, and documentation of such resources; or
(ii) improve the condition of documented cultural resources within the National Park System;
(B) incorporate the best available scientific information; and
(C) where appropriate, be developed in consultation with Native American tribes, State historic preservation offices, or other organizations with cultural resource preservation expertise.

(7) HEALTH AND FITNESS IN PARKS CENTENNIAL INITIATIVE.—
(A) IN GENERAL.—Proposals for the "Health and Fitness in Parks Centennial Initiative" shall fall into one or more of the following four categories:
(i) Proposals designed to repair, rehabilitate, or otherwise improve infrastructure, including facilities for access and outdoor activity within the National Park System.
(ii) Proposals designed to expand opportunities for access to the National Park System for visitors with disabilities.
(iii) Proposals to develop and implement management plans (such as climbing plans and trail system plans) for activities designed to increase the health and fitness of visitors to the National Park System.
(iv) Proposals for outreach programs and media that provide public information regarding health and fitness opportunities within the National Park System.

(B) MISCELLANEOUS REQUIREMENTS.—All proposals for the "Health and Fitness in Parks Centennial Initiative" shall:
(i) be consistent with National Park Service policies and adopted park planning documents; and
(ii) be designed to provide for visitor enjoyment in such a way as to leave the National Park System unimpaired for future generations.

(c) FUNDING.—In each of fiscal years 2009 through 2018, unobligated amounts in the Fund shall be available without further appropriation for projects authorized by this Act, but may not be obligated or expended until 120 days after the annual submission of the list of projects required under the section to allow for Congressional review.

(d) LIMITATION ON DISTRIBUTION OF FUNDS.—Not more than 50 percent of amounts available from the Fund for any fiscal year may be spent on projects that are for the construction of facilities that cost in excess of $5,000,000.

SEC. 5005. PARTNERSHIPS.
(a) DONATIONS.—The Secretary may actively encourage and facilitate participation in proposals from non-Federal and philanthropic partners, and may accept donations, both monetary and in-kind for any Project or Program pursuant to section 1 of the Act of June 5, 1920 (16 U.S.C. 6), and other authorities to accept donations existing on the date of enactment of this Act.

(b) TERMS AND CONDITIONS.—To the extent that private organizations or individuals are to participate in or contribute to any Project or Program, the terms and conditions of that participation or contribution as well as all actions of employees of the National Park Service, shall be governed by National Park Service Directors Order #21, "Donations and Fundraising", as in force on the date of the enactment of this Act.

SEC. 5006. MAINTENANCE OF EFFORT.
Amounts made available from the Fund shall supplement rather than replace annual expenditures by the National Park Service, including expenditures from the Land and Water Conservation Fund and the National Park Service Line Item Construction Program. The National Park Service shall maintain adequate, permanent staffing levels and permanent staff shall not be replaced with nonpermanent employees hired to carry out this Act or Projects or Programs carried out with funds provided under this Act.

SEC. 5007. REPORTS.
For each fiscal year beginning in fiscal year 2009, the Secretary shall submit to Congress a report that includes the following:
(1) A detailed accounting of all expenditures from the Fund divided by categories of proposals; and
(2) A detailed accounting of any private contributions, either in funds or in kind, to any Project or Program.

(3) A summary of the results of the National Park Centennial program including recommendations for revisions to the program.

(4) A statement of whether the National Park Service has maintained adequate, permanent staffing levels and what nonpermanent and permanent staff have been hired to carry out this Act or Projects or Programs carried out with funds provided under this Act.

TITLE VI
GENERAL PROVISIONS—THIS ACT
EMERGENCY DESIGNATION
SEC. 6001. Each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 304(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

COORDINATION OF PROVISIONS
SEC. 6002. Unless otherwise expressly provided, each amount in this Act is a supplemental appropriation for fiscal year 2008, or, if enacted after September 30, 2008, for fiscal year 2009.

This Act may be cited as the “Economic Recovery Act, 2009”.

By Mr. HATCH:—
S. 3606. A bill to extend the special immigrant nonminister religious worker program and for other purposes, considered and passed.

Mr. HATCH. Mr. President, I rise today to introduce the Special Immigrant Non-Minister Religious Worker Program Act, S. 3606, which would extend the Special Immigrant Non-Minister Religious Worker Visa Program until March 6, 2009.

The program provides for up to 5,000 special Immigrant visas per year which religious denominations or organizations in the United States can use to sponsor foreign nationals to perform religious service in our country. Since its initial enactment in 1990, the Special Immigrant Non-Minister Religious Worker Visa Program has been extended four times. Yet some seem quick to discount the importance of the program. I point out that the continuing resolution passed by the House of Representatives did not include language to extend the Special Immigrant Non-Minister Religious Worker Visa Program.

Among the important tasks nonminister religious workers perform are: providing human services to the most needy, including shelter and nutrition; caring for and ministering to the sick, aged, and dying; working with adolescents and young adults; assisting religious leaders as they lead their congregations and communities in worship; counseling those who have suffered severe trauma and/or hardship; supporting families, particularly when they are in crisis; offering religious instruction, especially to new members of the religious denomination; and, helping refugees and immigrants in the United States adjust to a new way of life.

To ensure that this program is not abused by fraud or other means, the proposed legislation requires the Secretary of Homeland Security to issue final regulations to eliminate or reduce fraud in the program before it goes into
effect. Additionally, the legislation requires the inspector general of the Department of Homeland Security to submit to Congress a report on the effectiveness of the aforementioned regulations.

I note that there are several religious organizations that support passage of my legislation, including The Church of Jesus Christ of Latter-day Saints, the American Jewish Committee, the Agudath Israel of America, the Catholic Legal Immigration Network, Inc., the Conference of Major Superiors of Men, the Hebrew Immigrant Aid Society, the Lutheran Immigration and Refugee Service, the Mennonite Central Committee, the United States National Association of Evangelicals, the National Spiritual Assembly of the Bahá’í of the United States, The Church of Scientology International, The First Church of Christ, Scientist, Boston, MA, the United Methodist Church, the General Board of Church and Society, the World Relief, and the U.S. Conference of Catholic Bishops.

There is no doubt that our country’s religious organizations face sometimes insurmountable obstacles in using traditions for immigration categories to fit their unique situations. Fortunately, the Non-Minister Religious Worker Visa Program allows our country’s religious denominations to continue uninterrupted in their call to serve and provide support to those who are in need. I commend their service and hope they know how much I respect their work.

I urge my colleagues to support this legislation.

By Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mr. WYDEN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. SMITH, and Mr. STEVENS):

S. 3608—A bill to establish a Salmon Stronghold Partnership program to protect wild Pacific salmon and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Pacific Salmon Stronghold Conservation Act of 2008, together with my colleague from Alaska, Senator MURKOWSKI. I am grateful for all the input and collaboration from key stakeholders in Washington State that I have received on this legislation. I am especially grateful for the input from the Quinault Tribe, the Wild Salmon Center, and Bill Ruckelshaus.

While current Federal salmon recovery efforts are focused on recovering salmon listed under the Endangered Species Act, ESA, seeking to “restore what we’ve lost,” the Salmon Stronghold Act seeks to “protect what we have.” To this end, I have consistently fought to increase funding for the Pacific Coast Salmon Recovery Fund and will continue to proudly do so. In addition, with this legislation we will direct new Federal resources on protection of healthy salmon populations.

Restoring threatened and endangered salmon in the Pacific Northwest is an imperative. Wild Pacific salmon are central to the culture, economy, and environment of Western North America. The Pacific Coast Salmon Recovery Fund, since its inception in 2000, has allowed my home State of Washington to focus the efforts of counties and conservation districts, on average, to remove 300 barriers to fish passage and to open 30 miles of habitat each year. That is 2,400 barriers removed and 2,400 miles of habitat restored. In 2007, for every Federal dollar spent on this program it leveraged about $2 in local and State dollars.

I will continue the fight to protect this salmon recovery funding. But more must be done. This legislation will complement ongoing recovery efforts to ensure the future viability of healthy wild Pacific salmon runs by establishing a Federal funding program to support voluntary public-private incentive-based efforts to proactively maintain rivers that are home to the thriving populations of Pacific salmon—known as our Salmon Strongholds.

This bill does that by establishing a new regional Salmon Stronghold Partnership program that provides Federal support and resources to protect a network of the healthiest remaining wild Pacific salmon ecosystems in North America. The bill promotes enhanced coordination and cooperation of Federal, tribal, State and local governments, public and private land managers, fisheries managers, power authorities, and nongovernmental organizations in efforts to protect salmon strongholds.

It is time to increase funding to recovery efforts, but also focus on prevention. It is time to adopt the kind of comprehensive Federal program that can solidify wild Pacific salmon’s place in American culture for generations to come.

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. 3608

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Pacific Salmon Stronghold Conservation Act of 2008”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Finding purposes.
Sec. 3. Definitions.
Sec. 4. Establishment of Salmon Stronghold Partnership Board.
Sec. 5. Information and assessment.
Sec. 6. Salmon stronghold watershed grants and technical assistance program.
Sec. 7. Conservation of salmon strongholds on Federal land.

Sec. 8. Conditions relating to salmon stronghold conservation projects.
Sec. 9. Allocation of amounts.
Sec. 10. Accountability and reporting.
Sec. 11. Regulations.
Sec. 12. Limitations.
Sec. 13. Private property protection.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) salmon are a central part of the culture, economy, and environment of Western North America;

(2) economic activities relating to salmon generate billions of dollars of economic activity and provide thousands of jobs;

(3) during the anticipated rapid environmental change during the 21st century, the time period beginning on the date of enactment of this Act, maintaining key ecosystem processes and functions, population abundance, and genetic integrity are vital to ensuring the health of salmon populations;

(4) salmon strongholds provide critical production zones for commercial and recreational fisheries;

(5) taking into consideration the frequency of fisheries collapses during the period immediately preceding the date of enactment of this Act, and the time frame of the mandate to ensure the long-term viability of salmon populations, substantive conservation efforts must be undertaken of the date of enactment of this Act to recover threatened or endangered salmon stocks are vital, but must be complemented by identifying and sustaining core centers of abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the salmon range; and

(6) greater coordination between public and private actors can assist salmon strongholds by marshaling and focusing resources on high priority protection and restoration actions.

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

(1) to expand Federal support for the protection and restoration of the healthiest remaining salmon strongholds in North America to sustain core centers of salmon abundance, productivity, and diversity in order to prevent decline of salmon populations—

(A) in the States of Washington, Idaho, Oregon, and California, by focusing resources on cooperative, incentive-based efforts to protect the healthiest remaining wild Pacific salmon habitat that supports approximately ½ of salmon abundance; and

(B) in the States of Alaska, a regional stronghold that produces over ½ of all Pacific salmon, by increasing resources available to public and private organizations working cooperatively to protect regional core centers of salmon abundance and diversity;

(2) to obtain long-term funding for implementation of salmon stronghold strategies, including the bundling and delivery of incentive-based conservation measures;

(3) to promote economic co-benefits associated with healthy and restored salmon stronghold habitat, including flood protection, recreation, water quantity and quality, climate benefits, and other ecosystem services; and

(4) to accelerate as applicable the implementation of recovery plans for salmon populations listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) within salmon strongholds.

SEC. 3. DEFINITIONS.

In this Act—

(1) ADMINISTRATOR.—The term “Administrator” means the Assistant Administrator for the National Marine Fisheries Service of
SEC. 4. ESTABLISHMENT OF SALMON STRONGHOLD PARTNERSHIP BOARD.

(a) ESTABLISHMENT.—There is established a Board to be known as the “Salmon Stronghold Partnership Board”.

(b) MEMBERSHIP.—The members of the Board shall include at least—

(A) one representative from each State of—

(1) Oregon;

(2) Washington;

(3) California;

(4) Idaho;

(5) Montana;

(6) Wyoming;

(7) Colorado;

(8) Utah; and

(9) Nevada;

(B) one representative from each of—

(1) Tribes with significant historical ties to the salmon ecosystem; and

(2) organizations working across political boundaries, government jurisdictions, and land ownerships to identify and protect salmon strongholds;

(C) the Governor or his or her designee from each of—

(1) the National Oceanic and Atmospheric Administration;

(2) the United States Fish and Wildlife Service;

(3) the Forest Service;

(4) the Environmental Protection Agency;

(5) the Bureau of Land Management; and

(6) the Northwest Power and Conservation Council;

(D) one representative from—

(1) the Bonneville Power Administration; and

(2) the Northwest Power and Conservation Council;

(E) one representative from—

(1) the Bureau of Land Management; and

(2) the Northwest Power and Conservation Council;

(F) one representative from—

(1) the Department of the Interior; and

(2) the Department of Commerce; and

(G) the Bonneville Power Administration; and

(H) the Forest Service;

(I) one representative from each of—

(1) federal, state, or local government agencies; and

(2) organizations working across political boundaries, government jurisdictions, and land ownerships to identify and protect salmon strongholds;

(J) one or more organizations or universities.

(b) DUTIES.—The Administrator, in consultation with the Board, shall establish a process to select and appoint Board members, including representatives from—

(A) the National Oceanic and Atmospheric Administration;

(B) the United States Fish and Wildlife Service;

(C) the Forest Service;

(D) the Bureau of Land Management; and

(E) the Bonneville Power Administration;

(F) the Northwest Power and Conservation Council;

(G) the National Marine Fisheries Service; and

(H) the Department of Commerce.

(c) MEETING.—The Board shall meet at least quarterly and establish a schedule for the frequency and location of meetings.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum for the conduct of business.

(e) VOTING.—Each member of the Board shall have one vote.

(f) REMUNERATION.—The Administrator shall remunerate members of the Board in an amount to be determined by the Administrator.

(g) EXEMPTIONS.—No project that will result in the acquisition of real property, or the exercise of any Federal, State, or local eminent domain power, shall be approved under this section, unless the project is consistent with the purposes of this Act.

SEC. 5. INFORMATION AND ASSESSMENT.

(a) INFORMATION.—The Administrator, in consultation with the Board, shall develop and make information available to the public pertaining to the Salmon Stronghold Partnership activities.

(b) ASSESSMENT.—The Administrator, in consultation with the Board, shall conduct a programmatic and strategic assessment of the Salmon Stronghold Partnership activities every five years, and report to the appropriate agencies on the status and trends of salmon ecosystems.

(c) REPORT.—The Administrator, in consultation with the Board, shall submit a report to the appropriate agencies on the status and trends of salmon ecosystems.

(d) AUDIT.—The Administrator, in consultation with the Board, shall conduct an audit of the financial activities of the Salmon Stronghold Partnership.

(e) COMMUNICATION.—The Administrator, in consultation with the Board, shall develop a process to select and appoint Board members, including representatives from—

(A) the National Oceanic and Atmospheric Administration;

(B) the United States Fish and Wildlife Service;

(C) the Forest Service;

(D) the Bureau of Land Management; and

(E) the Bonneville Power Administration;

(F) the Northwest Power and Conservation Council;

(G) the National Marine Fisheries Service; and

(H) the Department of Commerce.

(f) REMUNERATION.—The Administrator shall remunerate members of the Board in an amount to be determined by the Administrator.

(g) EXEMPTIONS.—No project that will result in the acquisition of real property, or the exercise of any Federal, State, or local eminent domain power, shall be approved under this section, unless the project is consistent with the purposes of this Act.

SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Administrator, in consultation with the Board, shall carry out an analysis of the effectiveness of the Salmon Stronghold Partnership activities.

(b) PURPOSE.—The purpose of the program shall be to—

(1) carry out the analysis of the effectiveness of the Salmon Stronghold Partnership activities;

(2) address major limiting factors to healthy ecosystem processes or sustainable fisheries management; and

(3) provide financial assistance to the appropriate agencies or universities.

(c) GRANTS.—The Administrator, in consultation with the Board, shall establish a process to select and provide grants to entities engaged in the restoration of salmon ecosystems, including—

(A) the development of salmon strongholds; and

(B) the development of salmon strongholds on a regional scale to achieve the goals of the Salmon Stronghold Partnership.

(d) TECHNICAL ASSISTANCE.—The Administrator, in consultation with the Board, shall provide technical assistance to entities engaged in the restoration of salmon ecosystems, including—

(A) the development of salmon strongholds; and

(B) the development of salmon strongholds on a regional scale to achieve the goals of the Salmon Stronghold Partnership.

(e) AUDIT.—The Administrator, in consultation with the Board, shall conduct an audit of the financial activities of the Salmon Stronghold Partnership.
SEC. 13. PRIVATE PROPERTY PROTECTION.

No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the 1 or more owners of the property or interest in property.

By Mr. FEINGOLD (for himself, Ms. CANTWELL, Mr. AKAKA and Mr. WYDEN):

S. 3612. A bill to protect citizens and legal residents of the United States from unreasonable searches and seizures of electronic equipment at the border, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Today, I am joined by the junior Senator from Washington, Senator CANTWELL, in introducing the Travelers’ Privacy Protection Act of 2008. This bill restores privacy for law-abiding Americans who, under current administration policy, may be forced to wait for hours while customs agents review and sometimes copy the contents of the electronic devices. In some cases, the laptops or cell phones were confiscated, and returned weeks or even months later, with no explanation.

Where the practice was challenged in court, the administration argued that it can search the contents of American travelers’ laptops without any suspicion of wrongdoing whatsoever, because a laptop is not a “closed container.” In other words, according to this administration, there is no difference between rifling through the contents of your suitcase and logging on to your laptop, opening your files, and reviewing your photographs, medical records, financial records, e-mails, letters, journals, work product, or an electronic record of all the Web sites you have visited.

I am willing to bet that most Americans would disagree that they understand the importance of security at the borders, and the vast majority of them accept that the government is entitled to look through their suitcases when they are returning from an overseas trip. But I say to my colleagues: try asking your constituents whether the government has a right to open their laptops, read their documents and e-mails, look at their photographs, and examine the Web sites they have visited—all with no suspicion of wrongdoing—and see how they respond. I think you’ll hear the same thing that I have heard: “Not in the United States of America.”
In June of this year, I held a hearing of the Constitution Subcommittee of the Judiciary Committee to examine this issue. At this hearing, we learned about the effect of suspicionless electronic searches on American businesses. The Executive Director for the Association of Corporate Travel Executives testified that, in a survey of ACTE members, 7 out of 100 respondents had experienced seizures of their laptops or other electronic equipment. Many companies are now taking expensive and burdensome measures to protect their electronic information from forced disclosure at the border. The administration's policies thus come with a hefty price tag for the American business sector, at a time when the economy can ill afford it.

We also heard disturbing evidence suggesting that Muslim Americans and Americans of Arab or South Asian descent are being targeted for these invasive searches. Many travelers from these backgrounds who have been subject to electronic searches have also been asked about their religious and political views, including why they chose to convert to Islam, what they think about Jews, and their views of the candidates in the upcoming election. This questioning is deeply disturbing in its own right. It also strongly suggests that some border searches are being based, at least in part, on impermissible factors.

At the same time it was claiming the right to look at all of the information Americans carry with them across the border, the administration was refusing to provide Americans or Congress with information about its policies for border searches. Requests by the public and members of Congress were steadfastly ignored. DHS declined my invitation to send a witness to the hearing, claiming that its preferred witness was unavailable on that day. But after the hearing sparked a flurry of press coverage, and after electronic search seizures occurred, DHS for its secrecy, the agency made public a written policy for border searches dated July 16, 2008.

The DHS policy is truly alarming in the surety authority it claims. According to the policy, customs agents may “analyze and review” the information in Americans’ laptops and other electronic devices “absent individualized suspicion.” As has been the case with search authority, customs agents may “detain” the electronic device for an unspecified period of time, take it offsite, make copies of its contents, and send the equipment or the copies to other agencies or even private individuals in some cases. Although the policy purports to require probable cause to “seize” a laptop, as opposed to merely searching it, this safeguard is almost meaningless. DHS defines the execution of “search” includes the right to “detain” the laptop indefinitely. Moreover, the policy exempts officers’ written notes from any constraints, allowing agents to read and continued detention of electronic documents without a shred of suspicion thus represents a 180 degree turnaround from previous policy. DHS alternatively defends its policy by arguing that the authority to conduct suspicionless searches of Americans’ laptops to capture terrorists and criminals. Yet the few specific examples DHS has seen fit to give have all been cases in which the search was anything but suspicionless. For example, in one case, DHS has cited, the laptop search took place after customs agents received a tip that the traveler was a smuggler and discovered $79,000 in unlawful U.S. currency in his belongings. Despite many opportunities to do so, DHS has yet to identify a single example in which a search that was conducted “absent individualized suspicion” resulted in the apprehension of a dangerous criminal or terrorist.

This brings me to my next point. Both Secretary Chertoff and the Deputy Commissioner for Customs and Border Protection have tried to downplay the implications by pointing out that DHS has limited resources for conducting electronic searches at the border. That may be true, but it hardly justifies suspicionless searches. To the contrary, the inefficiency of these resources makes it all the more important to direct them toward people who actually do present some objective basis for suspicion. As the DHS examples confirm, these are the cases in which electronic searches are most likely to yield results. Using our limited resources to search the laptops of law-abiding Americans who present no basis for suspicion is frankly irresponsible.

This is not simply a matter of what the Constitution protects or allows. In fact, a few lower courts have agreed with the administration that the Fourth Amendment does not protect Americans against suspicionless searches of their laptops at the border. I happen to believe the decisions incorrectly applied Supreme Court precedent, but ultimately, that is beside the point. Not everything that comports with the Constitution is sound policy. A government practice can satisfy minimum constitutional requirements and still violate Americans’ expectations for what they want and deserve from their government. In those cases, it is up to Congress to act.

The bill I am introducing today would require DHS agents to have reasonable suspicion before searching the contents of laptops or other electronic equipment carried by U.S. citizens or other lawful residents of the U.S. “Reasonable suspicion” is a lower standard than “probable cause”; it simply requires DHS to have an objective basis for suspecting that a particular person is engaged in illegal behavior. No less should be required when the government seeks to encroach on such a significant privacy interest.

Like the current DHS policy, the bill I am introducing requires probable cause in order for DHS agents to seize electronic equipment lent. Unlike the current policy, however, this bill defines “seize” in a manner than is consistent with both legal precedent and common sense. If DHS keeps your laptop or any of its contents for longer than 24 hours, there has clearly been a search, and the law says this. The bill also reinforces the probable cause requirement by requiring DHS to obtain a warrant, while allowing DHS to hold on to the equipment pending a ruling on the warrant application.

Most of the information DHS will review, even under a reasonable suspicion standard, will prove innocuous. Recognizing this, the bill contains provisions to protect law-abiding Americans’ privacy by strictly limiting disclosure of information that DHS acquires through electronic border searches. The only disclosures that are permitted in the absence of a warrant or court order are limited disclosures to other federal, state, or local government agencies. Those agencies in turn may apply for a warrant—or, if the laptop appears to contain foreign intelligence information, a Foreign Intelligence Surveillance Court Order—to seize the equipment.

If DHS damages the electronic equipment in the course of a search, the
agency must compensate the owner for any resulting economic loss. The bill requires DHS to establish an administrative claims process to that end. Awards will be paid from agency funds, ensuring that the bill is deficit-neutral.

The bill prohibits profiling based on race, ethnic, religion, or national origin. Profiling based on these characteristics has no place in our society. It is repugnant to our values as a pluralistic nation, and it is counterproductive as a matter of government accountability. At the hearing I held on this issue, all of the witnesses, those invited by myself and those invited by Senator BROWNBACK, agreed at that point.

Finally, the bill contains provisions to ensure that DHS provides the information about its policies and practices that Congress needs and that the public is entitled to have. The agency must provide Congress and the public with any past, existing, or future policies relating to electronic border searches, as well as information about the implementation of those policies. Our ability to know what DHS claims the right to do at the border should never depend on whether DHS chooses to send a witness to a congressional hearing.

Taken together, these provisions reverse this administration’s departure from previous policy and, more importantly, prohibit the government’s practices at the border back in line with the reasonable expectations of law-abiding Americans. Furthermore, they enhance the security of our borders by focusing the government’s resources where they can do the most good. And they will enable all of us in this body to look our constituents in the eyes and say, “You’re right—that doesn’t happen in the United States of America.”

Mr. President, I hope that my colleagues give this bill the enthusiastic support it deserves. I ask unanimous consent that the text of the bill be printed in the RECORD.

The amendment in question, the text of the bill was ordered to be printed in the RECORD, as follows:

Section 1. Short title.

This Act may be cited as the “Travelers’ Privacy Protection Act of 2008”.

Section 2. Definition.

Congress finds the following:

(1) Law-abiding citizens and legal residents of the United States, regardless of their race, ethnicity, religion, or national origin, have a reasonable expectation of privacy in the contents of their laptops, cell phones, personal handheld devices, and other electronic equipment.

(2) The Department of Homeland Security has taken the position that laptops and other electronic devices should not be treated and the courts have decided that “closed containers” and may be inspected by customs or immigration agents at the border or in international airports without suspicion of wrongdoing.

(3) The Department of Homeland Security published a policy on July 16, 2008, allowing customs and immigration agents at the border and in international airports to “detect” electronic equipment and “review and analyze” the contents of electronic equipment “absent individualized suspicion.” The policy applies to any person entering the United States, including citizens and other legal residents of the United States returning from overseas.

(4) The privacy interest in the contents of a laptop computer differs in kind and in amount from the privacy interest in other “closed containers” for many reasons, including the following:

(A) Unlike any other “closed container” that can be transported across the border, laptops and similar electronic devices can contain the equivalent of a full library of information about a person, including medical records, financial records, e-mails and other personal and business correspondence, journals, and privileged work product.

(B) Most people do not know, and cannot control, all of the information contained on their laptops, such as records of websites previously visited and deleted files.

(C) Electronic search tools render searches of electronic equipment more invasive than searches of physical objects.

(D) Requiring citizens and other legal residents of the United States to submit to a government review and analysis of thousands of personal files, without any suspicion of wrongdoing, is incompatible with the values of liberty and personal freedom on which the United States was founded.

(5) Searches of the electronic equipment of persons for whom no individualized suspicion exists is an inefficient and ineffective use of limited law enforcement resources.

(6) Some citizens and legal residents of the United States who have been subjected to electronic border searches have reported being asked inappropriate questions about their religious practices, political beliefs, or national allegiance, indicating that the search may have been premised in part on perceptions about their race, ethnicity, religion, or national origin.

(7) Targeting citizens and legal residents of the United States for electronic border searches based on race, ethnicity, religion, or national origin is wholly ineffective as a matter of law enforcement and repugnant to our values and constitutional principles of the United States.

Section 3. Definitions.

In this Act:

(1) Border.—The term “border” includes the border and the functional equivalent of the border.

(2) Copies.—The term “copies”, as applied to the contents of electronic equipment, includes printouts, electronic copies or images, or photographs of, or notes reproducing or describing, any contents of the electronic equipment.

(3) Contra-band.—The term “contra-band” means any item the importation of which is prohibited by the laws enforced by officials of the Department of Homeland Security.

(4) Electronic equipment.—The term “electronic equipment” has the meaning given the term “computer” in section 1030(e)(1) of title 18, United States Code.

(5) Foreign intelligence information.—The term “foreign intelligence information” means information described in section 1090 of title 50, United States Code.

(6) Foreign intelligence surveillance court.—The term “Foreign Intelligence Surveillance Court” means the court established by section 1080 of title 50, United States Code.


(8) Permanently destroyed.—The term “permanently destroyed”, with respect to information stored electronically, means the retention of electronic equipment for a period longer than 24 hours.

(9) Reasonable suspicion.—The term “reasonable suspicion” means that there exists a particularized and objective basis for belief.

(10) Search.—The term “search” does not include asking a person to turn electronic equipment on or off or to engage in similar actions to ensure that the electronic equipment is not itself dangerous.

(11) Section 2551.—The term “section 2551” means section 2551 of title 28, United States Code.

(12) United States resident.—The term “United States resident” means a United States citizen, an alien lawfully admitted for permanent residence, and an alien lawfully residing in the United States.

Section 4. Standards for searches and seizures.

(1) Searches.—Except as provided in subsection (c), electronic equipment transported by a United States resident may be searched only if an official of the Department of Homeland Security has a reasonable suspicion that the resident—

(A) is inadmissible or otherwise not entitled to enter the United States;

(B) is not a United States resident;

(C) is engaged in a violation of the Immigration and Nationality Act (8 U.S.C. 1255), or a nonimmigrant alien described in section 101(a)(15) of such Act (8 U.S.C. 101(a)(15)), who is lawfully residing in the United States.

(2) Seizures.—Except as provided in subsection (c), electronic equipment transported by a United States resident may be seized only if—

(A) the Secretary of Homeland Security obtains a warrant based on probable cause to believe that the equipment contains information or evidence relevant to a violation of any law enforced by the Department of Homeland Security;
(2) another Federal, State, or local law enforcement agency obtains a warrant based on probable cause to believe that the equipment contains information or evidence relevant to a violation of any law enforced by that agency; or

(3) an agency or department of the United States obtains an order from the Foreign Intelligence Surveillance Court authorizing the seizure of foreign intelligence information.

(c) Exceptions.—Nothing in this Act shall be construed to affect the authority of any law enforcement official to conduct a search incident to arrest, a search based upon voluntary consent, or any other search predicated upon a warrant other than the exception for border searches, to the warrant requirement of the fourth amendment to the Constitution of the United States.

SEC. 5. PROCEDURES FOR SEARCHES.

(a) Initiating Search.—Before beginning a search of electronic equipment transported by a United States resident at the border, or border is transported by a United States resident while in violation of any law, the official of the Department of Homeland Security initiating the search shall—

(1) obtain supervisory approval to engage in the search;

(2) provide the resident with a written notice containing—

(A) the nature of the reasonable suspicion and the specific basis or bases for that suspicion;

(B) if travel patterns are cited as a basis for suspicion, the specific geographic area or areas of concern to which the resident traveled;

(C) the age of the resident;

(D) the sex of the resident;

(E) the country of origin of the resident;

(F) the citizenship or immigration status of the resident; and

(G) the race or ethnicity of the resident, as perceived by the official of the Department of Homeland Security initiating the search.

(b) Conditions of Search.—

(1) Presence of United States Resident.—The United States resident transporting the electronic equipment to be searched shall be permitted to remain present during the search, whether the search occurs on- or off-site.

(2) Presence of Officials of the Department of Homeland Security.—Not fewer than 2 officials of the Department of Homeland Security, including 1 supervisor, shall be present during the search.

(3) Environment.—The search shall take place in a secure environment where only the United States resident transporting the electronic equipment and officials of the Department of Homeland Security are able to view the contents of the electronic equipment.

(c) Scope of Search.—The search shall—

(1) be tailored to the reasonable suspicion recorded by the official of the Department of Homeland Security before the search began; and

(2) be confined to documents, files, or other stored electronic information that could reasonably contain—

(A) contraband;

(B) evidence that the United States resident is transporting goods or persons in violation of the laws enforced by the Department of Homeland Security; or

(C) evidence that the person is inadmissible or otherwise not entitled to enter the United States under the laws enforced by officials of the Department of Homeland Security.

(d) Record of Search.—At the time of the search, the official or agent of the Department of Homeland Security conducting the search shall record a detailed description of the search conducted, including the documents, files, or other stored electronic information searched.

(e) Conclusion of Warrantless Search.—At the conclusion of the 24-hour period following the warrantless search of electronic equipment or the contents of electronic equipment at the border—

(1) no further search of the electronic equipment or any contents of electronic equipment is permitted without a warrant or an order from the Foreign Intelligence Surveillance Court authorizing the seizure of the electronic equipment or the contents of the electronic equipment; and

(2) except as specified in section 6, the electronic equipment shall immediately be returned to the United States resident and any copies of the contents of the electronic equipment shall be permanently destroyed not later than 3 days after the conclusion of the search.

SEC. 6. PROCEDURES FOR SEIZURES.

(a) Application for Warrant by the Department of Homeland Security.—If, after completing a search under section 5, an official of the Department of Homeland Security has probable cause to believe that the electronic equipment of a United States resident contains information or evidence relevant to a violation of any law enforced by that Department, the Secretary of Homeland Security shall immediately apply for a warrant authorizing the seizure of the electronic equipment or contents of the electronic equipment to be searched (if further search is required) and the contents to be seized.

(b) Disclosure of Information and Application by Other Federal, State, or Local Government Departments or Agencies.—

(1) Disclosure to Other Agencies or Departments.—

(A) In General.—If an official of the Department of Homeland Security discovers, during a search that complies with the requirements of section 5, information or evidence relevant to a potential violation of a law with respect to which another Federal, State, or local law enforcement agency has jurisdiction, the Secretary of Homeland Security may transmit a copy of that information or evidence to that law enforcement agency.

(B) Foreign Intelligence Information.—If an official of the Department of Homeland Security discovers, during a search that complies with the requirements of section 5, information or evidence relevant to a potential violation of a law with respect to which the Foreign Intelligence Surveillance Court has jurisdiction, the Secretary of Homeland Security may transmit a copy of that information or evidence to the Foreign Intelligence Surveillance Court.

(C) Evidence Transmitted to Other Agencies.—

(1) Application for a Warrant or Court Order Is Pending.—

(i) Nonretention upon Denial of Warrant or Court Order.—If an application for a warrant or court order described in section (b)(3)(A) is denied, the electronic equipment shall be returned to the United States resident and any copies of the contents of the electronic equipment shall be permanently destroyed not later than 3 days after the denial of the warrant or court order.

(ii) Retention While an Application for a Warrant or a Court Order Is Pending.—

(A) Electronic Equipment.—The Secretary of Homeland Security—

(i) shall permanently destroy any copy of information or evidence pursuant to subsection (b)(3)(A) that is retained a warrant authorizing the seizure of the electronic equipment or any contents of the electronic equipment;

(ii) may retain possession of the electronic equipment or copies of any contents of the electronic equipment described in subsection (b)(3)(A) that is pending before that Court; and

(iii) may not further search the electronic equipment or the contents of the electronic equipment during a period described in subparagraph (A).

(B) Information Transmitted to Other Agencies.—

(1) In General.—Any Federal, State, or local law enforcement agency that receives a copy of information or evidence pursuant to subsection (b)(1)(A) shall—

(i) permanently destroy the copy not later than 3 days after receiving the copy unless the agency has obtained a warrant authorizing the seizure of the electronic equipment or copies of any contents of the electronic equipment; or

(ii) destroy the copy later than 3 days after receiving the copy unless a court order authorizes to be seized.

(2) Prohibition on Transmission of Other Information.—The Secretary may transmit a copy of that information or evidence to the Foreign Intelligence Surveillance Court, if the Court determines that the information or evidence is relevant to a potential violation of a law with respect to which another Federal, State, or local law enforcement agency has jurisdiction.

(3) Destruction of Contents Not Authorized to Be Seized.—Copies of any contents of the electronic equipment that are not authorized to be seized by a warrant or court order described in paragraph (1) shall be permanently destroyed and the electronic equipment shall be returned to the United States resident unless the warrant or court order authorizes seizure of the electronic equipment.

(C) Retention While an Application for a Warrant or a Court Order Is Pending.—

(1) Electronic Equipment.—The Secretary of Homeland Security—

(A) may not further search the electronic equipment or the contents of the electronic equipment described in subsection (b)(3)(A); and

(B) may not further search the electronic equipment or the contents of the electronic equipment during a period described in sub-paragraph (A).

(2) Information Transmitted to Other Agencies.—

(A) In General.—Any Federal, State, or local law enforcement agency that receives a copy of information or evidence pursuant to subsection (b)(1)(A) may use the information or evidence as the basis for an application for a warrant described in subsection (b)(3)(A) that is pending before that Court; and

(B) Foreign Intelligence Information.—If an agency or department of the United States that receives a copy of information or evidence pursuant to subsection (b)(1)(B) shall permanently destroy the copy—

(i) not later than 21 days after receiving the copy if a court order authorizes the seizure of the electronic equipment or copies of any contents of the electronic equipment; or

(ii) permanently destroy the copy not later than 3 days after receiving the copy unless the agency has obtained a warrant authorizing the seizure of the electronic equipment or copies of any contents of the electronic equipment.

(3) Application for Warrant or Court Order.—

(A) In General.—Upon execution of a warrant or an order of the Foreign Intelligence Surveillance Court, officials of the Department of Homeland Security, the Federal, State, or local law enforcement agency obtaining the court order pursuant to subsection (b)(3)(A), or the agency or department of the United States obtaining the court order pursuant to subsection (b)(3)(B), as the case may be, may retain copies of the contents of the electronic equipment that the warrant or court order authorizes to be seized.

(B) Foreign Intelligence Information.—In general, the Secretary of Homeland Security may transmit a copy of information or evidence pursuant to subsection (b)(1)(B) to the Foreign Intelligence Surveillance Court if the Court determines that the information or evidence is relevant to a potential violation of a law with respect to which another Federal, State, or local law enforcement agency has jurisdiction.

(C) Retention While an Application for a Warrant or a Court Order Is Pending.—

(1) Nonretention upon Denial of Warrant or Court Order.—If an application for a warrant described in subsection (a) or subsection (b)(3)(A) is denied, the electronic equipment shall be returned to the United States resident and any copies of the contents of the electronic equipment shall be permanently destroyed not later than 3 days after the denial of the warrant or court order.

(2) Destruction of Contents Not Authorized to Be Seized.—Copies of any contents of the electronic equipment that are not authorized to be seized by a warrant or court order described in paragraph (1) shall be permanently destroyed and the electronic equipment shall be returned to the United States resident unless the warrant or court order authorizes seizure of the electronic equipment.

(3) Application for Warrant or Court Order.—

(A) In General.—Federal, State, or local law enforcement agency to which the Secretary of Homeland Security transmits a copy of information or evidence pursuant to paragraph (1)(A) may use the information or evidence as the basis for an application for a warrant authorizing the seizure of the electronic equipment or any contents of the electronic equipment.

(B) Foreign Intelligence Information.—

(1) Agency or Department of the United States.—An agency or department of the United States that receives a copy of information or evidence pursuant to paragraph (1)(B) may use the information as the basis for an application for a warrant described in subsection (b)(3)(A) that is pending before that Court; and

(2) Foreign Intelligence Information.—If an agency or department of the United States that receives information or evidence pursuant to subsection (b)(1)(B) shall permanently destroy the copy—

(i) not later than 3 days after receiving the copy unless the agency has obtained a warrant authorizing the seizure of the electronic equipment or copies of any contents of the electronic equipment; or

(ii) permanently destroy the copy not later than 3 days after receiving the copy unless the agency has obtained a warrant authorizing the seizure of the electronic equipment or copies of any contents of the electronic equipment.
(f) Receipt and Disclosure.—Any United States resident whose electronic equipment is removed from the resident’s possession for longer than a 24-hour period shall be provided with—

(1) a receipt;

(2) a statement of the rights of the resident and the remedies available to the resident under this Act; and

(3) the name and telephone number of an official of the Department of Homeland Security who can provide the resident with information about the status of the electronic equipment.

SEC. 7. PROHIBITION ON PROFILING.

(a) In General.—An official of the Department of Homeland Security may not consider race, ethnicity, national origin, or religion in selecting United States residents for searches of electronic equipment or in determining the scope or substance of such a search except as provided in subsection (b).

(b) Exception with Respect to Descriptions of Particular Persons.—An official of the Department of Homeland Security may consider race, ethnicity, national origin, or religion in selecting United States residents for searches of electronic equipment only if that information is unrelated to race, ethnicity, national origin, or religion.

(c) Reports.

(1) In General.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Inspector General and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security shall jointly issue a public report that—

(A) assesses the compliance of the Department of Homeland Security with the prohibition under subsection (a); and

(B) assesses the impact of searches of electronic equipment by the Department of Homeland Security on racial, ethnic, national, and religious minorities, including whether such searches have a disparate impact; and

(C) includes any recommendations for changes to the policies and procedures of the Department of Homeland Security with respect to searches of electronic equipment to improve the compliance of the Department with the prohibition under subsection (a).

(2) Resources.—The Secretary of Homeland Security shall ensure that the Inspector General and the Officer for Civil Rights and Civil Liberties are provided the necessary staff, resources, data, and documentation to issue the reports required under paragraph (1), including the information described in sections 5(a)(2) and 5(d) if requested by the Inspector General or the Officer for Civil Rights and Civil Liberties.

(d) Survey.—To facilitate an understanding of the impact on racial, ethnic, national, and religious minorities of searches of electronic equipment at the border, the Secretary of Homeland Security shall conduct a random sampling of a statistically significant number of travelers and record for such travelers the demographic information described in subparagraphs (C) through (G) of section 5(a)(2). That information shall be maintained by the Department of Homeland Security for 10 years.

SEC. 8. LIMITS ON ACCESS AND DISCLOSURE.

(a) Scope.—The limitations on access and disclosure set forth in this section apply to any electronic equipment, copies of contents of electronic equipment, or information seized pursuant to a search of electronic equipment at the border, other than such equipment, copies, or information seized pursuant to a warrant or court order.

(b) Access.—No official, employee, or agent of the Department of Homeland Security or a federal, state, or local government agency or department may have access to electronic equipment or copies of the contents of the electronic equipment acquired pursuant to a search of electronic equipment at the border other than such an official, employee, or agent who requires such access in order to perform a function specifically provided for by this Act or develop new such policies, guidelines, programs, materials, procedures, or memoranda.

(c) Security.—The Secretary of Homeland Security and the head of any Federal, state, or local government agency or department who requires access to electronic equipment or any copies of the contents of electronic equipment pursuant to a search of electronic equipment at the border shall ensure that—

(1) the electronic equipment is secured against theft or unauthorized access; and

(2) any electronic copies of the contents of electronic equipment are encrypted or otherwise secured against theft or unauthorized access.

(d) General Prohibition on Disclosure.—No information acquired by officials, employees, or agents of the Department of Homeland Security or any Federal, state, or local government agency or department pursuant to a search of electronic equipment at the border shall be shared with or disclosed to any other Federal, state, or local government agency or official or any private person except as specifically provided in this Act.

(e) Court Order Exception.—If the Secretary of Homeland Security or any other Federal, state, or local government agency or department determines that a disclosure of information that is not authorized by this Act is necessary to prevent grave harm to the lives or liberties of a person or to the security of the United States, such a disclosure may be made to a court of competent jurisdiction.

(f) Privileges.—Any disclosure of privileged information that results directly from a search of electronic equipment at the border shall not operate as a waiver of the privilege.

(g) Applicability of Privacy Act.—The limitations on access and disclosure under this Act shall not supersede any applicable limitations set forth in section 552(a) of title 5, United States Code.

SEC. 9. IMPLEMENTATION.

(a) Regulations.—The Secretary of Homeland Security shall issue regulations to carry out this Act.

(b) Training.—The Secretary of Homeland Security shall ensure that all officials and employees of the Department of Homeland Security engaged in searches of electronic equipment at the border are thoroughly and adequately trained in the laws and procedures related to such searches.

(c) Accountability.—The Secretary of Homeland Security shall implement procedures to detect and discipline violations of this Act by officials, employees, and agents of the Department of Homeland Security.

SEC. 10. RECORDKEEPING AND REPORTING.

(a) Reports to Congress.—

(1) Existing Policies and Guidelines.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report that includes—

(A) the policies and guidelines of the Department of Homeland Security, including field supervision and intelligence directives, related to searches of electronic equipment at the border in effect on the date of the enactment of this Act;

(B) any training programs or materials relating to such searches being utilized on such date of enactment; and

(C) any personnel review and accountability procedures or guidelines or memoranda described in paragraphs (1) or development of new such policies, guidelines, programs, materials, procedures, or memoranda.

(b) Authorization to Disclose.—The Secretary of Homeland Security may disclose any information in paragraphs (a)(1) or (2) or (b) to other agencies, officials, or private persons, and the reasons for such disclosures.

SEC. 11. COMPENSATION FOR DAMAGE OR LOSS OF ELECTRONIC EQUIPMENT.

(a) In General.—A United States resident whose electronic equipment or any contents of the electronic equipment, were damaged as a result of a search or seizure under this Act may file a claim with the Secretary of Homeland Security for compensation. If the resident demonstrates that the search or seizure resulted in damage to the electronic equipment or the contents of the electronic equipment, the Secretary shall compensate the resident for any resulting economic loss using existing appropriations available for the Department of Homeland Security.

(b) Claims Process.—The Secretary of Homeland Security shall establish an administrative claims process to handle the claims.
SEC. 12. ENFORCEMENT AND REMEDIES.

(a) Civil Actions.—

(1) In general.—Any person injured by a violation of this Act may file a civil action in a district court of the United States against the United States or an individual officer or agent of the United States for declaratory or injunctive relief or damages.

(2) Statute of Limitations.—A civil action under paragraph (1) shall be filed not later than 2 years after the later of—

(A) the date of the alleged violation of this Act; or

(B) the date on which the person who files the civil action reasonably should have known of the alleged violation.

(3) Damages.—A person who demonstrates that the person has been injured by a violation of this Act may receive liquidated damages of $1,000 or actual economic damages, whichever is higher.

(b) Special Rule with Respect to Civil Actions for Profiling.—In the case of a civil action filed under paragraph (1), the district court may allow a prevailing plaintiff reasonable attorney’s fees and costs, including expert fees.

(c) Admissibility of Information in Criminal Actions.—In any criminal prosecution brought in a district court of the United States, the court may exclude evidence obtained as a direct or indirect result of a violation of this Act if the exclusion would serve the interests of justice.

By Mr. WYDEN (for himself, Ms. MIKULSKI, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 3613. A bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to Independence at home services in lower cost treatment settings, such as their residences, under a plan of care developed by an Independence at Home physician or Independence at Home nurse practitioner; to the Committee on Finance.

Mr. WYDEN. Mr. President, together with colleagues in the Senate and the House, I am introducing the Independence at Home Act, IAH Act. This legislation will help Medicare and our Nation improve the efficiency and effectiveness of spending on Medicare beneficiaries with multiple chronic conditions. It will not only improve care for seniors suffering from serious illnesses but also save money.

Roughly 75 percent of the Nation’s health care dollars are spent on chronic diseases. Yet despite this enormous investment, today’s chronically ill only receive just over half, 56 percent, of the preventive and maintenance services that they need. Our Nation clearly needs to do better.

Recent Medicare demonstrations have shown that a number of key improvements could go a long way to help fix this situation: First, primary care physicians and key health professionals must assume more responsibility for care coordination; second, we need to target efforts at beneficiaries with multiple conditions; third, after extensive research, we know that people can access medical help when they need it and avoid calling 911; and finally, there must be better use of health information technology to help manage care.

The optimal way to address the challenges of caring for persons with chronic conditions is to better integrate their care. Medical problems are best managed and coordinated by health care professionals who know their patients, their problems, their medications, and their other health care providers. Using this approach, the IAH provides a better, more cost-effective way for Medicare patients with chronic conditions to get the care they need.

We do not believe that the legislation I am introducing along with colleagues in the Senate and House: Our bill would put in place a demonstration that improves at-home care availability for beneficiaries with multiple chronic conditions. It allows people who remain independent in their homes. Physicians would get paid better for managing care while at the same time they would be responsible for demonstrating at least 5 percent savings in the cost of the patient’s care. Our bill also includes minimum performance standards for patient health outcomes, and would measure patient, caregiver, and provider satisfaction.

The Independence at Home Act establishes a three-year Medicare demonstration project that uses a patient-centered health care delivery model to ensure that Medicare beneficiaries with multiple chronic conditions can remain independent for as long as possible. We know that with the right incentives in place, Medicare would save money.

TANF ACTIONS.—In any criminal prosecution brought in a district court of the United States, the court may exclude evidence obtained as a direct or indirect result of a violation of this Act if the exclusion would serve the interests of justice.

I urge all of my colleagues to support this important legislation to help Medicare patients get better care at lower cost.

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. 3613

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 “Independence at Home Act of 2008”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the November 2007 Congressional Budget Office Long Term Outlook, national health care spending is expected to rise from 15.3 percent of gross domestic product in 2007 to 19.3 percent in 2060; and

(2) Medicare beneficiaries with multiple chronic conditions account for a disproportionate share of Medicare spending compared to their representation in the general Medicare population, and evidence suggests that such patients often receive poorly coordinated care, including conflicting information from health providers and different diagnoses of the same symptoms.
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(3) People with chronic conditions account for 76 percent of all hospital admissions, 88 percent of all prescriptions filled, and 72 percent of physician visits.

(4) More than 76 percent of physicians treating patients with chronic conditions believe that their training did not adequately prepare them to coordinate in-home and community-based care for patients with chronic conditions; manage the psychological and social aspects of chronic care; provide effective nutritional guidance; and manage chronic pain.

(5) Recent studies cited by the Congressional Budget Office found substantial differences among regions of the country in the cost of treating Medicare beneficiaries with multiple chronic conditions with lower cost regions experiencing better outcomes and lower mortality rates. These studies have suggested that Medicare spending could be reduced by 30 percent if more conservative practice styles were adopted, however, the current Medicare fee-for-service program creates incentives to provide fragmented, high cost health care services.

(6) Studies show that hospital utilization and emergency room visits for patients with multiple chronic conditions can be reduced and significant savings can be achieved through the use of interdisciplinary teams of health care professionals caring for patients in the place of residence.

(7) The Independence at Home program, designed to fund better health care and improved health care technology through savings it achieves, uses a patient-centered health care delivery model to permit the growing number of Medicare beneficiaries with multiple chronic conditions to remain as independent as possible for as long as possible and to receive care in a setting that is preferred by the beneficiary involved and the family of such beneficiary.

(8) The Independence at Home program begins Medicare reform by creating incentives for practitioners and providers to develop methods and technologies for providing better and lower cost health care to the highest cost Medicare beneficiaries with the greatest incentives provided in the case of highest cost beneficiaries.

(9) The Independence at Home program incorporates lessons learned from prior demonstration projects and phase I of the Voluntary Improvement and Demonstration Program under section 1807 of the Social Security Act, enacted in sections 721 and 722 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (Public Law 108-173).

(10) The Independence at Home program provides for a chronic care coordination demonstration project for the highest cost Medicare beneficiaries with multiple chronic conditions that holds providers accountable for quality outcomes, patient satisfaction, and mandatory minimum savings on an annual basis.

(11) The Independence at Home Act generates savings by providing better, more coordinated, higher cost Medicare beneficiaries with multiple chronic conditions, reducing duplicative and unnecessary services, and avoiding unnecessary hospital and emergency room visits.

SEC. 3. ESTABLISHMENT OF VOLUNTARY INDEPENDENCE AT HOME CHRONIC CARE COORDINATION DEMONSTRATION PROJECT UNDER TRADITIONAL MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) In General.—Title XVIII of the Social Security Act is amended—

(1) by amending subsection (c) of section 1807B—

(2) by inserting after subsection 1807F the following new section:

"(c) INDEPENDENCE AT HOME CHRONIC CARE COORDINATION DEMONSTRATION PROJECT.—A demonstration project for Independence at Home chronic care coordination programs for high cost Medicare beneficiaries with multiple chronic conditions is set forth in section 1807F.

(2) by inserting after section 1807F the following new section:

"INDEPENDENCE AT HOME CHRONIC CARE COORDINATION DEMONSTRATION PROJECT.

"SEC. 1807A. (a) IN GENERAL.—

"(1) IMPLEMENTATION.—The Secretary shall, where possible, enter into agreements with at least two unaffiliated Independence at Home organizations, as described in the section, to provide chronic care coordination services for a period of three years in each of the 10 highest cost States and the District of Columbia and the 40 additional States that are representative of other regions of the United States. Such organizations shall have documented experience in furnishing the types of services covered by this section to eligible beneficiaries in non-institutional settings using qualified teams of health care professionals that are directed by Independence at Home physicians or Independence at Home nurse practitioners and that use health information technology and individualized plans of care.

"(2) ELIGIBILITY.—Any organization shall be eligible for an Independence at Home agreement in the developmental phase if it is an Independence at Home contractor (as defined in subsection (b)(7)) and has the demonstrated capacity to provide the services covered under this section to the number of eligible beneficiaries specified in subsection (e)(3)(C). No organization shall be prohibited from participating because of its small size as long as it meets the eligibility requirements of this paragraph.

"(3) INDEPENDENT EVALUATION.—The Secretary shall contract for an independent evaluation of the Independence at Home demonstration project, under this section, with an interim report to be provided after the first year and a final report to be provided after the third year of the project. Such an evaluation shall be conducted by a contractor with knowledge of chronic care coordination programs for the targeted patient population and demonstrated experience in implementing such programs. Each such report shall include an assessment of the following factors and shall identify the characteristics of individual Independence at Home programs that are the most effective:

"(A) Quality improvement measures.

"(B) Beneficiary, caregiver, and provider satisfaction.

"(C) Health outcomes appropriate for patients with multiple chronic conditions.

"(D) Cost savings to the program under this title.

"(4) AGREEMENTS.—The Secretary shall enter into agreements, beginning not later than one year after the date of enactment of this Act, with each Independent at Home organization that meets the participation requirements of this section, including minimum performance standards developed under section 1807B(a)(3), in order to provide access by eligible beneficiaries to Independence at Home programs under this section.

"(5) REGULATIONS.—At least three months before entering into an agreement under this section, the Secretary shall publish in the Federal Register the specifications for implementing this section.

"(B) PAYMENTS.—Semi-annually during the first year in which this section is implemented and annually thereafter during the period of implementation of this section, the Secretary shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that describes the progress of implementation of this section and explaining any variation from the Independence at Home program as described in this section.

(b) Definitions.—For purposes of this section:

"(1) ACTIVITIES OF DAILY LIVING.—The term ‘activities of daily living’ means bathing, dressing, grooming, transferring, feeding, or toileting.

"(2) CAREGIVER.—The term ‘caregiver’ means, with respect to an individual with a qualifying functional impairment, a family member, friend, or neighbor who provides assistance to the individual.

"(3) ELIGIBLE BENEFICIARY.—

"(A) In General.—The term ‘eligible beneficiary’ means, with respect to an Independence at Home program, an individual who—

"(i) is entitled to benefits under part A and enrolled under part B, but not enrolled in a prescription drug part D;

"(ii) has a qualifying functional impairment and has been diagnosed with two or more of the chronic conditions described in subparagraph (C); and

"(iii) within the 12 months prior to the individual first enrolling with an Independence at Home program under this section, has received benefits under this title for services described in each of clauses (i), (ii) and (iii) of subparagraph (D).

"(3) DISQUALIFICATIONS.—Such term does not include an individual—

"(i) who is receiving benefits under section 1861;

"(ii) who is enrolled in a PACE program under section 1894;

"(iii) who is enrolled in (and is not disenrolled from) a chronic care improvement project program under section 1807;

"(iv) who within the previous year has been a resident for more than 90 days in a skilled nursing facility, a nursing facility (as defined in section 1919), or any other facility identified by the Secretary;

"(v) who resides in a setting that presents a danger to the safety of in-home health care providers and primary caregivers; or

"(vi) whose enrollment in an Independence at Home program the Secretary determines would be inappropriate.

"(C) CHRONIC CONDITIONS DESCRIBED.—The chronic conditions described in this subparagraph are the following:

"(1) Congestive heart failure.

"(ii) Diabetes.

"(iii) Chronic obstructive pulmonary disease.

"(iv) Ischemic heart disease.

"(v) Peripheral arterial disease.

"(vi) Stroke.

"(vii) Alzheimer’s Disease and other dementias designated by the Secretary.

"(viii) Pressure ulcers.

"(ix) Hypertension.

"(x) Neurodegenerative diseases designated by the Secretary which have high costs under this title, including amyotrophic lateral sclerosis (ALS), multiple sclerosis, and Parkinson’s disease.

"(xi) Any other chronic condition that the Secretary identifies as likely to result in high costs to the program under this title when such condition is present in combination with one or more of the chronic conditions specified in the preceding clauses.

"(D) SERVICES DESCRIBED.—The services described in this subparagraph are the following:

"(i) Non-elective inpatient hospital services.

"(ii) Services in the emergency department of a hospital.

"(iii) Any of the following services:

"(I) Extended care services.
(II) Services in an acute rehabilitation facility;

(III) Home health services.

(4) INDEPENDENCE AT HOME ASSESSMENT.—The term ‘Independence at Home assessment’ means, with respect to an eligible beneficiary, a comprehensive medical history, physical examination, and assessment of the beneficiary’s clinical and functional status that—

(A) is conducted by—

(i) an Independence at Home physician or an Independence at Home nurse practitioner;

(ii) a physician assistant, nurse practitioner, or clinical nurse specialist, as defined in section 1861(r)(5), who is employed by an Independence at Home organization and is working in collaboration with an Independence at Home physician or Independence at Home nurse practitioner;

(iii) any other health care professional that meets such conditions as the Secretary may specify; and

(B) includes an assessment of—

(i) activities of daily living and other comorbidities;

(ii) medications and medication adherence;

(iii) affect, cognition, executive function, and presence of mental disorders;

(iv) functional status, including mobility, balance, mood, sleep, risk of falling, and sensory function;

(v) social functioning and social integration;

(vi) environmental needs and a safety assessment;

(vii) the ability of the beneficiary’s primary caregiver to assist with the beneficiary’s care as well as the caregiver’s own physical and emotional capacity, education, and training;

(VII) whether the beneficiary is likely to benefit from an Independence at Home program;

(ix) whether the conditions in the beneficiary’s home or place of residence would permit the safe provision of services in the home or residence, respectively, under an Independence at Home program; and

(x) other factors determined appropriate by the Secretary.

(5) INDEPENDENCE AT HOME CARE TEAM.—The term ‘Independence at Home care team’ means a provider of services, a physician or physician group practice, a nurse practitioner or nurse practitioner group practice, or other legal entity which is certified or accredited under this title (other than only under this section) and which—

(A) has entered into an agreement under subsection (d)(2) for a specific participant in an Independence at Home program;

(B)(i) is able to provide all of the elements of the Independence at Home program under this section;

(ii) if the organization is not able to provide all such elements in such home or residence, has adequate mechanisms for ensuring the provision of such elements by one or more qualified entities;

(C) has Independence at Home plans of care for the nurse practitioner’s patients; and

(D) accepts all eligible beneficiaries from the organization’s service area except to the extent that qualified staff are not available; and

(E) meets other requirements for such an organization under this section.

(6) INDEPENDENCE AT HOME PHYSICIAN.—The term ‘Independence at Home physician’ means a physician who—

(A) is employed by or affiliated with an Independence at Home organization, as required under paragraph (7)(C), or has another contractual relationship with the Independence at Home organization that requires the physician to be responsible for the plans of care for the physician’s patients; and

(B) is certified—

(i) by the American Board of Family Physicians, the American Board of Internal Medicine, or the American Osteopathic Board of Family Physicians, the American Osteopathic Board of Internal Medicine, the American Board of Emergency Medicine, the American Board of Physical Medicine and Rehabilitation; or

(ii) by a Board recognized by the American Board of Medical Specialties and determined by the Secretary to be appropriate for the Independence at Home program;

(C) has—

(i) a certification in geriatric medicine as provided by the American Board of Medical Specialties; or

(ii) passed the clinical competency examination of the American Academy of Medical Care Physicians and has substantial experience in the delivery of medical care in the home, including at least two years of experience in the Medicare program and one year of experience in home-based medical care including at least 200 house calls; and

(D) has furnished services during the previous 12 months for which payment is made under this title.

(7) INDEPENDENCE AT HOME PROGRAM.—The term ‘Independence at Home program’ means a program described in subsection (d) that is operated by an Independence at Home organization.

(12) PARTICIPANT.—The term ‘participant’ means an eligible beneficiary who has voluntarily enrolled in an Independence at Home program.

(13) QUALIFIED ENTITY.—The term ‘qualified entity’ means a person or organization that is licensed or is permitted to provide the specific element (or elements) of an Independence at Home plan that the beneficiary has agreed to receive.

(14) QUALIFYING FUNCTIONAL IMPAIRMENT.—The term ‘qualifying functional impairment’ means an inability to perform, without the assistance of another person, two or more activities of daily living.

(15) IDENTIFICATION AND ENROLLMENT OF PROSPECTIVE PROGRAM PARTICIPANTS.—The term ‘Independence at Home beneficiary’ means an eligible beneficiary who has voluntarily enrolled in an Independence at Home program.

(16) NOTICE TO HOME BENEFICIARIES.—The Secretary shall develop a model notice to be made available to Medicare beneficiaries (and to their caregivers) who are potentially eligible for an Independence at Home program by participating providers and by Independence at Home programs. Such notice shall include the following information:

(A) A description of the potential advantages to the beneficiary participating in an Independence at Home program.

(B) A description of the eligibility requirements to participate.

(C) Notice that participation is voluntary.

(D) A statement that all other Medicare benefits remain available to beneficiaries who enroll in an Independence at Home program.

(E) Notice that those who enroll in an Independence at Home program may have co-payments for house calls by Independence at Home physicians or by Independence at Home nurse practitioners reduced or eliminated at the discretion of the Secretary.

(F) A description of the services that could potentially be provided under an Independence at Home plan.

(G) A description of the method for participating, or withdrawing from participation, in an Independence at Home program or becoming no longer eligible to so participate.

(2) VOLUNTARY PARTICIPATION AND CHOICE.—An eligible beneficiary may participate in an Independence at Home program on a voluntary basis and may terminate such participation at any time. Such a beneficiary may also receive Independence at Home services from the Independence at Home organization of the beneficiary’s choice but may not receive Independence at Home services
from more than one Independence at Home organization at a time.

"(d) INDEPENDENCE AT HOME PROGRAM REQUIREMENTS.—

"(1) IN GENERAL.—Each Independence at Home program shall, for each participant enrolled in the program—

"(A) designate—

"(i) an Independence at Home physician or an Independence at Home nurse practitioner; and

"(ii) an Independence at Home coordinator;

"(B) have a process to ensure that the participant received an Independence at Home assessment before enrollment in the program;

"(C) with the participation of the participant (or the participant’s representative or caregiver), an Independence at Home physician or an Independence at Home nurse practitioner, and Independence at Home coordinator, develop an Independence at Home plan for the participant in accordance with paragraph (2);

"(D) ensure that the participant receives an Independence at Home assessment at least annually after the original assessment to ensure that the Independence at Home plan for the participant remains current and appropriate;

"(E) implement all of the elements of the participant’s Independence at Home plan and in instances in which the Independence at Home organization does not provide specific elements of the Independence at Home plan, ensure that qualified entities successfully implement those specific elements;

"(F) provide for an electronic medical record containing electronic health information technology to coordinate the participant’s care and to exchange information with the Medicare program and electronic monitoring and coordination of services and mobile diagnostic and therapeutic technologies as appropriate and accepted by the participant; and

"(G) respect the participant’s right to health information privacy and obtain permission from the participant (or responsible person) for the use and disclosure of identifiable health information necessary for treatment, payment, or health care operations.

"(2) INDEPENDENCE AT HOME PLAN.—

"(A) An Independence at Home plan for a participant shall be developed with the participant, an Independence at Home physician or an Independence at Home nurse practitioner, an Independence at Home coordinator, and, if appropriate, one or more of the participant’s caregivers and shall—

"(i) document the chronic conditions, comorbidities, and other health needs identified in the participant’s Independence at Home assessment;

"(ii) designate which elements of an Independence at Home plan described in subparagraph (C) are appropriate for the participant; and

"(iii) identify the qualified entity responsible for providing each element of such plan.

"(B) COMMUNICATION OF INDIVIDUALIZED INDEPENDENCE AT HOME PLAN TO THE INDEPENDENCE AT HOME COORDINATOR.—If the Independence at Home physician or Independence at Home nurse practitioner responsible for coordinating the participant’s Independence at Home assessment and developing the Independence at Home plan is not the participant’s Independence at Home coordinator, the Independence at Home physician or Independence at Home nurse practitioner is responsible for ensuring that the participant’s Independence at Home coordinator is familiar with the requirements of the plan and has the appropriate contact information for all of the members of the Independence at Home care team.

"(C) ELEMENTS OF INDEPENDENCE AT HOME PLAN.—An Independence at Home organization shall have the capability to provide, directly or through a qualified entity, and shall offer all of the following elements of an Independence at Home plan to the extent they are appropriate and accepted by a participant:

"(i) Self-care education and preventive care consistent with the participant’s conditions;

"(ii) Coordination of all medical treatment furnished to the participant, regardless of whether such treatment is covered and available to the participant under this title;

"(iii) Information about, and access to, hospice care.

"(iv) Palliative and palliative care and end-of-life care.

"(v) Education for primary caregivers and family members.

"(vi) Caregiver counseling services and information about, and referral to, other caregiver support and health care services in the community.

"(vii) Monitoring and management of medications as well as assistance to participants and their caregivers with respect to selection of a prescription drug plan under part D that best meets the needs of the participant’s chronic conditions.

"(viii) Referral to social services, such as personal care, home health aides, volunteers, and individual and family therapy.

"(ix) Access to phlebotomy and ancillary laboratory and imaging services, including point of care laboratory and imaging diagnostics.

"(2) PRIMARY TREATMENT ROLE WITHIN AN INDEPENDENCE AT HOME CARE TEAM.—An Independence at Home physician or an Independence at Home nurse practitioner may assume the primary treatment role as permitted under State law.

"(3) ADDITIONAL RESPONSIBILITIES.—

"(A) OUTCOMES REPORT.—Each Independence at Home organization offering an Independence at Home program shall monitor and report to the Secretary, in a manner specified by the Secretary, on—

"(i) patient outcomes;

"(ii) beneficiary, caregiver, and provider satisfaction with the Independence at Home program;

"(iii) the achievement of mandatory minimum savings described in subsection (e)(6).

"(B) ADDITIONAL REQUIREMENTS.—Each such organization and program shall comply with such additional requirements as the Secretary may specify.

"(4) TERMS AND CONDITIONS.—

"(1) IN GENERAL.—An agreement under this section with an Independence at Home organization shall contain such terms and conditions as the Secretary may specify consistent with this section.

"(2) CLINICAL, QUALITY IMPROVEMENT, AND FINANCIAL REQUIREMENTS.—The Secretary may enter into an agreement with such an organization under this section for the operation of an Independence at Home program unless—

"(A) the program and organization meet the requirements of subsection (d), minimum quality and performance standards developed under paragraph (b), and such clinical, quality improvement, financial, and other requirements as the Secretary deems to be appropriate for participants to be served; and

"(B) such organization demonstrates to the satisfaction of the Secretary that the organization is able to assume financial risk for performance under the agreement with respect to coordinating the participant’s Independence at Home care being provided by such organization through available reserves, reimbursement, or withholding of funding provided under this title, or such other means as the Secretary determines appropriate.

"(3) MINIMUM QUALITY AND PERFORMANCE STANDARDS.—

"(A) IN GENERAL.—The Secretary shall develop mandatory minimum quality and performance standards for Independence at Home organizations and programs.

"(B) STANDARDS TO BE INCLUDED.—Such standards shall include measures of—

"(i) participant outcomes;

"(ii) satisfaction of the beneficiary, caregiver, and provider involved; and

"(iii) cost savings consistent with paragraph (6).

"(C) MINIMUM PARTICIPATION STANDARD.—Such standards shall include a requirement that, for any year after the first year, an Independence at Home program had an average number of participants during the previous year of at least 100 participants.

"(4) TERM OF AGREEMENT AND MODIFICATION.—The agreement under this subsection shall be, subject to paragraphs (3)(C) and (5), for a period of three years, and the terms and conditions may be modified during the contract period only upon the request of the Independence at Home organization.

"(5) TERMINATION AND NON-RENEWAL OF AGREEMENT.—

"(A) IN GENERAL.—If the Secretary determines that an Independence at Home organization has failed to meet the performance standards under paragraph (3) or other requirements under this section, the Secretary may terminate the agreement of the organization at the end of the contract year.

"(B) REQUIRED TERMINATION WHERE RISK TO HEALTH OR SAFETY OF A PARTICIPANT.—The Secretary may terminate an agreement with an Independence at Home organization at any time the Secretary determines that the care being provided by such organization poses a threat to the health and safety of a participant.

"(C) TERMINATION BY INDEPENDENCE AT HOME ORGANIZATIONS.—Notwithstanding any other provision of this subsection, an Independence at Home organization may terminate an agreement with the Secretary under this section to provide Independence at Home program at the end of a contract year if the organization provides to the Secretary and to the beneficiaries participating in the contract a written notice of such termination more than 90 days before the end of such year. Paragraphs (6), (8), and (9)(B) shall apply to the organization until the date of termination.

"(D) NOTICE OF IN VOLUNTARY TERMINATION.—The Secretary shall notify the participants in an Independence at Home program as soon as practicable if a termination is made to terminate an agreement with the Independence at Home organization involuntarily as provided in subparagraphs (A) and (B). Such notice shall inform the beneficiary of any other Independence at Home organizations that might be available to the beneficiary.

"(E) INDEPENDENCE AT HOME PROGRAM NOTIFICATION.—The Secretary shall provide to the Secretary, in a manner specified by the Secretary, on—

"(ii) the achievement of mandatory minimum savings.

"(A) IN GENERAL.—Under an agreement under this subsection, each Independence at Home organization shall ensure that during the term of the agreement and program requirements of the plan, there is an aggregate savings in the cost to the program under this title for participating beneficiaries, as calculated under subparagraph (B), that is not less than the product of—

"(i) 5 percent of the estimated average monthly costs that would have been incurred under a similar Independence at Home program had not participated in the Independence at Home program; and
“(i) the number of participant-months for that year.

“(B) Computation of Aggregate Savings.—

“(I) Model for Calculating Savings.—The Secretary shall contract with a nongovernmental organization or academic institution to independently develop an analytical model for determining the amount of savings required under subparagraph (A) utilizing the econometric techniques, such as Heckman’s selection correction methodology, to account for sample selection bias, omitted variable bias, or problems with endogeneity.

“(II) Application of the Model.—Using the model developed under clause (i), the Secretary shall compare the actual costs to Medicare of beneficiaries participating in an Independence at Home program to the predicted costs to Medicare of such beneficiaries to determine whether an Independence at Home program achieves the savings required under paragraph (A).

“(III) Revisions of the Model.—The Secretary shall ensure that the model developed under subparagraph (B)(i) is revised whenever new information is available to improve the validity of the model. This information may include data from a demonstration project under this section, or new information from an ongoing research project.

“(IV) Participant-Month.—In making the calculation described in subparagraph (A), each month or part of a month in a program year that a beneficiary participates in an Independence at Home program shall be counted as a participant-month.

“(V) Savings Calculation.—No later than 120 days before the beginning of any Independence at Home program year, the Secretary shall publish in the Federal Register the model developed under subparagraph (B)(i) and information for calculating savings required under subparagraph (A), including any revisions, sufficient for Independence at Home organizations to determine the savings they will be required to achieve during the program year to meet the savings requirement under subparagraph. In order to facilitate this notice, the Secretary may designate a single annual date for the beginning of all Independence at Home program years that are not more than one year from the date of enactment of this section.

“(VI) Manner of Payment.—Subject to paragraph (8), payments shall be made by the Secretary to an Independence at Home organization at a rate negotiated between the Secretary and the organization under the agreement for—

“(A) Independence at Home assessments; and

“(B) on a per-participant, per-month basis for the items and services required to be provided by the Independence at Home organization under subsection (i).

“(VII) Ensuring Mandatory Minimum Savings.—The Secretary shall require any Independence at Home organization that fails in any year to achieve the mandatory minimum savings described in paragraph (6) to provide those savings by refunding payments made to the organization under paragraph (7) during such year.

“(VIII) Budget Neutral Payment Condition.—

“(A) In General.—Under this section, the Secretary shall ensure that the cumulative, aggregate sum of Medicare program benefit expenditures under parts A, B, and D and funds paid to Independence at Home organizations under this section, shall not exceed the Medicare program benefit expenditures under such parts that the Secretary estimates would have been made for such participants in the absence of such programs.

“(B) Treatment of Savings.—If an Independence at Home program achieves aggregate savings in a year in excess of the mandatory minimum savings described in paragraph (6), 80 percent of such aggregate savings shall be paid to the organization and the remainder shall be retained by the programs under this title.

“(IX) Waiver of Coincurrence for House Calls.—A physician or nurse practitioner furnishing services in the home in the absence of such programs. The analytical model developed under clause (i), the Secretary shall compare the actual costs to Medicare of beneficiaries participating in an Independence at Home program to the predicted costs to Medicare of such beneficiaries to determine whether an Independence at Home program achieves the savings required under paragraph (A).

“(X) Revisions of the Model.—The Secretary shall ensure that the model developed under subparagraph (B)(i) is revised whenever new information is available to improve the validity of the model. This information may include data from a demonstration project under this section, or new information from an ongoing research project.

“(XI) Participant-Month.—In making the calculation described in subparagraph (A), each month or part of a month in a program year that a beneficiary participates in an Independence at Home program shall be counted as a participant-month.

“(XII) Savings Calculation.—No later than 120 days before the beginning of any Independence at Home program year, the Secretary shall publish in the Federal Register the model developed under subparagraph (B)(i) and information for calculating savings required under subparagraph (A), including any revisions, sufficient for Independence at Home organizations to determine the savings they will be required to achieve during the program year to meet the savings requirement under subparagraph. In order to facilitate this notice, the Secretary may designate a single annual date for the beginning of all Independence at Home program years that are not more than one year from the date of enactment of this section.

“(XIII) Manner of Payment.—Subject to paragraph (8), payments shall be made by the Secretary to an Independence at Home organization at a rate negotiated between the Secretary and the organization under the agreement for—

“(A) Independence at Home assessments; and

“(B) on a per-participant, per-month basis for the items and services required to be provided by the Independence at Home organization under subsection (i).

“(XIV) Ensuring Mandatory Minimum Savings.—The Secretary shall require any Independence at Home organization that fails in any year to achieve the mandatory minimum savings described in paragraph (6) to provide those savings by refunding payments made to the organization under paragraph (7) during such year.

“(XV) Budget Neutral Payment Condition.—

“(A) In General.—Under this section, the Secretary shall ensure that the cumulative, aggregate sum of Medicare program benefit expenditures under parts A, B, and D and funds paid to Independence at Home organizations under this section, shall not exceed the Medicare program benefit expenditures under such parts that the Secretary estimates would have been made for such participants in the absence of such programs.

“(B) Treatment of Savings.—If an Independence at Home program achieves aggregate savings in a year in excess of the mandatory minimum savings described in paragraph (6), 80 percent of such aggregate savings shall be paid to the organization and the remainder shall be retained by the programs under this title.

“(XVI) Waiver of Coincurrence for House Calls.—A physician or nurse practitioner furnishing services in the home in the absence of such programs. The analytical model developed under clause (i), the Secretary shall compare the actual costs to Medicare of beneficiaries participating in an Independence at Home program to the predicted costs to Medicare of such beneficiaries to determine whether an Independence at Home program achieves the savings required under paragraph (A).

“(XVII) Revisions of the Model.—The Secretary shall ensure that the model developed under subparagraph (B)(i) is revised whenever new information is available to improve the validity of the model. This information may include data from a demonstration project under this section, or new information from an ongoing research project.

“(XVIII) Participant-Month.—In making the calculation described in subparagraph (A), each month or part of a month in a program year that a beneficiary participates in an Independence at Home program shall be counted as a participant-month.

“(XIX) Savings Calculation.—No later than 120 days before the beginning of any Independence at Home program year, the Secretary shall publish in the Federal Register the model developed under subparagraph (B)(i) and information for calculating savings required under subparagraph (A), including any revisions, sufficient for Independence at Home organizations to determine the savings they will be required to achieve during the program year to meet the savings requirement under subparagraph. In order to facilitate this notice, the Secretary may designate a single annual date for the beginning of all Independence at Home program years that are not more than one year from the date of enactment of this section.

“(XX) Manner of Payment.—Subject to paragraph (8), payments shall be made by the Secretary to an Independence at Home organization at a rate negotiated between the Secretary and the organization under the agreement for—

“(A) Independence at Home assessments; and

“(B) on a per-participant, per-month basis for the items and services required to be provided by the Independence at Home organization under subsection (i).

“(XXI) Ensuring Mandatory Minimum Savings.—The Secretary shall require any Independence at Home organization that fails in any year to achieve the mandatory minimum savings described in paragraph (6) to provide those savings by refunding payments made to the organization under paragraph (7) during such year.

“(XXII) Budget Neutral Payment Condition.—

“(A) In General.—Under this section, the Secretary shall ensure that the cumulative, aggregate sum of Medicare program benefit expenditures under parts A, B, and D and funds paid to Independence at Home organizations under this section, shall not exceed the Medicare program benefit expenditures under such parts that the Secretary estimates would have been made for such participants in the absence of such programs.

“(B) Treatment of Savings.—If an Independence at Home program achieves aggregate savings in a year in excess of the mandatory minimum savings described in paragraph (6), 80 percent of such aggregate savings shall be paid to the organization and the remainder shall be retained by the programs under this title.

“(XXIII) Waiver of Coincurrence for House Calls.—A physician or nurse practitioner furnishing services in the home in the absence of such programs. The analytical model developed under clause (i), the Secretary shall compare the actual costs to Medicare of beneficiaries participating in an Independence at Home program to the predicted costs to Medicare of such beneficiaries to determine whether an Independence at Home program achieves the savings required under paragraph (A).

“(XXIV) Revisions of the Model.—The Secretary shall ensure that the model developed under subparagraph (B)(i) is revised whenever new information is available to improve the validity of the model. This information may include data from a demonstration project under this section, or new information from an ongoing research project.

“(XXV) Participant-Month.—In making the calculation described in subparagraph (A), each month or part of a month in a program year that a beneficiary participates in an Independence at Home program shall be counted as a participant-month.

“(XXVI) Savings Calculation.—No later than 120 days before the beginning of any Independence at Home program year, the Secretary shall publish in the Federal Register the model developed under subparagraph (B)(i) and information for calculating savings required under subparagraph (A), including any revisions, sufficient for Independence at Home organizations to determine the savings they will be required to achieve during the program year to meet the savings requirement under subparagraph. In order to facilitate this notice, the Secretary may designate a single annual date for the beginning of all Independence at Home program years that are not more than one year from the date of enactment of this section.

“(XXVII) Manner of Payment.—Subject to paragraph (8), payments shall be made by the Secretary to an Independence at Home organization at a rate negotiated between the Secretary and the organization under the agreement for—

“(A) Independence at Home assessments; and

“(B) on a per-participant, per-month basis for the items and services required to be provided by the Independence at Home organization under subsection (i).
summer to account for inflation. But, by the time the school year begins, these reimbursements already lag behind the true cost of producing the meal. In fact, a recent survey by the School Nutrition Association found that they plan to increase the price other students pay for food services in this coming school year to make up for the increased costs.

Congress can and must do more to ensure that Federal nutrition assistance programs can adequately cover the costs of food for those most in need. That’s why today I’m pleased to introduce the National Hunger Relief Act of 2008. This act will make critical changes needed to help low-income families and schools cover the costs of purchasing nutritious foods.

Under this act, when setting benefit levels for food stamps, Congress would anticipate the food price inflation that will occur in the coming fiscal year, and would act to adjust it by setting a higher benefit rate for October 1, which is currently provided. Beginning in fiscal year 2010, recipients would receive 102 percent of the cost of the Thrifty Food Plan in the previous June. By fiscal year 2012, this benefit rate would be ramped up to 103 percent of the cost of the Thrifty Food Plan in the previous June. This change would be consistent with the way food stamp benefits were regularly adjusted for food price inflation for many years prior to 1996. By providing this higher benefit rate, food stamp benefits would be adequate to meet rising food prices over the course of the following year. As a result, low-income families participating in the food stamp program would have the necessary funds to purchase the foods their families need and be able to ensure that their families do not suffer from the adverse effects of hunger.

To solve the problem of inadequate reimbursement rates for certain child nutrition programs, this bill would provide for semi-annual reimbursement rate adjustments. In addition to the current annual update in July to reimbursement rates for school meal programs, reimbursement rates would also be adjusted on each January 1 and July 1.

As a result of this change, reimbursement rates for the National School Lunch and Breakfast Programs, the Special Milk Program, the Child and Adult Day Care Program, and the Summer Food Service Program would more accurately reflect the costs that schools or service providers incur to provide foods through these programs. This, in turn, would help to keep the prices charged for foods provided to other children at schools more in line with the costs of procuring and providing those foods.

I am introducing this legislation today because it is critically important to begin the dialogue on finding ways to ensure that our nutrition assistance programs can continue to prevent hunger by providing necessary nourishment to Americans of all ages. However, I also recognize that we have a challenge to ensure that these nutrition assistance programs can operate in the most efficient and cost-effective manner possible while adequately serving the more than 35.5 million Americans who continue to be plagued by the threat of hunger. Over the coming months, the bill is expected to work on ways to eradicate hunger in this Nation and begin to consider the reauthorization of the Child Nutrition Act. I will continue seeking ways to make reforms to this and other nutrition assistance legislation to ensure that—at the end of the day—these programs can continue to effectively reach those most in need.

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:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Hunger Relief Act of 2008”.

SEC. 2. NUTRITION PROGRAMS.

(a) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—Section 3(u) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(u)) is amended—

(1) by striking “(u) Thrifty food plan means and inserting the following:

(“u) Thrifty Food Plan.—

”(1) IN GENERAL.—The term ‘thrifty food plan’ means:"

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (a) (through (D), respectively, and inserting appropriately;

(B) by striking “The cost of such diet” and inserting the following:

“(2) ADJUSTMENTS.—The cost of the diet described in paragraph (1)’’; and

(C) by striking subparagraph (D) (as redesignated by subparagraph (A)) and inserting the following:

“(D)(i) on October 1, 2009, adjust the cost of the diet to reflect 102 percent of the cost of the diet in the preceding June, and round the result to the nearest higher dollar increment for each household size, except that the Secretary may not reduce the cost of the diet below that in effect during the immediately preceding fiscal year; and

“(ii) on October 1, 2010, adjust the cost of the diet to reflect 102.5 percent of the cost of the diet in the preceding June, and round the result to the nearest higher dollar increment for each household size, except that the Secretary may not reduce the cost of the diet below that in effect during the immediately preceding fiscal year; and

“(iii) on October 1, 2011, and each October 1 thereafter, adjust the cost of the diet to reflect 103 percent of the cost of the diet in the preceding June, and round the result to the nearest higher dollar increment for each household size, except that the Secretary may not reduce the cost of the diet below that in effect during the immediately preceding fiscal year.”;

(b) CONFORMING AMENDMENTS.—


(2) Section 27(c)(a)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)(2)(C)) is amended by striking “3(u)(ii)” and inserting “3(u)(ii)”.

SEC. 3. SCHOOL MEALS.

(a) COMMODITIES.—Section 6(c)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1756(c)(1)) is amended—

(1) in paragraph (A), by striking “on July 1, 1982, and each July 1 thereafter” and inserting “in accordance with subparagraph (B)”; and

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

“(B)—The Secretary shall—

(i) on each January 1, increase the value of food assistance for each meal by the annual percentage change in a 3-month average value of the Price Index for Foods Used in Schools and Institutions for March, April, and May each year; and

(ii) round the result of each increase to the nearest higher ¼ cent.”.

(b) OVERALL ADJUSTMENT.—Section 11(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)) is amended—

(1) in paragraph (2), by striking “96.75 cents” and inserting “the amount computed under paragraph (3)” ; and

(2) in paragraph (3), by striking subparagraph (A) and inserting the following:

“(A) the price index for each commodity specified in subparagraph (B) as adjusted in accordance with subsection (C) and

(B) ADJUSTMENTS.—The Secretary shall—

(i) on January 1 and July 1, a semiannual increase; and

(ii) round the result of each increase to the nearest higher ¼ cent.”.

(c) PAYMENTS TO SERVICE INSTITUTIONS.—Section 13(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759c(b)(1)) is amended by striking subparagraph (B)(i) and inserting the following:

“(B)(i) the national average payment rates for meals and supplements shall be—

(1) increased to the nearest higher cent; and

(2) based on the unrounded amount previously in effect.”.

(d) PAYMENTS TO LABOR.—Section 13(b)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759c(b)(2)) is amended by striking subparagraph (A) and inserting the following:

“(A) the price index for each commodity specified in subparagraph (B) as adjusted in accordance with the preceding January 1 to reflect changes for the 6-month period ending the preceding May 31 in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

(2) in paragraph (B)(i) and inserting the following:

“(I) on each January 1, increase each amount specified in subparagraph (A) as adjusted through the preceding July 1 to reflect changes for the 6-month period ending the preceding November 30 in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics (A), by:

(II) based on the unrounded amount previously in effect.”.

(1) base each increase on the unrounded amount previously in effect; and

(2) round each increase described in clauses (i) and (ii) to the nearest higher cent increment.

(d) Reimbursement of Family or Group Day Care Home Sponsoring Organizations.

(1) THE 1.—Section 17(f)(3)(A)(i)(IV) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1756(f)(3)(A)(i)(IV)) is amended by striking subclause (IV) and inserting the following:

(IV) Adjustments.—On each July 1 and January 1, the Secretary shall—

(a) increase each reimbursement factor under this subparagraph to reflect the changes in the Consumer Price Index for food at home for the most recent 6-month period for which the data are available;

(b) base each increase on the unrounded amount previously in effect; and

(c) round each increase described in item (a) to the nearest higher cent increment.

(2) THE 2.—Section 17(f)(3)(A)(iii)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1756(f)(3)(A)(iii)(1)) is amended by striking item (bb) and inserting the following:

(bb) Adjustments.—On each July 1 and January 1, the Secretary shall increase the reimbursement factors to reflect the changes in the Consumer Price Index for food at home for the most recent 6-month period for which the data are available, base the increases on the unrounded amount previously in effect, and round the increases to the nearest higher cent increment.

(e) Special Milk Program.—Section 3(a) of the Milk Promotion Act of 1966 (42 U.S.C. 1772(a)) is amended—

(1) by striking paragraph (7) and inserting the following:

(7) Minimum Rate of Reimbursement.—For each school year, the minimum rate of reimbursement for a ½ pint of milk served in schools and other eligible institutions shall be not less than minimum rate of reimbursement in effect on September 30, 2008, as increased on a semianual basis each school year to reflect changes in the Producer Price Index for All Chicago Processed Milk published by the Bureau of Labor Statistics of the Department of Labor.; and

(2) in paragraph (8), by inserting “higher” after “nearest”.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2008.

By Ms. COLLINS (for herself and Mrs. FEINSTEIN):

S. 3618. A bill to establish a research, development, demonstration, and commercial application program to promote appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, today I am introducing the Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act, along with my colleague from California, Senator FEINSTEIN. This bill will accelerate research of plug-in hybrid technologies for heavy duty to the marketplace.

The Department of Energy, DOE, administers several grants to speed production of hybrid cars, but DOE does not have a single grant specifically intended for trucks. Truck operators in Maine and around the country are being hit hard by high diesel prices. In 1999, a Maine truck driver could purchase $500 of diesel fuel and drive from Augusta, ME, all the way to Albuquerque, NM, a driver who purchases $500 of diesel and leaves Augusta would not even make it to Altoona, PA, and because diesel prices may well continue to increase, the problem is only getting worse. Plug-in hybrid trucks would be susceptible to dramatic swings in oil prices.

Industries turn their trucks over faster than consumers do their cars and can therefore adopt new technologies faster. This means reducing oil consumption by heavy duty trucks could go a long way toward reduce our Nation's oil consumption. DOE's National Renewable Energy Laboratory estimates that hybrid trucks could reduce fuel use by as much as 60 percent. It is perhaps the Technology Cure for cars. It works well for cars because they can be made with lightweight materials and run shorter distances. Trucks need to be able to carry heavy loads and, if they are going to be plug-in hybrids, travel long distances in between charges. So, the battery and other technologies needed to make plug-in trucks a reality are more advanced than for cars.

The Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act would direct DOE to expand its research in advanced energy storage technologies to include heavy hybrid trucks as well as passenger vehicles. The focus on plug-ins builds on a proven technology for cars that can drastically reduce our use of foreign oil and enhance the efficiency of the electric grid.

Grant recipients will be required to complete two phases. In phase one, recipients must build one plug-in hybrid truck, collect data and make comparisons to traditional vehicles and report on the fuel savings. In phase two, recipients must produce 50 plug-in hybrid trucks and report on the technological and market obstacles to widespread production. To help with this second phase, grant applicants can partner with other manufacturers. The bill authorizes $16 million for each of fiscal years 2009-2011 for the grant program.

We need a comprehensive approach to addressing the energy crisis. The battery and other appropriate technologies for heavy duty plug-in hybrid vehicles and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CASEY. Mr. President, I rise today to introduce legislation that would establish the Susquehanna Gateway National Heritage Area in York and Lancaster Counties, Pennsylvania. Since 1984, Congressionally-designated National Heritage Areas have fostered partnerships between the public and private sectors for undertaking preservation, educational, and recreational initiatives in diverse regions throughout the country. Through these efforts, National Heritage Areas have helped to protect our Nation’s natural and cultural resources while stimulating local economic development. Today, I am proud to join my colleague from Pennsylvania Senator ARLEN SPECTER to propose a bill that would grant national recognition to the Susquehanna Gateway region, an area that has played a key role in the development of our nation’s cultural, political, and economic identity.

While the region boasts an impressive catalogue of historic and scenic resources, perhaps two examples in particular best underscore how the distinct traditions and natural landscape of the Susquehanna Gateway offer an insight into the broader American experience. For centuries, the Susquehanna River, which forms the natural border between Pennsylvania’s York and Lancaster Counties and represents the heart of the proposed National Heritage Area, has been at the center of agricultural, industrial, and recreational activity in the Mid-Atlantic United States. The river provided colonial settlers with a trading route to Native American communities. It was an important shipping lane for timber, iron, coal, and agricultural products throughout the nineteenth century and into the twentieth century. With the decline of industry and commercial shipping in the region, the river today has assumed a new identity as a center of recreation for millions of boaters, fishermen, hunters, birders, and others. By their example of humility, hard work, environmental stewardship, and respect for others, these “Plain” people continue to inspire millions of Americans. Designating the Susquehanna Gateway National Heritage Area is the proper way to acknowledge their contributions to the story of American agriculture and its transformative influence on the natural landscape.
Finally, I would like to recognize the leadership of Mark Platt, President of the Lancaster-York Heritage Region, and his colleague Jonathan Pinkerton, Deputy Director. Through their tireless efforts, they have developed a feasibility study for the Susquehanna Gateway National Heritage Area that meets the National Parks Service's ten interim criteria for designation of a National Heritage Area. I look forward to working with my colleagues in the Senate to pass the Susquehanna Gateway National Heritage Act soon so that the region can begin to play a national role in sharing America's story.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

S. 3619

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 "Susquehanna Gateway National Heritage Area Act".

SEC. 2. FINDINGS.

Congress finds that—
(1) numerous sites of significance to the heritage of the United States are located within the boundaries of the proposed Susquehanna Gateway National Heritage Area, which includes the Lower Susquehanna River corridor and all of Lancaster and York Counties in the State of Pennsylvania;
(2) included among the more than 200 historic sites, structures, districts, and tours in the area are—
(A) the home of a former United States President;
(B) the community where the Continental Congress adopted the Articles of Confederation;
(C) the homes of many prominent figures in the history of the United States;
(D) the preserved agricultural landscape of the Plain communities of Lancaster County, Pennsylvania;
(E) the exceptional beauty and rich cultural resources of the Susquehanna River Gorge;
(F) numerous National Historic Landmarks and Historic Districts, and Main Street communities; and
(G) many thriving examples of the nationally significant industrial and agricultural heritage of the region, which are collectively and individually of significance to the history of the United States;
(3) in 1999, a regional, collaborative public-private partnership of organizations and agencies began an initiative to assess historic sites in Lancaster and York Counties, Pennsylvania, for consideration as a Pennsylvania Heritage Area;
(4) the initiative—
(A) issued a feasibility study of significant stories, sites, and structures associated with Native American, African American, European American, Colonial American, Revolutionary, and Civil War history; and
(B) concluded that the sites and area—
(i) possess historical, cultural, and architectural values of significance to the United States; and
(ii) retain a high degree of historical integrity;
(5) in 2001, the feasibility study was followed by development of a management action plan and designation of the area by the State of Pennsylvania as an official Pennsylvania Heritage Area;
(6) in 2008, a feasibility study report for the Heritage Area;
(A) was prepared and submitted to the National Park Service;
(i) to document the significance of the area to the United States;
(ii) to demonstrate compliance with the interim criteria of the National Park Service for National Heritage Area designation; and
(B) found that throughout the history of the United States, Lancaster and York Counties and the Susquehanna Gateway region have played a key role in the development of the political, economic, and economic identity of the United States;
(7) the people of the region in which the Heritage Area is located have—
(A) advanced the cause of freedom; and
(B) shared their agricultural bounty and industrial ingenuity with the world;
(8) the town and country landscapes and natural wonders of the area are visited and treasured by people from across the globe;
(9) for centuries, the Susquehanna River has been an important corridor of culture and commerce for the United States, playing key roles as a transportation artery, power generator, and place for outdoor recreation;
(10) the river and the region were a gateway to the early settlement of the ever-moving frontier;
(11) the area played a critical role as host to the Continental government during a turning point in the Revolutionary War;
(12) the rural landscape created by the Amish and other Plain people of the region is of a scale and scope that is rare, if not entirely unknown in any other region, in the United States;
(13) for many people in the United States, the Plain people of the region personify the virtues of faith, honesty, community, and stewardship at the heart of the identity of the United States;
(14) the regional stories of people, land, and waterways in the area are essential parts of the story of the United States and exemplify the qualities inherent in a National Heritage Area;
(15) in 2008, the National Park Service found, based on a comprehensive review of the Susquehanna Gateway National Heritage Area Feasibility Study, that the area meets the 10 interim criteria of the National Park Service for designation of a National Heritage Area;
(16) the preservation and interpretation of the sites within the Heritage Area will make a vital contribution to the understanding of the development and heritage of the United States; and
(20) the Lancaster-York Heritage Region, a 501(c)(3) nonprofit corporation and State-designated management entity of the Susquehanna Heritage Area, would be an appropriate management entity for the Heritage Area.

SEC. 3. DEFINITIONS.
In this Act:
(1) HERITAGE AREA.—The term "Heritage Area" means the Susquehanna Gateway National Heritage Area established by section 4(a).
(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by section 5(a).
(3) MANAGEMENT PLAN.—The term "management plan" means the plan developed by the management entity under section 6(a).
(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(5) STATE.—The term "State" means the State of Pennsylvania.

SEC. 4. ESTABLISHMENT OF SUSQUEHANNA GATEWAY NATIONAL HERITAGE AREA.

(a) IN GENERAL.—There is established in the State the Susquehanna Gateway National Heritage Area.
(b) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for purposes of preparing and implementing the management plan, use Federal funds made available under this Act—
(1) to prepare reports, studies, interpretive exhibits and programs, historic preservation projects, and other activities recommended in the management plan for the Heritage Area;
(2) to pay for operational expenses of the management entity;
(3) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;
(4) to enter into cooperative agreements with the State, political subdivisions of the State, nonprofit organizations, and other organizations;
(5) to hire and compensate staff;
(6) to obtain funds or services from any source, including funds and services provided under any other Federal program or statute; and
(7) to contract for goods and services.
(c) DUTIES OF MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—
(1) prepare a management plan for the Heritage Area in accordance with section 6;
(2) give priority to the implementation of actions, goals, and strategies set forth in the management plan, including assisting units of government and other persons in—
(A) planning and carrying out projects and programs that recognize and protect important resource values in the Heritage Area;
(B) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;
(C) establishing and maintaining interpretive exhibits in the Heritage Area;
(D) developing heritage, recreational and educational opportunities for residents and visitors in the Heritage Area;
(E) to the United States; and
(f) the people of the region are located—
GATEWAY NATIONAL HERITAGE
(E) increasing public awareness of and appreciation for the natural, historic, and cultural resources of the Heritage Area; (F) restoring historic buildings that are—
(i) listed in the Heritage Area; and (ii) related to the themes of the Heritage Area; and (G) installing throughout the Heritage Area clear, consistent, and appropriate signs identifying public access points and sites of interest; (3) considers the interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the Heritage Area in developing and implementing the management plan; (4) conduct public meetings at least semi-annually regarding the development and implementation of the management plan; and (5) for any fiscal year for which Federal funds are received under this Act—
(A) submit to the Secretary an annual report that describes—
(i) the accomplishments of the management entity; (ii) the expenses and income of the management entity; and (iii) the costs to which the management entity made any grants; (B) make available for audit all records relating to the expenditure of the Federal funds received under this Act; and (C) require, with respect to all agreements authorizing the expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records relating to the expenditure of the Federal funds.

SEC. 6. MANAGEMENT PLAN.
(a) IN GENERAL.—The management entity shall not use Federal funds received under this Act to acquire real property or any interest in real property.
(b) CONTENTS.—The management plan for the Heritage Area shall—
(1) take into consideration existing State, county, and local plans;
(2) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained; and (3) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area.
(c) D ISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to carry out this Act, the management entity may not receive additional funding under this Act until the date on which the Secretary receives the proposed management plan.

SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.
(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.
(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the extent practicable.
(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—
(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency, or (2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area, or
(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 8. PRIVAT E PROPERTY AND REGULATORY PROTECTIONS.
Nothing in this Act—

SEC. 9. EVALUATION; REPORT.
(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—
(1) conduct an evaluation of the accomplishments of the Heritage Area; and (2) require any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law; (3) limit the discretion of a Federal land manager to implement an approved land use plan, or any regulatory authority of any Federal, State, or local agency, or convey any land use or other regulatory authority to the management entity; and (4) authorize or imply the reservation or appropriation of water or water rights;

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.
(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.
(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out...
Heritage Area designation. I have been contacted by all six county commissioners, other local public officials, chambers of commerce, large corporations, small businesses, historical societies, preservation advocacy groups and others, urging congressional designation of the Susquehanna Gateway National Heritage Area. Additionally, I am informed that National Park Service Northeast Regional Director Dennis Reidenbach has stated that this region meets Park Service standards for recognition as a heritage area. Accordingly, I again thank Senator CASEY and urge my colleagues to support this bill.

By Mrs. LINCOLN (for herself, Mr. SMITH, and Mr. PSEYOR): S. 3620. A bill to amend the Social Security Act to enable States to carry out quality initiatives, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today with my colleague, Senator BLANCHE LINCOLN to introduce a very important bill for our Nation's working families, the Child Care Investment Act of 2008. Throughout our Nation, so many families today are struggling to provide for their families. One important action we can take to support working parents is to help ensure that their children are taken care of in safe and affordable childcare, and, most importantly, that this childcare is available to them. Unfortunately, we know that so many families are not able to access childcare, much less childcare that is of high quality. This leads some to leave their children with unqualified caregivers, and, too often, in a dangerous situation.

Because families were facing such dire shortages of affordable child care, Congress developed the Child Care and Development Block Grant Act of 1990 that founded the CCDBG program. Since that time, this program has benefited low-income families by providing the children they need to remain employed, care for their children and have the peace of mind that their children are being well cared for. However, much more can be done to support and increase the funding for this important program, Recently, the National Association of Child Care Resource and Referral Agencies, NACCRA, released a report on the cost of child care for parents in our Nation. Their findings were startling and further underscored the call to action that Senator LINCOLN and I feel is necessary for working parents. The NACCRA report says that the cost of childcare is rising at nearly twice the rate of inflation in most states. In fact, the report stated that Oregon is the ninth least affordable state for infant care in a child care center. They found that in Oregon, on average, nearly 46 percent of a single parent's salary goes towards child care for an infant. This study also found that in every region of our Nation, child care costs more than food. During difficult economic times, the resources of families in our Nation become even more stretched. Decisions are often made within family budgets and sacrifices are made during times of lean. However, we owe it to our Nation's children to ensure that they are safe and cared for by responsible caregivers while their parents work. Low-income parents should not be placed in a situation when they have to choose between their job and the safety of their children.

The bill that Senator LINCOLN and I am introducing today will work to ensure more quality children care is available as the cost of this care increase and family budgets are squeezed. This bill will increase funding for the CCDBG program from $2.9 billion to $4 billion. It will also incorporate new quality goals for States to ensure quality care is given to our Nation's children.

I thank Senator LINCOLN for her continuing commitment to this issue and to all those in our Nation and ask my colleagues for their support of this legislation and quick passage.

By Mr. DURBIN (for himself, Mr. LEVIN, and Mr. BROWN): S. 3622. A bill to establish a grant program to promote the conservation of the Great Lakes and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, today I am introducing the Great Lakes Conservation Education Act.

From orbit in space, the Great Lakes are the most recognizable feature of the North American landscape. And no wonder. The Great Lakes are the largest single source of fresh surface water in the world. They hold 90 percent of America's fresh surface water. They hold 20 percent of the world's fresh surface water.

Forty-two million people call the Great Lakes basin home and rely on it for clean, safe water. What is not evident from space, though, is the trash and other debris that litter the shorelines of the Great Lakes. Debris, in fact, is one of the most pervasive pollution problems affecting America's waterways. Debris detracts from the beauty of our Nation's coasts, threatens freshwater life, poses public health and safety concerns, and interferes with commercial and recreational boats and ships.

Over the weekend, I participated in the Adopt-a-Beach at Lake Michigan. We started at Montrose Beach, stopped at both North Ave. and the 12th Street Beaches, and worked our way down to the 57th Street Beach. It was heartening to meet so many people who are committed to cleaning up the lake.

The Adopt-a-Beach program is one volunteer effort to clean up the beaches of the Great Lakes and increase public awareness of the seriousness of the litter problem. The program is run by the Alliance for the Great Lakes, a group dedicated to the conservation and restoration of this national treasure.
Adopt-a-Beach began in Illinois in 2002 and has quickly spread to neighboring states. It is a year-round program, but its chief event is a beach clean-up day each September, coordinated with the Ocean Conservancy’s annual international Coastal Cleanup.

Citizens, organizations, and businesses are working together on efforts to restore the Great Lakes shorelines clean. We need to expand on these efforts and educate people throughout the Great Lakes about how they can help to cleanup and restore the lakes.

That is why I am introducing the Great Lakes Conservation Education Act. This bill would authorize a new program within the Department of Commerce to provide funding for non-governmental organizations, museums, school, consortiums, and others to support conservation education and outreach programs to restore the Great Lakes.

I am looking forward to working with my colleagues to make this program a reality. We have a long way to go to restore the lakes and this legislation will make it possible for organizations throughout the Great Lakes to educate students, teachers, and the general public about the steps they can take to improve the lakes.

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. 3622

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 “Great Lakes Conservation Education Act”.

SEC. 2. PURPOSE.

The purpose of this Act is to establish a competitive grant program to increase knowledge about, raise awareness of, and educate the public on the importance of conservation of the Great Lakes in order to improve the overall health of the Great Lakes.

SEC. 3. GREAT LAKES EDUCATION GRANTS.

(a) AUTHORITY TO AWARD.—The Secretary of Commerce is authorized to award grants to eligible entities to carry out eligible activities.

(b) ELIGIBLE ENTITY DEFINED.—In this Act, the term “eligible entity” means an educational entity or a nonprofit nongovernmental organization, consortium, or other entity that the Secretary of Commerce finds has a demonstrated record of success in carrying out conservation education or outreach programs.

(c) ELIGIBLE ACTIVITY DEFINED.—In this Act, the term “eligible activity” means an activity carried out in a State, or across multiple States, that is adjacent to one of the Great Lakes that provides hands-on or real world experiences to increase knowledge about, raise awareness of, or provide education regarding the importance of conservation of the Great Lakes and on actions individuals can take to promote such conservation, including—

(1) educational activities for students that are consistent with elementary and secondary learning standards established by a State;

(2) professional development activities for educators;

(3) Great Lakes conservation activities that have been identified by a State and adjacent States as a regional priority; or

(4) Great Lakes stewardship and place-based education;

(d) USE OF SUBCONTRACTORS.—An eligible entity awarded a grant under subsection (a) to carry out an eligible activity may utilize subcontractors to carry out such activity.

SEC. 4. REPORTS.

(a) REPORTS FROM GRANTEES.—The Secretary of Commerce may require an eligible entity to submit to the Secretary a report describing each activity that was carried out with the grant funds. The Secretary may require such report to include information on any subcontractor utilized by the eligible entity to carry out an activity.

(b) REPORTS FROM THE SECRETARY.—Not later than December 31, 2010, and once every 3 years thereafter, the Secretary of Commerce shall submit to Congress a report on the grant program authorized by section 3(a). Each such report shall include a description—

(1) of the eligible activities carried out with grants awarded under section 3(a) during the previous 3 years and an assessment of the success of such activities.

(2) of the type of education and outreach programs carried out with such grants, disaggregated by State;

(3) of the number of schools, and schools reached through a formal partnership with an eligible entity awarded such a grant, involved in carrying out such activities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $15,000,000 for each fiscal year to carry out this Act.

By Mr. LIEBERMAN (for himself and Ms. COLLINS): 3623. A bill to authorize appropriations for the Department of Homeland Security for fiscal years 2008 and 2009, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a bill to authorize appropriations for the Department of Homeland Security—the first comprehensive homeland security law introduced in the Senate in the 5-year history of this agency created in response to the attacks of 9/11.

This bipartisan bill is cosponsored by my friend and colleague, ranking member Senator SUSAN COLLINS, who has long been one of the Senate’s great leaders in our efforts to make our nation more secure.

I understand there is not time in this session for full consideration and passage of this legislation but we offer it as a blueprint for the next administration and the 111th Congress outlining key areas of improvement we think can make DHS more efficient and effective in its mission to safeguard our homeland.

Before I offer more detail on this bill, I would like to briefly review the history of the Department that has brought us to where we are today.

The attacks of 9/11 made it clear that oceans are no longer a defense against those who mean to harm our nation. After a series of hearings, the Homeland Security and Governmental Affairs Committee proposed legislation pulling more than 22 different agencies responsible for different areas of homeland defense into one Department where overlapping mission was the protection of the American people.

Success was not guaranteed. The administration and many in Congress still opposed the creation of a Department of Homeland Security. But we persevered in our mission and President Bush signed legislation creating the Department in January 2003.

I am proud at the time that creating a new Department with a single identity out of 22 different agencies would be difficult. Each agency came into the Department with its own culture—not to mention its own procurement, personnel and computer systems.

In some cases, they came after having been neglected in other Departments where homeland security had been an afterthought. There was, and remains, much work to be done.

But over the past 5 years, the men and women who work at the Department, under the leadership first of Secretary Tom Ridge and now of Michael Chertoff, have worked hard, often under difficult circumstances, to systematically improve the Nation’s security.

Our committee has also written and helped pass several pieces of important legislation to strengthen and guide DHS as it evolved into a more mature agency. I would like to briefly mention some of them because I am proud of the Homeland Security and Governmental Affairs Committee’s work under former Chairman SUSAN COLLINS and during my own tenure as chairman, because we truly worked as partners across party lines.

In the 108th Congress, our committee led the effort to enact the recommendations of the National Commission on Terrorist Attacks upon the United States—otherwise known as the 9/11 Commission—a Commission which, had been created through the Committee’s work in the previous Congress. The resulting Intelligence Reform and Terrorism Prevention Act of 2004 implemented most of the 41 recommendations of the 9/11 Commission, including a number directed at the work of the new Department.

In the 109th Congress, in the wake of the catastrophe of Hurricane Katrina, our committee conducted a far-reaching investigation into the actions at all levels of government that contributed to the disastrous response to the hurricane.

The Homeland Security and Governmental Affairs Committee held 22 hearings, interviewed hundreds of witnesses, reviewed hundreds of thousands of pages of documents, and issued a comprehensive, 700-page report on what went wrong.

The committee’s findings on shortcomings at FEMA and at DHS led us to draft the Post-Katrina Emergency Management Reform Act, which strengthened and elevated FEMA within the Department, brought together
into a single agency those charged with preparing for disasters with those res-ponsible for responding to them; re-quired planning for catastrophic events; and helped ensure that the re-sources of the whole Department would be available in a catastrophe.

The Post-Katrina Emergency Man-agement Reform Act was signed into law in October 2006, and the results of that Act can be seen in the much im-proved—though admittedly still imper-fect—Federal response to the series of recent midwestern and devastating hurricanes that have hit the Gulf Coast.

In the 109th Congress, our Committee helped draft and pass the SAFE Ports Act, to strengthen the Department’s port security efforts, and we passed legislation to provide DHS authority to better secure dangerous chemical fa-cilities.

In this Congress, after many hearings and much hard work, legislation imple-ments additional recommendations of the 9/11 Commission was signed into law. This legislation addressed a di-verse array of issues at DHS, from homeland security grants to informa-tion sharing to interoperable communica-tions to transportation security.

So while we offer this authorization bill as DHS readies for its sixth year as a department—and its first Presiden-tial transition—this committee has been working hard all along to give DHS the support it needed and the oversight—sometimes harsh—to stead-ily improve its capacity to carry out its critical mission.

With this authorization act we con-tinue that important work and I would like to touch on key portions of the bill.

This bill can be summarized under three major themes: integration, ac-countability, and effectiveness.

As I have already noted, we knew when we passed the Homeland Security Act that the process of creating a new, unified Department out of many di-verse component agencies would be both challenging and time-consuming—and the process is not yet complete. Therefore, a number of provisions of this bill would improve the integration of the Department. These provisions are collectively intended to help the Department to perform its missions at a level that is greater than the sum of its parts.

First, the bill would create an Under Secretay for Policy, to ensure that there is policy coordination across the Department.

The bill would also require the Secretary to develop and maintain the ca-pability to coordinate operations and strategically plan across all of the component organizations of the De-partment. To this end, it permits the establishement of an Office of Oper-ations Coordination and Planning within the Department, and authorizes the staffing of that Office to include members of the staf for the staffs of agencies such as the Coast Guard, Customs and Border Pro-tection, CBP, Immigration and and Count-probabilities, and FEMA to work together on key operational ac-tivities, such as planning for the up-coming DHS transition.

The bill would enhance the statutory authorities of the Chief Information Officer to gain control over IT investments in the De-partment. It also gives the Assistant Sec-retary for International Affairs of DHS new authority to coordinate the inter-national activities of the Department.

The bill would establish the Office of the Chief Learning Officer, who would coordinate training and workforce de-velopment activities on a Department-wide basis.

Finally, the bill would require the es-tablishment of a consolidated head-quarters for the Department of Home-land Security, which is long overdue. Currently, the Department is spread throughout 70 buildings and 40 sites across the National Capital Region making communication, coordination, and cooperation among all of DHS compo-nents a significant challenge. The de-plorable condition of the present head-quarters complex also makes it harder for DHS to recruit and retain talented professionals—directly affecting home-land security. The bill also seeks to em-power Congress and the administration to get the funding necessary for the headquarters consolidation to proceed.

The second major theme of the bill is accountability. The bill contains a number of provisions intended to en-hance oversight and ensure that the Depart-ment is held accountable for the decisions that it makes.

The bill requires that DHS have cer-tified program managers for all major acquisition programs, and directs the Department to report to Congress on its use of various contracting authorities and on task orders within two of its major acquisition vehicles.

The bill creates a statutory require-ment for a formal investment review process within the Department, and for investments where there are signifi-cant technological challenges, requires a formal testing and evaluation process prior to investment. These provisions will help to ensure that the Depart-ment does not again move forward with costly acquisitions without first prov-ing that the underlying technology will work.

The bill also requires reports to Con-gress on a number of other activities, including the Comprehensive National Cybersecurity Initiative and the De-partment’s efforts to improve minority representation among its employees.

The third major theme of the bill is effectiveness. There are a number of homeland security mission areas where the Federal government needs new or expanded authorities to effectively ad-dress threats that face us.

For example, the bill addresses grow-ing concerns about the cybersecurity threats, including an increase in the number of agri-culture specialists and that requires mea-sures to improve their recruitment and retention.

The bill addresses the threat of im-provised explosive devices, IEDs, by in-cluding provisions that would author-ize the DHS Office of Bombing Preven-tion, OBp, as well as authorize an in-crease in its budget to $25 million. OBp would lead bombing prevention activi-ties within DHS, and would coordinate with other Federal, State, and local agencies to ensure that existing gaps in Federal bombing prevention efforts are filled.

Building upon changes already being implemented in the Post Katrina Act, this bill looks to improve the position in the Nation’s preparedness. It would require that DHS work with other Federal agencies to develop plans for responding to potential cata-strophic scenarios, and would authorize a pilot program to assign National Guard planners to State emergency planning offices, to foster better State-Federal planning coordination. In addi-tion, it would authorize the Metropoli-tan Medical Rescue System to assist States and localities prepare for mass casualty events. It would reauthorize the Pre-Disaster Hazard Mitigation Program, which provides grants to States for mitigation measures de-signated to reduce losses in disasters.

Collectively the measures in this bill will improve the ability of the Depart-ment to carry out its missions and be-come a more mature and effective enti-ty.

I believe that the reforms and en-hancements contained in this legisla-tion, along with continued, vigorous oversight, will make DHS a stronger agency in the years to come. And re-form, not thoughtless reorganization, is the course future Congresses should support. When it comes to DHS, five years into its mission, and ignoring some noticeable improvements in its performance, there are still those who believe DHS should be chopped up and its parts shipped off to other agencies. I believe that is exactly the wrong course to take. It makes no sense to disrupt the development of the Depart-ment, and weaken the hand of the next Secretary, at a time when the chal-lenges she or he must face, from pre-venting nuclear terrorism, to securing our borders, to reducing responses to catastrophes of all kinds remain daunting. It took decades for the Department of Defense to become a
coherent whole, and its work is still not complete. Just as DHS and its component arts are beginning to gel into an effective organization ready to deal with disasters visited upon our nation by nature or terrorists, it makes no sense to plunge responsibility for our homeland back into the chaos that existed before 9/11.

This is a course I have fought and will fight in the years to come.

In their report to the nation, the 9/11 Commissioners wrote: "The men and women of the World War II generation rose to the challenges of the 1940s and the 1950s. They restructured the government so it could protect the country. That is now the job of the generation that experienced 9/11."

The Department of Homeland Security was part of that response to the new dangers we face and must remain so.

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. 3623

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 “Department of Homeland Security Authorization Act of 2008 and 2009.”

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “Department” means the Department of Homeland Security; and

(2) the term “Secretary” means the Secretary of Homeland Security.

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Sec. 1103. Authority for Federal Protective Service Officers and Investigators to Carry Weapons during Off-Duty Times.
Sec. 1104. Amendments Relating to the Civil Service Retirement System.


(a) FISCAL YEAR 2008.—There is authorized to be appropriated to the Secretary such sums as may be necessary for the necessary expenses of the Department for fiscal year 2008.

(b) FISCAL YEAR 2009.—There is authorized to be appropriated to the Secretary $22,165,000,000 for the necessary expenses of the Department for fiscal year 2009.
(4) ensure that the budget of the Department (including the development of future year budgets) is compatible with the statutory and regulatory responsibilities of the Department, with the priorities, strategic plans, and policies established by the Secretary;

(5) conduct long-range, strategic planning for the Department, including overseeing each quadrennial homeland security review under section 621;

(6) coordinate policy development undertaken by the component agencies and offices of the Department; and

(7) carry out such other responsibilities as the Secretary determines are appropriate, consistent with this section.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in the table of contents in section 1(b)—

(i) by striking the item relating to title IV and inserting the following:

"TITLE IV—BORDER AND TRANSPORTATION SECURITY";

(ii) by striking the item relating to subtitle A of title IV and inserting the following:

"Subtitle A—Border and Transportation Security";

(iii) by striking the item relating to section 414 and inserting the following:

"Sec. 414. Planning, and Operators Coordination."

(iv) by striking the items relating to title VI and section 601 and inserting the following:

"TITLE VI—POLICY, PLANNING, AND OPERATIONS COORDINATION"

"Sec. 601. Under Secretary for Policy."); and

(v) by inserting after the item relating to section 601 the following:

"Sec. 601A. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.

(B) in section 102(f)(10), by striking "the Directorate of Border and Transportation Security" and inserting "U.S. Customs and Border Protection"

(C) in section 103(a)(3), by striking "for Border and Transportation Security" and inserting "for Policy";

(D) by striking the heading for title IV and inserting the following:

"TITLE IV—BORDER AND TRANSPORTATION SECURITY";

(E) by striking the heading for subtitle A of title IV and inserting the following:

"Subtitle A—Border and Transportation Security";

(F) in section 402, by striking " acting through the Under Secretary for Border and Transportation Security;"

(G) in section 414(a), by striking "under the authority of the Under Secretary for Border and Transportation Security;"

(H) in section 414—

(i) in the section heading, by striking "TO UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY"; and

(ii) by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary;"

(I) in subsection (a)—

(i) in paragraph (2), by striking "who—" and all that follows through "(b) shall" and inserting "who shall"; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by striking "Under Secretary for Border and Transportation Security" each place it appears and inserting "Secretary; and"

(II) in subparagraph (C), by striking "Border and Transportation Security" and inserting "Policy;"

(J) in section 443, by striking "The Under Secretary for Border and Transportation Security" and inserting "The Secretary;"

(K) in section 444, by striking "The Under Secretary for Border and Transportation Security" and inserting "Secretary;"

(L) in section 472(e), by striking "the Under Secretary for Border and Transportation Security"; and

(M) in section 473, by striking "the Director of Border and Transportation Security" and inserting "U.S. Customs and Border Protection, Immigration and Customs Enforcement.

(2) OTHER LAWS.—

(A) VULNERABILITY AND THREAT ASSESSMENT.—Section 301 of the REAL ID Act of 2006 (6 U.S.C. 178a) is amended—

(i) in subsection (a)—

(I) in the first sentence, by striking "Under Secretary of Homeland Security for Border and Transportation Security" and inserting "Secretary of Homeland Security;" and

(II) in the second sentence, by striking "Under" and

(ii) in subsection (b)—

(I) by striking "Under"; and

(II) by striking "Under Secretary’s findings and conclusions" and inserting "Secretary’s findings and conclusions;" and

(iii) in subsection (c), by striking "Directorate of Border and Transportation Security."

(B) AIR CHARTER PROGRAM.—Section 44903(a)(1) of title 49, United States Code, is amended by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of".

(C) BASIC SECURITY TRAINING.—Section 4481a(c)(2)(B) of title 49, United States Code, is amended by striking "under the direction of the Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of;"

(D) AIRPORT SECURITY IMPROVEMENT PROJECTS.—Section 44923 of title 49, United States Code, is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of;"

(ii) by striking "Secretary" each place it appears and inserting "Secretary of Homeland Security;" and

(iii) in subsection (d)(3), in the paragraph heading, by striking "Secretary";

(E) REPAIR STATION SECURITY.—Section 44924 of title 49, United States Code, is amended—

(i) in subsection (a), by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of;" and

(ii) by striking "Secretary" each place it appears and inserting "Secretary of Homeland Security;"

(F) CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.—Section 46111 of title 49, United States Code, is amended—

(i) in subsection (a), by striking "Under Secretary for Border and Transportation Security of the Department of" and inserting "Secretary of;" and

(ii) by striking "Secretary" each place it appears and inserting "Secretary of Homeland Security;"

SEC. 202. OPERATIONS COORDINATION AND PLANNING.

(a) IN GENERAL.—Title VI of the Homeland Security Act of 2002 (6 U.S.C. 261 et seq.), as amended by section 201 of this Act, is amended by adding at the end the following:

"Subtitle B—Operations Coordination and Planning

SEC. 611. OPERATIONS COORDINATION AND PLANNING.

(a) IN GENERAL.—The Secretary shall ensure that the Department develops and maintains the capability to coordinate operations and strategically plan across all of the component organizations of the Department, including, where appropriate, through the use of a joint staff comprising personnel from those component organizations. (b) OFFICE.—In order to carry out the responsibilities described in subsection (a), the Secretary may establish in the Department an Office of Operations Coordination and Planning, which may be headed by a Director for Operations Coordination and Planning,

(c) RESPONSIBILITIES.—The responsibilities of a Director for Operations Coordination and Planning, subject to the direction and control of the Secretary, may include—

(1) operations coordination and strategic planning, consistent with the responsibilities described in subsection (a); (2) supervision of a joint staff comprised of personnel detailed from the component organizations of the Department in order to carry out the responsibilities under paragraph (1); and

(3) overseeing the National Operations Center described in section 515; and

(4) any other responsibilities, as determined by the Secretary.

(d) LIMITATION.—Nothing in this section may be construed to modify or impair the authorities of the Secretary or the Administrator of the Federal Emergency Management Agency under title V of this Act.

"Subtitle C—Quadrennial Homeland Security Review.

(b) TRANSFER.—The Homeland Security Act of 2002 (6 U.S.C. 261 et seq.) is amended by redesignating section 707 as section 621 and transferring that section to after the heading for subtitle C of title VI, as added by subsection (a) of this section.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by inserting after the item relating to section 601, as added by section 201 of this Act, the following:

"Subtitle B—Operations Coordination and Planning

Sec. 610. Operations Coordination and Planning.

Subtitle C—Quadrennial Homeland Security Review.

Sec. 621. Quadrennial Homeland Security Review.

(2) by striking the item relating to section 707;
SEC. 204. CHIEF INFORMATION OFFICER.

The Homeland Security Act of 2002 (6 U.S.C. 301 et seq.) is amended—

(a) Office of International Affairs, The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking section 879 and inserting the following: —

``SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.

(a) ESTABLISHMENT.—There is established within the Department an Office of International Affairs, headed by the Assistant Secretary for International Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS.—The Assistant Secretary for International Affairs shall—

(1) coordinate international activities within the Department, including the components of the Department, in coordination with the Under Secretary for Management, with particular responsibility for counterterrorism and homeland security matters;

(2) develop and update, in consultation with the components of the Department, an international strategic plan for the Department and establish a process for managing its implementation;

(3) provide guidance to components of the Department on implementing international activities and to employees of the Department who are deployed overseas, including—

(A) establishing predeployment preparedness criteria for employees and any accompanying family members;

(B) establishing, in coordination with the Under Secretary for Management, minimum support requirements for Department employees abroad, to ensure the employees have the proper resources and have received adequate and timely support prior to and during tours of duty;

(C) providing information and training on administrative support services available to overseas employees from the Department of State and other Federal agencies;

(D) establishing guidance on how Department authorities shall be coordinated with other component staff and activities; and

(E) developing and providing for overseas employees of the Department training and guidance.

(4) maintain full awareness regarding the international travel of employees of the Department, in order to fully inform the Secretary and Deputy Secretary of the Department's international activities;

(5) establish information and education exchange with the international community of nations friendly to the United States in order to promote the sharing of homeland security information, best practices, and technologies relating to homeland security, in coordination with the Science and Technology Homeland Security International Cooperation Office established under section 317, including—

(A) exchange of information on research and development on homeland security technologies;

(B) joint training exercises of emergency response providers;

(C) exchange of expertise on terrorism prevention, preparedness, response, and recovery;

(D) exchange of information with appropriate private sector entities with international exposure;

(E) international training and technical assistance to representatives of foreign countries who are collaborating with the Department; and

(F) identify areas for homeland security information and training exchange in which the United States has a demonstrated weakness and a country that is a friend or ally of the United States has a demonstrated expertise.

(6) identify areas for homeland security information and training exchange in which the United States has a demonstrated weakness and a country that is a friend or ally of the United States has a demonstrated expertise.

(7) review and provide input to the Secretary on budget requests relating to the international expenditures of the elements and components of the Department;

(8) participate, in coordination with the Secretary, in the development and implementation of international agreements relating to homeland security; and

(9) perform other duties, as determined by the Secretary.

(c) RESPONSIBILITIES OF THE COMPONENTS OF THE DEPARTMENT.—

(1) IN GENERAL.—All components of the Department shall notify the Secretary of International Affairs of the intent of the component to pursue negotiations with foreign governments.

(2) TRAVEL.—All components of the Department shall inform the Office of International Affairs about the international travel of senior officers of the Department, including contacts with foreign governments.

(3) EXCLUSIONS.—This section does not apply to international activities related to the protective mission of the United States Secret Service or to the United States Coast Guard when operating under the direct authority of the Secretary of Defense or Secretary of the Navy.

(b) REVIEW OF HOMELAND SECURITY INTERNATIONAL AFFAIRS ACTIVITIES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall develop a plan to improve the coordination of international activities for the Department outside of the United States.

(2) CONTENTS OF PLAN.—The plan developed under paragraph (1) shall include—

(A) an assessment of the strategic priorities for the Department in the outreach and liaison activities of the Department with international partners;

(B) an inventory of the cost analysis of the international offices, workforce, and fixed assets of the Department;
(C) a plan for improving the coordination of the activities and resources of the Department outside of the United States, including at United States embassies overseas; and

(D) a plan for improving the coordination of the appropriate role for Senior Homeland Security Representatives and attaches of the Department at United States embassies overseas.

SEC. 205. HOMELAND SECURITY INSTITUTE. Under the date of enactment of this Act, the Secretary shall submit the plan developed under paragraph (1) to:

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives.

SEC. 206. DEPARTMENT OF HOMELAND SECURITY REORGANIZATION AUTHORITY. Section 872(b) of the Homeland Security Act of 2002 (6 U.S.C. 52(b)) is amended as follows:

(1) in paragraph (1), in the paragraph heading, by striking "LIMITATIONS ON INITIAL REORGANIZATION PLAN"; and

(2) by striking paragraph (2) and inserting the following:

"(2) LIMITATIONS ON OTHER REORGANIZATION AUTHORITY.—

(A) IN GENERAL.—Authority under subsection (1) does not extend to the discontinuance, abolition, substantial consolidation, alteration, or transfer of any agency, entity, organizational unit, program, or function established or required to be maintained by statute.

(B) EXCEPTION.—Notwithstanding paragraph (1), if the President determines it to be necessary for the efficient and effective performance of the functions of homeland security, a function, power, or duty vested by law in the Department, or an officer, official, or agency thereof, may be transferred, abolished, or consolidated within the Department. A transfer, reassignment, or consolidation under this subparagraph shall remain in effect only until the President determines that the threat to homeland security has terminated or is no longer imminent.

SEC. 207. HOMELAND SECURITY INSTITUTE. Section 302 of the Homeland Security Act of 2002 (6 U.S.C. 192) is amended by striking subsection (c), and inserting the following:

"(c) PUBLICATION OF INSTITUTE REPORTS.—

The Homeland Security Institute shall make available on the Department’s website all unclassified directives, instructions, memoranda, manuals, and other materials relevant to the implementation of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 202 of this Act, and amended by adding at the end the following:

"SEC. 707. DEPARTMENT INVESTMENT REVIEW.

(a) Establishment.—The Secretary shall establish a process for the review of proposed investments by the Department.

(b) Purpose.—The Secretary shall use the process established under subsection (a) to inform investment decisions, strengthen acquisition oversight, and improve resource management across the Department.

(c) Boards and Councils.—(1) The Secretary may establish subordinate boards and councils reporting to the Acquisition Review Board to review certain categories of investments on a Department-wide basis.

(2) The Secretary shall appoint appropriate officers of the Department to serve on the Acquisition Review Board.

(3) Subordinate boards and councils.—The Secretary may establish subordinate boards and councils reporting to the Acquisition Review Board to review certain categories of investments on an agency or sub-agency level.

(d) Investment Thresholds.—The Secretary shall establish threshold amounts for the review of investments by the Acquisition Review Board and any subordinate boards and councils.

(e) Reporting Requirements.—(1) The Secretary shall submit an annual report on the activities of the Acquisition Review Board and subordinate boards and councils established within the Department for the purpose of Department-wide investment review and acquisition oversight under section 707 of the Homeland Security Act of 2002 (6 U.S.C. 192) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security and the House of Representatives.

(2) Annual Financial Report.—The report submitted under this section shall contain—

(A) a description of each contract awarded or ordered issued by the Department under the Enterprise Acquisition Gateway for Leading Edge Solutions and First Source contract vehicles during the applicable quarter, including the name of the contractor, the estimated cost, and the type of contract or order and any applicable contract structure;

(B) for each contract or order described in paragraph (1), a copy of the statement of work; and

(C) for each contract or order described in paragraph (1), an explanation of why other Governmentwide contract vehicles are not suitable to meet the needs of the Department.

SEC. 208. OFFICE OF THE INSPECTOR GENERAL.

Of the amount authorized to be appropriated under section 101, there are authorized to be appropriated to the Inspector General’s Office of the Inspector General of the Department—

(1) $109,500,000 for fiscal year 2008; and

(2) $117,930,000 for fiscal year 2009.

SEC. 209. DEPARTMENT MANAGEMENT DIREC-

TIVE SYSTEM.

(a) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary shall make available on the website of the Department all unclassified directives and management directives of the Department, including relevant attachments and enclosures. Any directive that contains controlled unclassified information may be redacted, as appropriate.

(b) Not later than 7 days after the date on which the Secretary makes all directives available under subsection (a), the Secretary shall submit a report that includes any designated directive of the Department (including attachments and enclosures) that was redacted or not pub-

lished on the website of the Department because the directive or management directive contains classified information or controlled unclassified information to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security of the House of Representatives.

TITLE III—PROCUREMENT POLICY AND RESOURCES IMPROVEMENTS

SEC. 201. DEPARTMENT OF HOMELAND SECURITY INVESTMENT REVIEW.

(a) In General.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.), as amended by section 202 of this Act, is amended by adding at the end the following:

"SEC. 707. DEPARTMENT INVESTMENT REVIEW.

(a) Establishment.—The Secretary shall establish a process for the review of proposed investments by the Department.

(b) Purpose.—The Secretary shall use the process established under subsection (a) to inform investment decisions, strengthen acquisition oversight, and improve resource management across the Department.

(c) Boards and Councils.—(1) The Secretary may establish subordinate boards and councils reporting to the Acquisition Review Board to review certain categories of investments on a Department-wide basis.

(2) The Secretary shall designate appropriate officers of the Department to serve on the Acquisition Review Board.

(3) Subordinate boards and councils.—The Secretary may establish subordinate boards and councils reporting to the Acquisition Review Board to review certain categories of investments on an agency or sub-agency level.

(d) Investment Thresholds.—The Secretary shall establish threshold amounts for the review of investments by the Acquisition Review Board and any subordinate boards and councils.

(e) Reporting Requirements.—(1) The Secretary shall submit an annual report on the activities of the Acquisition Review Board and subordinate boards and councils established within the Department for the purpose of Department-wide investment review and acquisition oversight under section 707 of the Homeland Security Act of 2002 (6 U.S.C. 192) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security and the House of Representatives.

(2) Annual Financial Report.—The report submitted under this section shall contain—

(A) a description of each contract awarded or ordered issued by the Department under the Enterprise Acquisition Gateway for Leading Edge Solutions and First Source contract vehicles during the applicable quarter, including the name of the contractor, the estimated cost, and the type of contract or order and any applicable contract structure;

(B) for each contract or order described in paragraph (1), a copy of the statement of work; and

(C) for each contract or order described in paragraph (1), an explanation of why other Governmentwide contract vehicles are not suitable to meet the needs of the Department.

SEC. 202. REQUIRED CERTIFICATION OF PROJECT MANAGERS FOR LEVEL ONE PROJECTS.

Not later than 12 months after the date of enactment of this Act, the Secretary shall assign to each Level 1 project of the Department (as defined by the Acquisition Review Board established under section 832 of the Homeland Security Act of 2002, as added by this Act) with an estimated value of more than $100,000,000 at least 1 project manager certified by the Secretary, as competent to administer programs of that size. The designation of project level and the certification of project managers shall be in accordance with the Under Secretary Project Manager Guidance issued by the Chief Information Officers Council.

SEC. 203. REVIEW AND REPORT ON EAGLE AND FIRST SOURCE CONTRACTS.

(a) Review.—Not later than 6 months after the date of enactment of this Act, the Secretary shall—

(1) review the Enterprise Acquisition Gateway for Leading Edge Solutions and First Source contract vehicles and determine whether each contract vehicle is cost effective or redundant considering all contracts in effect on the date of enactment of this Act that are available for multi-agency use.

In determining whether a contract is cost effective, the Secretary shall consider all direct and indirect costs to the Department of awarding and administering the contract and the impact the contract will have on the quality of the Department’s ability to leverage its purchasing power. The Secretary shall submit the results of the review to the Administrator of the Office of Federal Procurement Policy and the Committees listed in subsection (b).

(b) In General.—On a quarterly basis, the Chief Procurement Officer of the Department shall submit to the Committees awarded and orders issued in an amount greater than $1,000,000 by the Department under the Enterprise Acquisition Gateway for Leading Edge Solutions and First Source contract vehicles to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security and the House of Representatives.

(c) Contents.—Each report submitted under this section shall contain—

(1) a description of each contract awarded or ordered issued by the Department under the Enterprise Acquisition Gateway for Leading Edge Solutions and First Source contract vehicles during the applicable quarter, including the name of the contractor, the estimated cost, and the type of contract or order and any applicable contract structure;

(2) for each contract or order described in paragraph (1), a copy of the statement of work; and

(3) for each contract or order described in paragraph (1), an explanation of why other Governmentwide contract vehicles are not suitable to meet the needs of the Department.

SEC. 204. REPORT ON USE OF PERSONAL SER-

VICES CONTRACTS.

(a) In General.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report on the use by the Department of the authority granted under section 3516(f) of title 31, United States Code.

"(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security and the House of Representatives."
(b) CONTENT.—The report submitted under subsection (a) shall include a description of each procurement for temporary or intermittent personal services acquired under the authority granted for procurement of personal services under section 832 of the Homeland Security Act of 2002 (6 U.S.C. 392), including the duration of any contract for such services.

SEC. 305. PROHIBITION ON USE OF CONTRACTS FOR CONGRESSIONAL AFFAIRS ACTIVITIES

The Department may not enter into a contract under which the person contracting with the Department will—

(1) provide responses to requests for information in the course of a joint meeting of Congress or a committee of Congress; or
(2) prepare written or oral testimony of an officer or employee of the Department in response to a request to appear before Congress.

SEC. 306. SMALL BUSINESS UTILIZATION REPORT

(a) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Chief Procurement Officer of the Department shall submit a report regarding the use of small business concerns by the Department to—

(A) the Secretary;  
(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and  
(C) the Committee on Homeland Security of the House of Representatives.

(b) ACTION PLAN.—For a component meeting or exceeding the goals for small business participation an action plan is not required. For a component failing to meet the goals for small business participation, not later than 90 days after the date on which the report required under subsection (a) is submitted, the Chief Procurement Officer of the Department, in consultation with the Director of Small and Disadvantaged Business Utilization of the Department, shall, for each component development, conduct a review regarding the use of small business concerns by the Department.

(c) O THER ACQUISITION POSITIONS.—The report submitted under paragraph (1) shall identify each component of the Department that did not meet the goals for small business participation by the component for the previous fiscal year.

SEC. 307. DEPARTMENT OF HOMELAND SECURITY MENTOR-PROTEGE PROGRAM

(a) ESTABLISHMENT.—The Secretary shall establish within the Office of Small and Disadvantaged Business Utilization of the Department a mentor-protege program.

(b) REVIEW BY INSPECTOR GENERAL.—The Inspector General of the Department shall conduct a review of the mentor-protege program within one year after the date of enactment of this Act.

SEC. 308. OTHER TRANSACTION AUTHORITY

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) insert at the end the following:

"(A) shall include, at a minimum—

(i) procurement, including contracting positions in the Department that are acquisition management headquarters activities and in management and auditing positions;

(ii) positions involving joint development and production with other government agencies and foreign countries; and

(iii) positions which—

(I) have contributed to a broadening of the Department's industrial base;  
(II) have fostered within the Department new relationships and practices that support the national security of the United States;  
(III) the extent to which the use of the other transaction authority—

(I) has contributed to a broadening of the technology and industrial base available for meeting the needs of the Department; and

(II) has contributed to a broadening of the technology and industrial base new relationships and practices that support the national security of the United States;  
(IV) the total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report;  
(V) the rationale for using other transaction authority, including why grants or Federal acquisition-based contracts were not used, the extent of competition, and the amount expended for each such project;"

(b) in subsection (b) insert at the end the following:

"(A) IN GENERAL.—The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an annual report on the exercise of other transaction authority under subsection (a).

(B) CONTENT.—The report required under subparagraph (A) shall include the following:

(1) The total amount of payments in which research projects were conducted under other transaction authority.

(2) The extent of the cost-sharing among Federal and non-Federal sources.

(3) The extent to which the use of other transaction authority—

(I) has contributed to a broadening of the technology and industrial base available for meeting the needs of the Department; and

(II) has contributed to a broadening of the technology and industrial base new relationships and practices that support the national security of the United States.

(4) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report.

(5) The rationale for using other transaction authority, including why grants or Federal acquisition-based contracts were not used, the extent of competition, and the amount expended for each such project;"

(c) in subsection (c) insert the following:

"(A) shall include, at a minimum—

(i) program management positions;

(ii) systems planning, research, development, engineering, and testing positions;

(iii) procurement, including contracting positions;

(iv) industrial property management positions;

(v) logistics positions;

(vi) quality control and assurance positions;

(vii) manufacturing and production positions;

(viii) business, cost estimating, financial management, and auditing positions;

(ix) education, training, and career development positions;

(x) positions involving joint development and production with other government agencies and foreign countries; and

(xi) positions involving acquisition training tools and training facilities.

(d) RELEVANT CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "relevant congressional committees" means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

SEC. 309. INDEPENDENT VERIFICATION AND VALIDATION

(a) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, and semi-annually thereafter, the Chief Procurement Officer of the Department shall submit a report—

(A) in general, addressing the extent of independent verification and validation by the Department to—

(i) the Secretary;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(iii) the Committee on Homeland Security of the House of Representatives;  

(B) include recommendations for implementing independent verification and validation in future procurements; and

(C) for all Level 1 projects of the Department (as defined by the Acquisition Review Board established under section 707 of the Homeland Security Act of 2002 (6 U.S.C. 391)), if the item is not new, reprogrammed, reused, or produced in the United States.

(b) COVERED ITEMS.—An item referred to in subsection (a) is, if the item is directly related to the national security interests of the United States, an article or item of—

(a) STRATEGIC PLAN FOR ACQUISITION WORKFORCE

(b) STRATEGIC PLAN.—Not later than 6 months after the date of enactment of this Act, the Chief Procurement Officer and the Chief Human Capital Officer of the Department shall develop and deliver to relevant congressional committees a 5-year strategic plan for the acquisition workforce of the Department.

(c) ELEMENTS OF PLAN.—The plan required under subsection (a) shall, at a minimum—

(1) designate, in coordination with the Office of Federal Procurement Policy, positions in the Department that are acquisition positions which—

(A) shall include, at a minimum—

(i) program management positions;

(ii) systems planning, research, development, engineering, and testing positions;

(iii) procurement, including contracting positions;

(iv) industrial property management positions;

(v) logistics positions;

(vi) quality control and assurance positions;

(vii) manufacturing and production positions;

(viii) business, cost estimating, financial management, and auditing positions;

(ix) education, training, and career development positions;

(x) positions involving joint development and production with other government agencies and foreign countries; and

(xi) positions involving acquisition training tools and training facilities.

(2) set forth goals for achieving integration and consistency with government-wide training and certification programs, including workforce gaps and strategies for filling those gaps;

(3) include Departmental guidance and policies on the use of contractors to perform acquisition functions;

(4) describe specific steps for the recruitment, training, hiring, training, and continuous professional development of the workforce identified in paragraph (2); and

(5) set forth goals for achieving integration and consistency with government-wide training and certification programs, including workforce gaps and strategies for filling those gaps.
(1) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing and the materials and components thereof;

(2) tents, tarpaulins, or covers; or

(3) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarns, mohair, synthetic fabrics, coated synthetic fabrics (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fibers or yarn or contained in fabrics, materials, or manufactured articles).

(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to:

(1) procurements by vessels in foreign waters;

(2) emergency procurements.

(e) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the threshold for a public notice of solicitation described in section 18(a)(1)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 41a(A)).

(f) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL PRODUCTS.—A contract or subcontract for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (10 U.S.C. 41a(A)).

(g) GEOGRAPHIC COVERAGE.—In this section, the term "United States" includes the possessions of the United States.

(h) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subsection (b), if the Secretary applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the Acquisition and Synchronization Administration know as FedBizOpps.gov (or any successor site).

(1) TRANSITION DURING FISCAL YEAR 2008.—

(1) IN GENERAL.—The Secretary shall ensure that each member of the acquisition workforce in the Department who participates personally and substantially in the acquisition of textiles on a regular basis represents personally and substantially in the workforce in the Department who participates in the acquisition workforce.

(2) EFFECTIVE DATE.—This section applies with respect to contracts entered into by or on behalf of the Transportation Security Administration after the date of the enactment of this Act.

TITLE IV—WORKFORCE PROVISIONS

SEC. 401. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE OFFICE OF INTELLIGENCE AND ANALYSIS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after section 846 the following:

"SEC. 846. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AT THE OFFICE OF INTELLIGENCE AND ANALYSIS.

'(a) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—

'(1) IN GENERAL.—With the concurrence of the Director of National Intelligence and in coordination with the Director of the Office of Personnel Management, the Secretary may—

'(A) convert competitive service positions, and the incumbents of such positions, within the Office of Intelligence and Analysis to excepted service positions as the Secretary determines necessary to carry out the intelligence functions of the Department; and

'(B) establish new positions within the Office of Intelligence and Analysis in the excepted service, if the Secretary determines such positions are necessary to carry out the intelligence functions of the Department.

'(2) CLASSIFICATION AND PAY RANGES.—In coordination with the Director of National Intelligence, the Secretary may establish the classification and ranges of rates of basic pay for any position converted under paragraph (1)(A) or established under paragraph (1)(B), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

'(3) APPOINTMENT AND COMPENSATION.—The Secretary may appoint individuals for service in positions converted under paragraph (1)(A) or established under paragraph (1)(B) without regard to subchapter I of chapter 35 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the appropriate ranges of rates of basic pay established under paragraph (2).

'(4) MAXIMUM RATE OF BASIC PAY.—The maximum rate of basic pay the Secretary may establish for level III of the Executive Schedule under section 5314 of title 5, United States Code.

' (b) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—

'(1) DEFINITIONS.—In this subsection—

'(A) the term ‘compensation authority’—

'(i) the rates of basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments; and

'(ii) shall not include—

'(I) authorities relating to benefits such as leave, severance pay, retirement, and insurance;

'(II) authority to grant a rank award by the President under section 4507, 4507a, or 3131(c) of title 5, United States Code, or any other provision of law; and

'(III) compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service;

'(B) the term ‘intelligence community’ has the meaning given under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

'(2) IN GENERAL.—Notwithstanding any other provision of law, in order to ensure the successful implementation of the Intelligence Community, the Secretary, with the concurrence of the Director of National Intelligence, or for those matters that fall under the responsibilities of Personnel Management under statute or executive order, in coordination with the Director of the Office of Personnel Management, may authorize the Office of Intelligence and Analysis to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Secretary and the Director of National Intelligence—

'(A) determine that the adoption of such authority would improve the management and performance of the intelligence community; and

'(B) not later than 60 days before such authority is to take effect, submit notice of the adoption of such authority by the Office of Intelligence and Analysis, including the authority to be so adopted, and an estimate of the costs associated with the adoption of such authority to—

'(i) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

'(ii) the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives.

'(3) EQUIVALENT APPLICATION OF COMPENSATION AUTHORITY.—To the extent that a compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted by the Office of Intelligence and Analysis under this subsection, with respect to employees in an equivalent category or in an equivalent situation.

'(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended byinserting after the item relating to section 845 the following:

"Sec. 846. Authority for flexible personnel management at the Office of Intelligence and Analysis.

"Sec. 402. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT THE SCIENCE AND TECHNOLOGY DIRECTORATE.

(a) DEFINITION.—In this section, the term ‘employee’ has the meaning given under section 2105 of title 5.

(b) AUTHORITY.—The Secretary may make appointments to a position described under subsection (c) without regard to the provisions of subchapter I of chapter 35 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(c) POSITIONS.—This section applies with respect to any position, other than positions established as the result of a legal or legislative mandate, and with respect to any scientific or engineering position within the National Security Act of 1947 (50 U.S.C. 401a(3)), or any similar position within the National Security Act of 1947 (50 U.S.C. 401a(3)), or any similar position within the National Security Act of 1947 (50 U.S.C. 401a(3)), or any cultural or education position established by the President under section 4507, 4507a, or 3131(c) of title 5, United States Code, or the equivalent position or positions established by the President under section 4507, 4507a, or 3131(c) of title 5, United States Code.

(d) LIMITATION.—

'(1) IN GENERAL.—Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within such laboratory that are filled as of the end of the most recent fiscal year before the start of such calendar year.

'(2) FULL-TIME EQUIVALENT BASIS.—For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

'(e) TRAINING EXCEPTED.—The Secretary may make appointments under this section shall terminate on January 1, 2014.
SEC. 403. APPOINTMENT OF THE CHIEF HUMAN CAPITAL OFFICER BY THE SECRETARY OF HOMELAND SECURITY.

Section 373b of the Homeland Security Act of 2002 (6 U.S.C. 131(d)) is amended—

(1) by striking paragraph (3); and

(2) redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 404. PLAN TO IMPROVE REPRESENTATION OF MINORITIES IN VARIOUS CATHERGORIES OF EMPLOYMENT.

(a) REPRESENTATION OF MINORITIES.—


(b) CONTENTS.—In this section, the terms defined in section 720(a) of title 5, United States Code, have the meanings given such terms in that section 720(a).”

(b) PLAN FOR IMPROVING REPRESENTATION OF MINORITIES.—

(1) IN GENERAL.—

(A) SUBMISSION OF PLAN.—Not later than 90 days after the date of enactment of this Act, the Chief Human Capital Officer of the Department shall submit a plan to achieve the objective of addressing any underrepresentation of minorities in the various categories of civil service employment within the Department to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Oversight and Government Reform of the House of Representatives;

(iii) the Comptroller General of the United States; and

(B) CONTENTS.—The plan submitted under this section shall identify and describe—

(i) any barriers to achieving the objective described under subparagraph (A); and

(ii) the strategies and measures to overcome such barriers.

(2) DETERMINATION BY EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.—In consultation with the Office of Personnel Management, the Equal Employment Opportunity Commission shall make the determination of the number of members of a minority group for purposes of applying definitions under section 703(a) of title 5, United States Code, in this section.

(c) ASSESSMENTS.—Not later than 1 year after the date on which Chief Human Capital Officer submits the plan under subsection (b), the Comptroller General of the United States shall assess—

(1) any program and other measures currently being implemented to achieve the objective described under subsection (b)(1); and

(2) the likelihood that the plan will allow the Department to achieve such objective.

SEC. 405. OFFICE OF THE CHIEF LEARNING OFFICER.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended by inserting after section 707 the following:

“SEC. 708. CHIEF LEARNING OFFICER.

“(a) ESTABLISHMENT.—There is established within the Department an Office of the Chief Learning Officer.

“(b) CHIEF LEARNING OFFICER.—The Chief Learning Officer shall be the head of the Office of the Chief Learning Officer.

“(c) RESPONSIBILITIES.—The responsibilities of the Chief Learning Officer shall include—

(1) establishing a Learning and Development strategy for the Department, and managing the implementation of that strategy;

(2) managing the Department of Homeland Security Learning System;

(3) coordinating with the components of the Department to ensure that training and education activities at the component level are consistent, as appropriate, with the objectives of the Learning and Development strategy;

(4) identifying training and education requirements throughout the Department for career fields not otherwise managed by another office or component of the Department as directed by the Secretary;

(5) filling gaps in training and education through analysis and creation of courses or programs;

(6) coordinating with the Administrator of the Federal Emergency Management Agency on activities under section 845;

(7) ensuring that training and education programs and activities, previously publicized to Department employees and to other stakeholders, including other Federal, State, local and tribal officials, as appropriate;

(8) other responsibilities, as directed by the Secretary.

“(b) LEARNING AND DEVELOPMENT STRATEGY.—Not later than 15 days after the date of enactment of this Act, the Department shall publish the Department of Homeland Security Learning and Development strategic plan dated September 28, 2007, on the Department website.

“SEC. 406. EXTENSION OF RELOCATION EXPENSEES TEST PROGRAMS.

(a) IN GENERAL.—Section 5739(e) of title 5, United States Code, is amended by striking “11 years” and inserting “14 years”.

(b) EFFECTIVE DATE.—An amendment made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105-264; 112 Stat. 2355).

TITLE V—INTELLIGENCE AND INFORMATION-SHARING PROVISIONS

SEC. 501. FULL AND EFFICIENT USE OF OPEN SOURCE INFORMATION.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

“SEC. 210F. FULL AND EFFICIENT USE OF OPEN SOURCE INFORMATION.

“(a) DEFINITION OF OPEN SOURCE INFORMATION.—In this section—

(i) ‘open source information’ means publicly available information that can be lawfully obtained by a member of the public by request, purchase, or observation;

(ii) ‘Responsibilities of Secretary.’—In coordination with the Assistant Deputy Director of National Intelligence for Open Source and the Director of National Intelligence, the Secretary shall establish an open source collection, analysis, and dissemination program within the Office of Intelligence, Analysis and Dissemination. The program shall make full and efficient use of open source information to develop and disseminate open source alerts, warnings, and other intelligence products relating to the mission of the Department.

“(c) INTELLIGENCE ANALYSIS.—The Secretary shall make full and efficient use of open source information in carrying out paragraphs (1) and (2) of section 210(d).

“(d) DISSEMINATION.—The Secretary shall make open source information of the Department available to appropriate officers of the Federal Government, State, local, and tribal governments, and to the international community, using systems and networks for the dissemination of homeland security information.

“(e) PROTECTION OF PRIVACY.—

“(1) COMPLIANCE WITH OTHER LAWS.—The Secretary shall ensure that the manner in which open source information is gathered by the Department complies with section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974), provisions of law enforced by the Office of Management and Budget (Publ. Law 197-347), and all other relevant Federal laws.

“(2) DESCRIPTION IN ANNUAL REPORT BY PRINCIPAL OFFICERS.—The Secretary of the Department shall include in the annual report submitted to Congress under section 222 an assessment of compliance by Federal departments and agencies with provisions described in paragraph (1), as they relate to the use of open source information.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. et seq.) is amended by inserting after the item relating to section 210F the following:

“Sec. 210F. Full and efficient use of open source information.”

SEC. 502. AUTHORIZATION OF INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Funds authorized or made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 414) during fiscal years 2008 and 2009.

(b) RULE OF CONSTRUCTION.—The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 503. UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS TECHNICAL CORRECTION.

Section 16(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (10) and (11), respectively; and

(2) by inserting after paragraph (8) the following:

“(9) An Under Secretary for Intelligence and Analysis.”

TITLE VI—CYBER SECURITY INFRASTRUCTURE PROTECTION PROVISIONS

SEC. 601. NATIONAL CYBER SECURITY DIVISION.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by adding at the end the following:

“SEC. 226. NATIONAL CYBER SECURITY DIVISION.

“(a) DEFINITIONS.—In this section—

(1) the term ‘critical information infrastructure’ means a system or asset, whether physical or virtual, used in processing, transmitting, and storing information so vital to the United States that the incapacity or destruction of such system or asset would have a significant impact on national economic security, or national public health or safety; and

(2) the term ‘Division’ means the National Cyber Security Division.

“(b) ESTABLISHMENT.—There shall be within the Office of the Assistant Secretary for Cyber Security and Communications a National Cyber Security Division.

“(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Division shall be responsible for overseeing preparation, situational awareness, response, coordination, and mitigation necessary for cyber security, including—

(A) establishing and maintaining a capability to detect threats to critical information infrastructure to aid in detection of vulnerabilities and
warning of potential acts of terrorism and other attacks;

"(B) establishing and maintaining a capability to share useful, timely information regarding vulnerabilities, threats, and attacks with officers of the Federal Government and State and local governments, the private sector, and the general public;

"(C) providing comprehensive risk assessments on critical information infrastructure with respect to acts of terrorism and other large-scale disruptions, identifying and prioritizing vulnerabilities in non-Federal critical information infrastructure, and coordinating the mitigation of such vulnerabilities;

"(D) acting with the Assistant Secretary for Infrastructure Protection to ensure that cyber security is appropriately addressed in carrying out the infrastructure protection responsibilities described in section 201(d);

"(E) developing, with input from the owners and operators of relevant assets and systems, a plan for the continuation of critical information operations in the event of a cyber attack or other large-scale disruption of the information infrastructure of the United States;

"(F) defining what qualifies as a cyber incident of national significance for purposes of the National Response Plan or any successor plan prepared under section 508 of title 31, United States Code;

"(G) ensuring that the priorities, procedures, and resources of the Department are in place to reconstitute critical information infrastructures in the event of an act of terrorism or other large-scale disruption of such infrastructures;

"(H) developing, in coordination with the National Cyber Security Division, a national cyber security awareness, training, and education program that promotes cyber security awareness within the Federal Government and throughout the Nation; and

"(I) consulting and coordinating with the Under Secretary for Science and Technology on cyber security research and development to strengthen critical information infrastructure against acts of terrorism and other large-scale disruptions.

"(2) STAFFING.—The Division shall establish a capability to attract and retain qualified information technology experts at the Department to help analyze cyber threats and vulnerabilities.

"(3) FEDERAL NETWORK SECURITY.—The Division, in coordination with the National Cyber Security Center, shall monitor, consistent with the Constitution and other applicable laws, Federal, State, and local government agencies to determine any potential cyber incidents or vulnerabilities.

"(4) COLLABORATION.—

"(A) IN GENERAL.—Wherever possible, the Division shall work collaboratively with relevant members of the private sector, academia, other cyber security experts, and officials of the Federal Government and State, local, and tribal governments in carrying out the responsibilities under this subsection.

"(B) SINGLE CONTACT.—The Division shall provide a single Federal Government contact for State, local, and tribal governments and academia and other private sector entities to exchange information and work collaboratively regarding the security of critical information infrastructure.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended by section 601 of this Act, is amended by adding at the end the following:

"Sec. 226. National Cyber Security Division."
“(3) DEVELOPMENT OF BUDGETS.—Based on standards and guidelines developed under subsection (e)(1)(D) and any other relevant information, the Director shall—

(A) provide to the head of each agency that operates a Federal computer system, guidance for developing the budget pertaining to the information security activities of that agency;

(B) provide such guidance to the Director of the Office of Management and Budget who shall, to the maximum extent practicable, ensure that each agency budget conforms with such guidance;

(C) regularly evaluate each agency budget to determine if the guidance is adequate to meet the performance measures established under subsection (e)(1)(E); and

(D) provide copies of that evaluation to—

(i) the Director of the Office of Management and Budget;

(ii) the Committee on Appropriations of the Senate; and

(iii) the Committee on Oversight and Governmental Affairs of the Senate; and

(iv) the Committee on Appropriations of the House of Representatives;

(v) the Committee on Homeland Security and Governmental Affairs of the Senate;

(vi) the Committee on Oversight and Government Reform of the House of Representatives; and

(vii) the Committee on Homeland Security of the House of Representatives.

(4) REVIEW AND INSPECTION.—

(A) IN GENERAL.—The Director may—

(i) review the enterprise architecture, acquisition plans, contracts, policies, and procedures of any agency relevant to the information security of the Federal information infrastructure; and

(ii) physically inspect any facility to determine if the performance measures established by the National Cyber Security Center have been satisfied.

(B) REMEDIAL MEASURES.—If the Director determines, through review, inspection, or audit, that the applicable security performance measures have not been satisfied, the Director, in coordination with the Director of the Office of Management and Budget, may recommend remedial measures to be taken to prevent any damage, loss of information, or other threat to information security as a result of the failure to satisfy the applicable performance measures. Such measures shall be implemented or the head of the agency shall certify that, and explain how, the identified vulnerability has been mitigated.

(5) OPERATIONAL EVALUATIONS.—Unless otherwise directed by the President, the Director, in coordination with the Director of the National Security Agency, shall support strategic planning for the operational evaluation of the security of the Federal information infrastructure. Such planning may include the determination of objectives to be achieved, tasks to be performed, interagency coordination of operational activities, and the assignment of responsibilities, but the Director shall not, unless otherwise directed by the Secretary, direct the execution of operational evaluations.

(6) INFORMATION SHARING.—The Director shall provide information to the Director of the National Cyber Security Division on potential vulnerabilities, attacks, and exploitations of the Federal information infrastructure to the extent that such information might assist State, local, tribal, private, and other entities in securing their own information systems.

(7) REPORTS.—

(A) IN GENERAL.—Not less than once in each calendar year, the National Cyber Security Center shall submit a report to Congress.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—The title of the conference report that is referred to in section 331(c) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting ‘‘and the National Cyber Security Division’’ after ‘‘the National Cyber Security Center’’.

(C) SEC. 227. NATIONAL CYBER SECURITY CENTER.

SEC. 603. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT FOR CYBER SECURITY POSITIONS IN THE DEPARTMENT.

(1) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 226, as added by section 601 of this Act, the following:

‘‘Sec. 227. National Cyber Security Center.’’.

SEC. 605. AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT FOR CYBER SECURITY POSITIONS AT THE DEPARTMENT.

(1) IN GENERAL.—With the concurrence of the Secretary of Homeland Security, the Assistant Secretary for Cyber Security and Communications, as appropriate, in the case of the Director, and in the Director, the Secretary may establish new positions within the National Cyber Security Center and the National Cyber Security Division in the excepted service, if the Secretary determines such positions are necessary to carry out the cybersecurity functions of the Department.

(2) CLASSIFICATION AND PAY RANGES.—In coordination with the Director of the National Cyber Security Center and the Assistant Secretary for Cyber Security and Communications, the Secretary may establish the classification and ranges of basic pay for any position established under subsection (a), notwithstanding the applicable law governing the classification and rates of basic pay for such positions.

(3) APPOINTMENT AND COMPENSATION.—

(A) IN GENERAL.—The Secretary may appoint individuals for service in positions established under subsection (a) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointment to the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established under subsection (b).

(B) MAXIMUM RATE OF BASIC PAY.—The maximum rate of basic pay the Secretary may fix is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.”;

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The title of the conference report that is referred to in section 331(c) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting ‘‘and the National Cyber Security Division’’ after ‘‘the National Cyber Security Center’’.

SEC. 604. CYBER THREAT.

(a) DEFINITION.—In this section, the term ‘‘critical infrastructure’’ has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) CYBER THREAT ASSESSMENT.—

(A) IN GENERAL.—The Inspector General of the Department, in coordination with the Inspector General of the Office of the Director of National Intelligence, shall—

(1) assess the sharing of cyber threat information, including—

(A) how cyber threat information, including classified information, is shared with the owners and operators of United States critical infrastructure;

(B) the mechanisms by which classified cyber threat information is distributed; and

(C) the effectiveness of the sharing of cyber threat information; and

(2) not later than 180 days after the date of enactment of this Act, submit a report regarding the assessment under paragraph (1) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

(c) CYBER THREAT ASSESSMENT.—The Secretary, in coordination with the Director of National Intelligence, shall—

(1) perform a comprehensive, up-to-date assessment of the cyber threat to critical infrastructure, including electric power and control systems in the United States; and

(2) not later than 180 days after the date of enactment of this Act, submit a report regarding the assessment under paragraph (1) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

SEC. 605. CYBER SECURITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

‘‘SEC. 318. CYBER SECURITY RESEARCH AND DEVELOPMENT.

‘‘(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary for Science and Technology, in coordination with the Assistant Secretary for Cyber Security and Communications and the Director of the National Cyber Security Center, shall carry out a research and development program for the purpose of improving the security of information systems, as follows:

‘‘(b) ELIGIBLE PROJECTS.—The research and development program under this section may include projects to—

(1) enhance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and related infrastructure;

(2) improve and create technologies for detecting attacks or intrusions, including monitoring technologies;

(3) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully;

(4) develop and support infrastructure and tools to support cyber security research and
development efforts, including modeling, testbeds, and data sets for assessment of new cyber security technologies; (5) assist the development and support of technology to reduce vulnerabilities in process control systems; (6) test, evaluate, and facilitate the transfer of technologies associated with the engineering reliable software and securing the information technology software development lifecycle; and (7) address other vulnerabilities and risks identified by the Secretary.

(c) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary for Science and Technology shall ensure that the research and development program is consistent with the National Strategy to Secure Cyberspace, or any succeeding strategy.

(2) shall, to the extent practicable, coordinate the research and development activities of the Department with other ongoing research and development security-related initiatives, including research being conducted by—

(A) the National Institutes of Standards and Technology;

(B) the National Academy of Sciences;

(C) other Federal departments and agencies; and

(D) other Federal and private research laboratories, research entities, and universities and institutions of higher education;

(3) shall carry out any research and development project authorized by this section through a reimbursable agreement with an appropriate Federal agency, if the agency—

(A) is sponsoring a research and development project in a similar area; or

(B) has a unique facility or capability that would be useful in carrying out the project; and

(4) may award grants, or enter into cooperative agreements, contracts, other transactions, or reimbursable agreements to the entities described in paragraph (2).

(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.

(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Privacy Officer of the Department and the Office for Civil Rights and Civil Liberties of the Department.

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705, the Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties conduct assessments as appropriate, for research and development initiatives developed under this section that the Secretary determines could have an impact on privacy, civil rights, or civil liberties.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—From funds appropriated under title 9, United States Code, there shall be made available to the Secretary to carry out this section $50,000,000 for each fiscal year 2009 through 2012.

(2) FUNDS.—Funds appropriated pursuant to the authorization under this subsection shall remain available until expended.

(f) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 317 the following:

Sec. 318. Cyber security research and development.

SEC. 606. COMPREHENSIVE NATIONAL CYBER SECURITY INITIATIVE.

Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with the Director of National Intelligence, shall submit a report containing comprehensive and detailed program and budget information and delineating plans for identifying core cybersecurity initiatives, including:

(1) in paragraph (6), as so redesignated—

(i) by inserting “, implement, and coordinate” after “develop”; and

(ii) by inserting “, in partnership with the public sector,” after “comprehensive national plan”; and

(2) in paragraph (7), as so redesignated, by inserting “, facilitate the implementation of recommendations,” after “comprehensive national plan”; and

(3) in paragraph (9), as so redesignated, by inserting “, including owners and operators of critical infrastructure, in a timely and effective manner after “such responsibilities”.

TITLE VII—BIOLOGICAL, MEDICAL, AND SCIENCE AND TECHNOLOGY PROVISIONS

SEC. 701. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH AFFAIRS.

Section 516 of the Homeland Security Act of 2002 (6 U.S.C. 321e) is amended to read as follows:

SEC. 516. CHIEF MEDICAL OFFICER.

(a) IN GENERAL.—There is in the Department an Office of Health Affairs, which shall be headed by a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) QUALIFICATIONS.—The individual appointed as the Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Chief Medical Officer shall have the primary responsibility within the Department for medical and public health issues relating to the mission and operations of the Department, including federal and public health issues relating to natural disasters, acts of terrorism, and other man-made disasters.

(2) SPECIFIC RESPONSIBILITIES.—

(A) serving as the principal advisor to the Secretary and the Administrator on the medical care, public health, and agrodefense responsibilities of the Department;

(B) providing oversight of all medically-related actions and of protocols of the medical personnel of the Department, including coordinating public health interventions and exercises funded by the Department;

(C) administering the responsibilities of the Department for medical readiness, including providing guidance to support State and Federal training, and exercises

SEC. 608. INFRASTRUCTURE PROTECTION.

Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended as follows:

(1) in subsection (b)(3), by adding at the end the following: “The Assistant Secretary for Infrastructure Protection shall report to the Under Secretary with responsibility for overseeing critical infrastructure protection established in section 103(a)(B);” and

(ii) by redesigning paragraphs (2) through (25) as paragraphs (3) through (26), respectively;

(3) in paragraph (1) the following:

(2) To promote, prioritize, coordinate, and plan for the protection, security, resiliency, and postdisaster restoration of critical infrastructure and key resources of the United States and in the event of an act of terrorism, natural disaster, or other man-made disaster, in coordination with other agencies of the Government and in cooperation with Federal, State, local, and Governmental agencies and authorities, the private sector, and other entities.”;

(4) providing medical expertise for the components of the Department with respect
to prevention, preparedness, protection, re-
response, and recovery for medical and public
health matters;

(4) working in conjunction with ap-
propriate Federal departments and agencies
to develop guidance for prevention, prepared-
ness, protection, response, and recovery from
catastrophic human, animal, agri-
cultural, or environmental health con-
sequences; and

(K) performing such other duties as the
Secretary may designate.

SEC. 702. TEST, EVALUATION, AND STANDARDS
DIVISION.

(a) Test, Evaluation, and Standards Di-
vision.—Section 338 of the Homeland Secu-
ritiy Act of 2002 (6 U.S.C. 188) is amended—

(1) in subsection (a), by inserting "and through the Test, Evaluation, and Standards
Division of the Directorate" after "pro-
gram"; and

(2) by adding at the end the following:

"(d) Test, Evaluation, and Standards Di-
vision.—

"(1) Establishment.—There is established in
the Directorate of Science and Tech-
nology a Test, Evaluation, and Standards Di-
vision.

"(2) Leadership.—The Test, Evaluation, and
Standards Division shall be headed by a Direc-
tor of Test, Evaluation, and Standards.

"(3) Responsibilities, Authorities, and Func-
tions.—The Secretary, acting through the
Director of Test, Evaluation, and Standards,
shall—

"(A) ensure the effectiveness, reliability,
and suitability of testing and evaluation ac-
tivities conducted by or on behalf of compo-
nents and agencies of the Department in ac-
quision programs that are designated as high-risk major acquisition programs;

"(B) develop a departmentwide inde-
pendent and objective assessments of the
adequacy of testing and evaluation activities
conducted in support of acquisition programs
that are designated as high-risk major acquisi-
tion programs;

"(C) review and approve all Testing and
Evaluation Master Plans, test plans, and
testing evaluation procedures for acquisition
programs that are designated as high-risk major acquisition programs;

"(D) develop testing and evaluation poli-
cies for the Department;

"(E) develop a testing and evaluation in-
frastucture investment plan to modernize
departmental test-bed facilities that conduct
testing, for the conduct of operational test-
ing in support of acquisition programs that
are designated as high-risk major acquisi-
tion programs;

"(F) accred, test facilities or test-beds, as
necessary, that will be used by the Depart-
ment for testing and evaluation activities;
and

"(G) support the development and adoption
of voluntary standards in accordance with
section 12(d) of the National Technology
Transfer and Advancement Act of 1995 (15

"(4) Definition.—In this subsection, the
term "high-risk major acquisition program" means any acquisition program that is

"(A) designated as a Level 1 acquisition under the policies of the Acquisition Review
Board of the Department established under
section 707; or

"(B) otherwise designated by the Secretary
as a complex, high-risk, or major acquisition programs requiring enhanced oversight by the
Department.

(4) Oversight.—Not later than 60 days
after the date of enactment of this Act, the
Secretary shall submit to the Committee on
Homeland Security and Governmental Af-
fairs of the Senate and the Committee on
Homeland Security of the House of Rep-
resentatives a report that identifies each
fiscal year the total dollar amount of funds
appropriated for each of those programs.

SEC. 703. DIRECTOR OF OPERATIONAL TESTING.

(a) Definition.—(1) the term 'high-risk major acquisition program' has the meaning given that term in section 308(d); and

(2) the term 'realistic operational test and evalua-
tion' means testing conducted under the pol-
icies of the Acquisition Review
Division of the Directorate' after "pro-
gram"; and

"(2) by adding at the end the following:

"(d) Test, Evaluation, and Standards Di-
vision.—

"(1) Establishment.—There is in the De-
partment a Director of Operational Testing, who shall report to the Under Secretary for
Science and Technology and the Under
Secretary for Management on the operational
testing and evaluation of all high-risk major
acquisition programs.

"(2) Access to Records and Data.—

"(1) In General.—The Director of Oper-
ational Testing shall have prompt and full
access to test and evaluation documents,
data, and test results of the Department that
the Director considers necessary to review in
order to carry out the duties of the Director
under this section.

"(2) Observers.—The Director of Oper-
ational Testing may require that observers
designated by the Director shall be present
during the preparation for and the conduct of
any operational test and evaluation con-
ducted of a high-risk major acquisition pro-
gram.

"(3) Reporting by Program Managers.—
The program manager of a high-risk major
acquisition program shall promptly report to the Director of Operational Testing the re-
sults of any operational test and evaluation
conducted for a system in that program.

"(d) Safety Concerns.—The Director of
Operational Testing shall ensure that any
safety concerns derived from the test and
evaluation of a system in a high-risk major
acquisition program are communicated in a
timely manner to the Program Manager and
Compliance and Procedural Compliance
Program.

"(e) Reporting to Congress.—The Direc-
tor shall promptly convey with any request
made by the Committee on Homeland Secu-
rity and Governmental Affairs of the Senate
or the Committee on Homeland Security of
the House of Representatives for information
or reports relating to the operational test and
evaluation of a high-risk major acquisi-
tion program.

(b) Technical and Conforming Amend-
ments.—(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 318, as added by section 605 of this Act, the fol-
lowing:

"Sec. 319. Director of Operational Testing.

SEC. 704. AVAILABILITY OF TESTING FACILITIES
AND EQUIPMENT.

(a) Authorization.—The Under Secretary for
Science and Technology may make available
to any person or entity, for an appropriate
fee, the services of any center or other test-
ing facility owned and operated by the Di-
partment for the testing of materials, equip-
ment, models, computer software, and other
items designed to advance the homeland se-
curity, emergency preparedness, or defense
mission.

(b) Interference With Federal Programs.—The Under Secretary for Science
and Technology shall ensure that the testing of
materials, equipment, models, computer
software, or other items not owned by the
Federal Government shall not cause per-
sons, agencies, or other resources of the Federal
Government to be diverted from scheduled Fed-
eral Government tests or otherwise interfere
with Federal Government mission require-
ments.

(c) Confidentiality of Test Results.—The
results of tests performed with services
made available under subsection (a) and any
information derived from the testing or en-
try for the conduct of the tests—

(1) are trade secrets and commercial or fi-
nancial information that is deemed to be
confidential within the meaning of section
552(b)(4) of title 5, United States Code; and

(2) may not be disclosed outside the Fed-
eral Government without the consent of the
person or entity for whom the tests are
performed.

(d) Fees.—The fee for using the services of
a center or facility under subsection (a) may
not exceed the amount necessary to recoup
the direct and indirect costs involved, such
as direct costs of utilities, contractor sup-
port, and salaries of personnel, that are in-
curred by the Federal Government to provide
for the testing.

(e) Use of Fees.—Any fee collected under
subsection (a) shall be credited to the appro-
priations or other funds of the Directorate of
Science and Technology and shall be used to
directly support the research and develop-
m ent activities of the Department.

(f) Operational Plan.—(1) In General.—Not later than 30 days
after the date of enactment of this Act, the
Under Secretary for Science and Technology
shall submit to Congress a report detailing a
plan for exercising the authority to make
available a center or other testing facility
under this section.

(2) Contents.—The plan submitted under paragraph (1) shall include—

(A) a list of the facilities and equipment
that could be made available to a person or
entity under this section;

(B) a 5-year budget plan, including the
costs for facility construction, staff training,
contract and legal fees, equipment mainte-
nance and operation, and any incidental
costs associated with exercising the author-
ization to make available a center or other
testing facility under this section;

(C) a 5-year estimate of the number of
persons and entities that may use a center or other testing facility and fees to be collected
under this section;

(D) a list of criteria to be used by the
Under Secretary for Science and Technology
in selecting persons and entities to use a
center or other testing facility under this
section, including any special requirements
for foreign applicants; and

(E) an assessment of the effect the author-
ization to make available a center or other
testing facility under this section would have on the ability of a center or testing facility to
obtain any other obligations under other Federal
programs.

(g) Report to Congress.—The Under
Secretary for Science and Technology shall sub-
mit an annual report containing a list of the
centers and testing facilities that have
collected fees under this section, the amount
of fees collected, a brief descrip-
tion of the use of the funds collected, and
an assessment of the effect the author-
ization to make available a center or other
testing facility under this section would have on the ability of a center or testing facility to
obtain any other obligations under other Federal
programs.

SEC. 705. HOMELAND SECURITY SCIENCE AND
TECHNOLOGY ADVISORY COMMITTEE.

(a) In General.—Section 311(i) of the
191(i)) is amended by striking "December 31,
2008" and inserting "December 31, 2012".
SEC. 706. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Under Secretary for Science and Technology shall enter into an agreement with the National Research Council of the National Academy of Sciences to produce a report updating the 2002 report of the National Research Council entitled “Making the Nation Safer” (in this section referred to as the “2002 report”).

(b) CONTENT OF REPORT.—The report produced under subsection (a) shall:

(1) reassert the framework in the 2002 report for the application of science and technology for countering terrorism and homeland security;

(2) reassess the research agendas in the 9 areas addressed in the 2002 report, and in any new areas the National Research Council determines to address;

(3) define priority research areas that have not been sufficiently addressed by Federal Government research and development activities since 2002;

(4) assess the efficacy of the organizational structure and processes of the Federal Government for conducting research and development relating to counterterrorism and homeland security;

(5) assess the efficacy of the science and technology workforce in the United States in terms of supporting research and development relating to counterterrorism and homeland security; and

(6) address other related topics that the National Research Council determines to examine.

(c) PUBLICATION.—Not later than 1 year after the date of enactment of this Act, the National Research Council shall release the report produced under subsection (a) and make the report available free of charge on the website of the National Academies.

(d) AUTHORIZATION.—Of the total authorized in section 101 of this Act for fiscal year 2009, $1,000,000 is authorized to carry out this section.

SEC. 707. MATERIAL THREATS.

(a) IN GENERAL.—

(1) MATERIAL THREATS.—Section 319F–2(c)(2A) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended—

(A) by redesigning clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) by moving each of such subclauses 2 ems to the right;

(C) by striking—

“A MATERI AL T HREAT.—The Homeland Security Secretary and inserting the following:

“(A) MATERIAL THREAT.—

“(1) IN GENERAL.—The Homeland Security Secretary; and

“(D) by adding at the end the following clause:

“(II) GROUPINGS TO FACILITATE ASSESSMENT OF COUNTERMEASURES.—

“(1) IN GENERAL.—In conducting threat assessments, the Secretary may group agents under subsection (I) by the Homeland Security Secretary shall be designed, in consultation with the Secretary, to facilitate the assessment of countermeasures under paragraph (3) by the Secretary regarding the following two categories of countermeasures:

“(aa) Countermeasures that may address more than one agent identified under clause (I)(II).

“(bb) Countermeasures that may address adverse health consequences that are common to exposed different agents.

“(III) RULE OF CONSTRUCTION.—A particular grouping of agents pursuant to subclause (II) is not required under such subclause to facilitate assessment under categories of countermeasures described in such subclause. A grouping may concern one category and not the other.

“(iv) TIMEFRAME FOR COMPLETION OF CERTAIN ASSESSMENTS RELATING TO HOMELAND SECURITY.—With respect to chemical and biological agents and particular radiological isotopes and nuclear materials, or appropriate groupings of such agents, known to the Homeland Security Secretary as of the day before the date of the enactment of this clause, and which such Secretary considers to be capable of significantly affecting national security; and

“(v) DEFINITION.—For purposes of this subparagraph, the term ‘risk assessment’ means a scientific, technically-based analysis of agents that incorporates threat, vulnerability, and consequence information.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended—

(A) in paragraph (1)(B)(i)(I), by striking “paragraph (2)(A)(i))” and inserting “paragraph (2)(A)(i)(III)); and

(B) in paragraph (2)(I)(i) in subparagraph (B)—

(I) in clause (i), by striking “subparagraph (A)(i))” and inserting “subparagraph (A)(i)(III));

(II) in clause (ii), by striking “subparagraph (A)(i)(III))” and inserting “subparagraph (A)(i)(III))”;

(III) in subparagraph (C), by striking “subparagraph (A)” and inserting “subparagraph (A)(i)”;

(IV) in subparagraph (D), by striking “subparagraph (A)” and inserting “subparagraph (A)(i)”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 523(d) of the Homeland Security Act of 2002 (42 U.S.C. 20105) is amended—

(1) in paragraph (1), by striking “2006,” and inserting “2010,”; and

(2) by adding at the end the following:

“(3) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS REGARDING CERTAIN THREAT ASSESSMENTS.—For the purpose of providing an additional amount to the Secretary to assist the Secretary in meeting the requirements for clause (III) of section 319F–2(c)(2A)(A) of the Public Health Service Act (relating to time frames), there are authorized to be appropriated such sums as may be necessary for fiscal years 2006 and 2007 and for each fiscal year thereafter for the following:

(I) the required ongoing training courses available and completed;

(II) the required initial training courses completed;

(III) amounts appropriated pursuant to paragraph (1) shall supplement and not supplant any other amounts authorized to be appropriated to U.S. Customs and Border Protection for staffing.

SEC. 802. CUSTOMS AND BORDER PROTECTION OFFICER TRAINING.

(a) ENSURING CUSTOMS AND BORDER PROTECTION OFFICER TRAINING.—The Commissioner responsible for U.S. Customs and Border Protection (in this section referred to as the “Commissioner”) shall incorporate into an existing database or develop a database system, by June 30, 2009, that identifies for each Customs and Border Protection Officer—

(1) the assigned port placement location;

(2) the specific assignment and responsibilities;

(3) the required initial training courses completed;

(4) the required ongoing training courses available and completed;

(5) for each training course completed, the method by which the training is delivered (classroom, internet/computer, on-the-job, CD-ROM);
(6) for each training course, the time allocated during on-duty hours within which training must be completed;
(7) for each training course offered, the duration of training and the amount of time an employee must be absent from work to complete the training;
(8) if training has been postponed, the basis for postponement;
(9) the date training was completed;
(10) certification or evidence of completion of each training course; and
(11) training by a supervising officer that the Officer is able to carry out the function for which the training was provided.
(b)(2) if the training that involves professional or technical knowledge is to be supervised and evaluated performance of
(1) primary inspections areas;
(2) secondary inspections areas;
(3) carry out at air, land, and sea ports of entry in both primary and secondary inspections areas;
(4) develop an inventory of specific tasks that must be performed by Customs and Border Protection Officers throughout the entire inspection process at ports of entry, including those to be performed in primary and secondary inspections areas;
(5) ensure that on-the-job training includes supervised and evaluated performance of those tasks identified in paragraph (2) or a supervised and evaluated practice that simulates the on-the-job experience; and
(6) develop criteria to measure officer proficiency in performing those tasks identified in paragraph (2) and for providing feedback to officers on a regular basis.
(c)(2) the use of data.—The Commissioner shall use the information developed under subsection (a) and subsection (b)(2) to
(1) develop training requirements for Customs and Border Protection Officers to ensure that Officers have sufficient training to conduct primary and secondary inspections at land, air, and sea ports of entry;
(2) measure progress toward achieving those training requirements and
(3) make staffing allocation decisions.
(d) Competency.—Supervisors of on-the-job training shall—
(1) attest to the competency of Customs and Border Protection Officers to carry out the functions for which the Officers received training; and
(2) provide feedback to the Officers on performance.
SEC. 303. MOBILE ENROLLMENT TEAMS PILOT PROJECT.
Section 7290(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by adding at the end the following:
"(3) MOBILE ENROLLMENT TEAMS.—
"(A) IN GENERAL.—
"(i) ESTABLISHMENT.—Not later than November 1, 2008, the Secretary of Homeland Security, in conjunction with the Commissioner of Customs and Border Protection, shall deploy 20 temporary mobile enrollment teams along the international borders to assist United States citizens in applying for passport cards and passports. Not more than a total of 40 personnel shall be assigned to participate on the teams.
"(ii) AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL.—
"(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security for the purpose of meeting the staffing requirements under this paragraph such sums as may be necessary.
"(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to subclause (A) shall supplement and not supplant any other funds made available to be appropriated to the U.S. Customs and Border Protection for staffing.
"(B) DEPLOYMENT.—Enrollment teams established under subparagraph (A) shall be deployed to communities in each State that has a land or maritime border with Canada or Mexico located on among the States, consideration shall be given to the number of passport acceptance facilities in the State and the length of the international border of the State;
"(C) COORDINATION; OUTREACH.—In deploying enrollment teams under subparagraph (B), the Secretary shall—
"(i) implement a provision in conjunction with the Secretary of State;
"(ii) develop an awareness and outreach campaign for the mobile enrollment program; and
"(iii) coordinate with Federal, State, and local government officials in strategic locations along the northern and international borders to temporarily secure suitable space to conduct enrollments.
"(D) FEES.—
"(i) EXECUTION FEES.—Notwithstanding any other provision of law, the Secretary of Homeland Security and the Secretary of State may charge an execution fee for a passport card obtained through a mobile enrollment team established under this paragraph.
"(ii) APPLICATION FEES.—The Secretary of State may charge an application fee for a passport card obtained through a mobile enrollment team in an amount not to exceed
"(I) $20 for individuals who are 16 years of age or older; and
"(II) $10 for individuals who are younger than 16 years of age.
"(E) REPORT.—Not later than November 1, 2008, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees that describes
"(1) the status of the implementation of the mobile enrollment team pilot project;
"(ii) the number and location of the enrollment teams that have been deployed; and
"(iii) the amount of Federal appropriations needed to expand the number of mobile enrollment teams.
"(F) SUNSET.—The mobile enrollment team pilot project established under this paragraph shall terminate on July 1, 2010.

SEC. 304. FEDERAL-STATE BORDER SECURITY CO-OPTION.
(a) In General.—Subtitle XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:
"Subtitle C—Other Grant Programs
"Sec. 2041. Border security assistance program.
"(a) BORDER SECURITY TASK FORCES.—The Commissioner responsible for U.S. Customs and Border Protection (in this section referred to as the ‘Commissioner’), in conjunction with appropriate State, local, and tribal officials, may establish State or regional task forces to facilitate the coordination of the activities of State, local, or tribal law enforcement and other officials with Federal efforts to enhance the Nation’s border security.
"(b) FINANCIAL ASSISTANCE.—
"(1) IN GENERAL.—In support of the task forces authorized under subsection (a), the Secretary, through the Administrator, and in consultation with the Commissioner, is authorized to make grants to States to facilitate and enhance State, local, and tribal participation in border security efforts.
"(2) ELIGIBILITY.—A State is eligible to apply for grants under this section if
"(A) the State is located on the international border between the United States and Mexico or the United States and Canada; and
"(B) the State, local, or tribal governments within the State, participate in a task force described in subsection (a).
"(3) AVAILABILITY OF FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—Not later than 45 days after receiving grant funds, any State that receives a grant under this section shall allocate and make available to local and tribal governments
"(A) not less than 80 percent of the grant funds;
"(B) with the consent of local and tribal governments, eligible expenditures having a value of not less than 80 percent of the amount of the grant;
"(C) with the consent of local and tribal governments, grants funds combined with other eligible expenditures having a total value of not less than 80 percent of the amount of the grant.
"(4) LIMITATIONS ON USE OF FUNDS.—Funds provided under this section may not be used
"(A) to supplant State, local, or tribal government funding;
"(B) to pay salaries and benefits for personnel, other than overtime expenses;
"(C) to purchase vehicles, vessels, or aircraft;
"(D) to construct and renovate buildings or other physical facilities.
"(5) PRIORITY.—In allocating funds among eligible States applying for grants under this section, the Administrator shall consider for each eligible State
"(i) the relative threat vulnerability, and consequences from acts of terrorism to that State, including consideration of—
"(I) the most current threat assessments available to the Department relevant to the border of that State;
"(II) the length of the international border of that State; and
"(iii) such other factors as the Administrator may provide and
"(ii) the anticipated effectiveness of the proposed use of the grant by the State to enhance border security capabilities.
"(c) AUTHORIZATION OF APPROPRIATIONS.—
"(1) IN GENERAL.— There are authorized to be appropriated for grants under this section $20,000,000 for each of the fiscal years 2009 through 2013.
"(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 2022 the following:
"Subtitle B—Customs and Border Protection Agriculture Specialists

Subtitle II—Customs and Border Protection Agriculture Specialists

SEC. 811. SENSE OF THE SENATE.
It is the sense of the Senate that—
(1) agriculture specialists in U.S. Customs and Border Protection at the Department serve a critical role in protecting the United States from both the unintentional and the intentional introduction of diseases or pests that would result in harm to the United States and are an integral part of the border protection force of the Department by working synergistically and sharing information with others in the Department who are responsible for protecting the borders and keeping dangerous people and things out of the United States and;
(3) there should be continued and additional support for customs and border protection agriculture specialists and their unique mission.

SEC. 812. INCREASE IN NUMBER OF U.S. CUSTOMS AND BORDER PROTECTION AGRICULTURE SPECIALISTS.

(a) In General.—Subject to the availability of appropriations, the Secretary shall increase the number of full-time customs and border protection agriculture specialists for United States ports of entry by not fewer than 195 each fiscal year, for fiscal years 2009 through 2013, over the number of customs and border protection agriculture specialists authorized on the last day of the previous fiscal year.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Department for the purpose of increasing the number of customs and border protection agriculture specialists such sums as necessary for fiscal years 2009 through 2013.

SEC. 813. AGRICULTURE SPECIALIST CAREER TRACK.

(a) In General.—The Secretary, acting through the Commissioner responsible for U.S. Customs and Border Protection—

(1) may establish criteria by which appropriately qualified U.S. Customs and Border Protection technicians may be promoted to customs and border protection agriculture specialists;

(b) Education, Training, and Experience.—The Secretary, acting through the Commissioner responsible for U.S. Customs and Border Protection, shall ensure that all customs and border protection agriculture specialists are provided the opportunity to acquire the education, training, and experience necessary to qualify for promotion within U.S. Customs and Border Protection.

SEC. 814. AGRICULTURE SPECIALIST RECRUITMENT AND RETENTION.

Not later than 270 days after the date of enactment of this Act, the Secretary, acting through the Commissioner responsible for U.S. Customs and Border Protection, shall develop a more effective recruitment and retention of qualified customs and border protection agriculture specialists, including numerical goals for increased recruitment and retention and the benefits and other incentives where appropriate and permissible under existing laws and regulations.

SEC. 815. RETIREMENT PROVISIONS FOR AGRICULTURE SPECIALISTS AND SEIZED PROPERTY SPECIALISTS.

(a) Amendments Relating to the Civil Service Retirement System.—

(1) Definitions.—Section 8331 of title 5, United States Code, is amended—

(A) by striking “and" at the end of paragraph (30); and

(B) by striking the period at the end of paragraph (31) and inserting a semicolon; and

(C) by adding at the end following: "(32) ‘customs and border protection agriculture specialist’ means an employee in the Department of Homeland Security—

(‘A) who holds a position within the GS-0401 series (determined by applying the criteria in effect as of September 1, 2008) or any successor position; and

(B) whose duties include activities relating to the introduction of harmful pests, plant and animal diseases, and other biological threats at ports of entry, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties (as described in subparagraph (A)) for at least 3 years; and

(‘33) ‘customs and border protection seized property specialist’ means an employee in the Department of Homeland Security—

(‘A) who holds a position within the GS-1801 job series (determined by applying the criteria in effect as of September 1, 2008) or any successor position; and

(B) whose duties include activities relating to the efficient and effective custody, management, and disposition of seized or forfeited property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties (as described in subparagraph (A)) for at least 3 years; and".

(2) Deductions, Contributions, and Deferrals.—Section 8333 of title 5, United States Code, is amended—

(A) in subsection (a)(1)(A), by striking “or customs and border protection officer,” and inserting “or customs and border protection officer, customs and border protection agriculture specialist, or customs and border protection seized property specialist”; and

(B) in subsection (b)(3), by adding at the end the following:

"7.5 After April 1, 2009."

"Customs and border protection agriculture specialist or custom and border protection seized property specialist"

(3) Mandatory Separation.—The first sentence of section 8335(b)(1) of title 5, United States Code, is amended by striking “or customs and border protection officer” and inserting “or customs and border protection officer, customs and border protection agriculture specialist, or customs and border protection seized property specialist”.

(4) Immediate Retirement.—Section 8336 of title 5, United States Code, is amended by adding at the end the following:

"(B) in the table contained in subsection (c), by striking ‘customs and border protection seized property specialist’; and

(5) Government Contributions.—Section 8425(b)(1) of title 5, United States Code, is amended by adding at the end the following:

"(A) by striking ‘or customs and border protection officer who’ and inserting ‘or customs and border protection officer, customs and border protection agriculture specialist, or customs and border protection seized property specialist who’; and

(B) by striking ‘or customs and border protection officer as the case may be’ and inserting ‘or customs and border protection officer, customs and border protection agriculture specialist, or customs and border protection seized property specialist as the case may be’.

(6) Maximum Age for Original Appointment.—Section 8401 of title 5, United States Code, is amended by adding at the end the following:

"(B) by striking ‘or customs and border protection officer as the case may be’ and inserting ‘or customs and border protection officer, customs and border protection agriculture specialist, or customs and border protection seized property specialist as the case may be’.

(7) Maximum Age for Reappointment.—Section 8401 of title 5, United States Code, is amended by adding at the end the following:

"(B) by striking ‘or customs and border protection officer, customs and border protection agriculture specialist, or customs and border protection seized property specialist as the case may be’.

(8) Regulations.—Any regulations necessary to carry out the amendments made by
this section shall be prescribed by the Director of the Office of Personnel Management in consultation with the Secretary. (e) EFFECTIVE DATE; TRANSITION RULES. (1) IN GENERAL.—The amendments made by this section shall become effective on the first day of the first pay period beginning at least 30 days after the date of the enactment of this Act. (2) TRANSITION RULES.—(A) NONAPPLICABILITY OF MANDATORY SEPARATION PROVISIONS TO CERTAIN INDIVIDUALS.—The amendments made by subsections (a)(3) and (b)(6), respectively, shall not apply to an individual first appointed as a customs and border protection agriculture specialist or customs and border protection seized property officer before the effective date under paragraph (1). (B) TREATMENT OF PRIOR SERVICE.—(i) GENERAL RULE.—Except as provided in clause (ii), nothing in this section or any amendment made by this section shall be construed to apply with respect to any service performed as a customs and border protection agriculture specialist or customs and border protection seized property specialist before the effective date under paragraph (1). (ii) EXCEPTIONS.—(I) SERVICE DESCRIBED IN SECTION 8331(3) OR 8401(3), UNITED STATES CODE.—Service described in section 8331(3) or 8401(3), United States Code (as amended by this section) rendered before the effective date under paragraph (1) may be taken into account to determine if an individual holding a supervisory or administrative position in the Department. (II) SERVICE RENDERED UNDER PARAGRAPH (1) PUISUPTO AN APPOINTMENT MADE BEFORE THAT DATE SHALL, TO THE EXTENT THAT SUCH SERVICE IS SUBJECT TO SECTION 8331(3) OR 8401(3), UNITED STATES CODE (AS AMENDED BY THIS SECTION), BE CONSIDERED TO AFFORD ANY ELECTION OR TO OTHERWISE APPLY WITH RESPECT TO ANY INDIVIDUAL WHO, AS OF THE DAY BEFORE THE DATE OF THE ENACTMENT OF THIS ACT, HOLDS A POSITION WITHIN U.S. CUSTOMS AND BORDER PROTECTION AND IS SERVING AS A CUSTOMS AND BORDER PROTECTION AGROUICULTURE SPECIALIST OR CUSTOMS AND BORDER PROTECTION SEIZED PROPERTY SPECIALIST, BY VIRTUE OF HOLDING A SUPERVISORY OR ADMINISTRATIVE POSITION IN THE DEPARTMENT. SEC. 816. EQUIPMENT SUPPORT. Not later than 90 days after the date of enactment of this Act, the Commissioner, responsible for U.S. Customs and Border Protection, shall— (1) determine the minimum equipment and other resources necessary to carry out the Department’s agriculture inspection mission effectively; (2) complete an inventory of the equipment and other resources available at each U.S. Customs and Border Protection agriculture inspection station and facility; (3) identify, if necessary, the level of equipment and other resources and those that are available at agriculture inspection stations and facilities; and (4) develop a plan to address any gaps identified under paragraph (3). SEC. 817. REPORTS. (a) IMPLEMENTATION OF ACTION PLANS AND EQUIPMENT SUPPORT. Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Commissioner responsible for U.S. Customs and Border Protection, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on— (1) the implementation of the requirements of this subtitle; and (2) the report required under subsection (a); and (b) TITLE IX—PREPAREDNESS AND RESPONSE PROVISIONS SEC. 901. NATIONAL PLANNING. Title V of the Homeland Security Act of 2002 (6 U.S.C. 711) is amended by adding at the end the following:

"SEC. 525. NATIONAL PLANNING. (a) DEFINITIONS.—In this section— (1) the term ‘operations plan’ means a plan that— (A) identifies the resources, personnel, and assets allocations necessary to execute the objectives of a strategic plan and turn strategic priorities into operational execution; and (B) contains a full description of specific roles, responsibilities, and tasks, and prioritizes required capabilities. (b) NATIONAL PLANNING SYSTEM.—The President, through the Secretary and the Administrator, in conjunction with the heads of all appropriate Federal departments and agencies, and in consultation with the National Advisory Council established under section 508, shall develop a national planning system that— (1) provides common processes across Federal departments and agencies for developing plans to prevent, prepare for, protect against, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters; (2) includes a process for modifying plans described under paragraph (1) to reflect developing risks, capabilities, and policies and incorporate lessons learned from exercises and events; (3) provides for the development of— (A) strategic guidance that outlines broad national strategic objectives and priorities and is intended to guide the development of strategic and operations plans; and (B) such other plans as the Secretary determines necessary; (4) includes practical planning instruction and planning templates that may be used or adapted by States, local, and tribal governments, in order to promote consistent planning for all hazards, including
natural disasters, acts of terrorism, and other man-made disasters, across Federal, State, local, and tribal governments; and

(5) includes processes for linking Federal plans with those of State, local, and tribal governments.

(1) promote the planning system developed under subsection (b) to State and local governments and provide assistance, as appropriate, in the development of plans to prevent, prepare for, protect against, respond to, and recover from all hazards, including natural disasters, acts of terrorism and other man-made disasters.

(2) develop a means by which strategic and operations plans developed by State, local, and tribal governments and Federal strategic and operations plans developed under the national planning system required under subsection (b), may be coordinated and aligned.

(3) REPORT.—Not later than 1 year after the date of enactment of this section, and every year thereafter until the date that is 11 years after such date of enactment, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on

(1) the status of the national planning system required under subsections (b), and a document describing the system;

(2) the status of strategic guidance and strategic and operations plans and other plans developed under the national planning system;

(3) the current ability of Federal department and agencies to execute the plans developed under the national planning system and any additional resources required to enable such execution; and

(4) the extent to which State, local, and tribal planning efforts and Federal planning efforts are being coordinated.

SEC. 902. PREDISSASTER HAZARD MITIGATION.

(a) IN GENERAL.—

(1) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

(f) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The President shall award financial assistance under this section on a competitive basis and in accordance with the criteria in subsection (g).

(2) MINIMUM AND MAXIMUM AMOUNTS.—In providing financial assistance under this section, the President shall ensure that the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year—

(A) is not less than the lesser of—

(i) $575,000; and

(ii) the amount that is equal to 1 percent of the total funds appropriated to carry out this section for the fiscal year; and

(B) does not exceed the amount that is equal to 15 percent of the total funds appropriated to carry out this section for the fiscal year.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended to read as follows:

(m) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section—

(1) $210,000,000 for fiscal year 2009;

(2) $220,000,000 for fiscal year 2010;

(3) $230,000,000 for fiscal year 2011; and

(4) $240,000,000 for fiscal year 2012; and

(5) $250,000,000 for fiscal year 2013.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) in section 204(b) (42 U.S.C. 5134(b)), by striking “Director” and inserting “Administrator”;

(2) in section 303(b) (42 U.S.C. 5144(b)), by striking “Director” and inserting “Administrator”;

(3) in section 326(c)(3) (42 U.S.C. 5165d(c)(3)), by striking “Director” and inserting “Administrator”;

(4) in section 404(b) (42 U.S.C. 5170c(b)), by striking “Director” each place it appears and inserting “Administrator”;

(5) in section 406 (42 U.S.C. 5172), by striking “Director” each place it appears and inserting “Administrator”;

(6) in section 602(a) (42 U.S.C. 5195a(a))—

(A) in paragraph (4), by striking “Director” and inserting “Administrator” and; and

(B) by striking paragraph (7) and inserting the following:

(7) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency. The term ‘Director’ means the Director of the Federal Emergency Management Agency.’’

(7) in section 616 and 621 (42 U.S.C. 5196f and 5197), by striking “Director” each place it appears and inserting “Administrator”;

(8) in section 616 and 621 (42 U.S.C. 5196f and 5197), by striking “Director” each place it appears and inserting “Administrator”;

(9) in section 622 (42 U.S.C. 5195a), by striking paragraphs (a)(1) and (a)(2), by striking “Director” each place it appears and inserting “Administrator”;

(A) in subsection (a), by striking “Director” each place it appears and inserting “Administrator”;

(B) in subsection (b), by striking “Director” and inserting “Administrator” and;

(C) in subsection (c)—

(i) by striking “Director” the first place it appears and inserting “Administrator” and;

(ii) by striking “Director” each place it appears and inserting “Administrator”;

(10) in sections 623 and 624 (42 U.S.C. 5197b and 5197c), by striking “Director” each place it appears and inserting “Administrator” and;

(11) in section 629 (42 U.S.C. 5197h), by striking “Director” each place it appears and inserting “Administrator”;

(12) in program eligibility, by striking paragraph (2) and inserting the following:

flood control projects.—

(A) in general.—Any jurisdiction that is a State may not use more than 25 percent of the financial assistance under this section made available to the State in a fiscal year (including any such financial assistance made available to local governments of the State) for flood control projects.

B DEFINITION.—In this paragraph, the term ‘flood control project’ means—

(i) a project relating to the construction, demolition, repair, or improvement of a dam, dike, levee, floodwall, seawall, groin, jetty, or breakwater;

(ii) a waterway channelization; or

(iii) an erosion project relating to beach nourishment.

(2) PROGRAM ELIGIBILITY.—

(C) DIRECTOR.—The Director shall carry out this section for the fiscal year; and

(3) COMMUNITY PREPAREDNESS.

(T) COMMUNITY PREPAREDNESS.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 901 of this Act, is amended by adding at the end the following:

SEC. 904. METROPOLITAN MEDICAL RESPONSE SYSTEM.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 804 of this Act, is amended by adding at the end the following:

SEC. 2042. METROPOLITAN MEDICAL RESPONSE SYSTEM.

(a) IN GENERAL.—There is in the Department a Metropolitan Medical Response System, which shall assist State, local, and tribal governments in preparing for and responding to mass casualties resulting from natural disasters, acts of terrorism and other man-made disasters.

(b) FINANCIAL ASSISTANCE.—

(i) AUTHORIZATION OF GRANTS.—

(A) IN GENERAL.—The Secretary, through the Administrator, may make grants under this section to States, local governments, and tribal governments to assist in preparing for and responding to mass casualties resulting from natural disasters, acts of terrorism, and other man-made disasters.

(B) CONSULTATION.—In developing guidance for grants authorized under this section, the Administrator shall consult with the Chief Medical Officer.

(ii) USE OF FUNDS.—

(A) IN GENERAL.—A grant made under this section may be used in support of public health and medical preparedness, including—

(i) medical surge capacity;

(ii) mass prophylaxis;

(iii) chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities;

(iv) mass triage;

(v) planning;

(vi) information sharing and collaboration capabilities;

(vii) medical stockpiling;

(viii) fatality management;

(ix) training and exercises;

(x) integration and coordination of the activities and capabilities of public health personnel and medical care providers with those of other emergency response providers as well as private sector and nonprofit organizations; and

(xii) other activities as the Administrator may provide.

(C) ELIGIBILITY.—

(A) IN GENERAL.—Any jurisdiction that received funds through the Metropolitan Medical Response System in fiscal year 2008 shall be eligible to receive a grant under this section.

(B) ADDITIONAL JURISDICTIONS.—

(i) UNREPRESENTED STATES.—

(A) IN GENERAL.—For any State in which no jurisdiction received funds through the Metropolitan Medical Response System in fiscal year 2008, or in which funding was received only through another State, the metropolitan statistical area in such State with the largest population shall be eligible to receive a grant under this section.

(B) LIMITATION.—For each of fiscal years 2009 through 2011, no jurisdiction that would
otherwise be eligible to receive grants under subclause (i) shall receive a grant under this section if it would result in any jurisdiction under subparagraph (A) receiving less funding than such jurisdiction received in fiscal year 2008.

(ii) OTHER JURISDICTIONS.—

("I) IN GENERAL.—The Administrator, at the discretion of the Administrator, shall determine that additional jurisdictions are eligible to receive grants under this section.

(II) LIMITATION.—For each of fiscal years 2009 through 2011, the eligibility of any additional jurisdiction to receive grants under this section is subject to the availability of appropriations beyond that necessary to remove any jurisdiction under subparagraph (A) does not receive less funding than such jurisdiction received in fiscal year 2008; and

(II) other Department-supported preparedness programs.

(II) STATE DISTRIBUTION OF FUNDS.—

(A) ALLOCATION.—For each fiscal year, the Administrator shall allocate funds for grants under this section among eligible jurisdictions in the same manner that such allocations were made in fiscal year 2008.

(B) STATE DISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—The Administrator shall allocate funds for grants under this section to the State in which the jurisdiction is located.

(ii) EXCEPTION.—The Administrator, in the discretion of the Administrator, may permit a State to provide to a jurisdiction receiving a grant under this section equipment or training under a grant recipient under section 2003 or 2004 are not higher than the percent limit imposed in paragraph (2)(B) and that would not result in any jurisdiction eligible for a grant under paragraph (3)(A) receiving less funding than such jurisdiction received in fiscal year 2008.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section—

(1) $75,000,000 for each of fiscal years 2009 through 2013; and

(2) such sums as may be necessary for each of fiscal years 2014 and 2015.

(2) Program Review.—

(i) IN GENERAL.—The Administrator and the Chief Medical Officer shall conduct a review of the Metropolitan Medical Response System authorized under section 2944 of the Homeland Security Act of 2002, as added by subsection (a), including an examination of—

(A) the goals and objectives of the Metropolitan Medical Response System;

(B) the extent to which the goals and objectives are being met;

(C) the performance metrics that can best help assess whether the Metropolitan Medical Response System is succeeding;

(D) how the Metropolitan Medical Response System does or does not relate to other Department-supported preparedness programs;

(E) how eligibility for financial assistance, and the allocation of financial assistance, under the Metropolitan Medical Response System, should be determined; and

(G) the resource requirements of the Metropolitan Medical Response System.

(2) Reversing.—If, more than 1 year after the date of enactment of this Act, the Administrator and the Chief Medical Officer shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the results of the review under this subsection.

(c) Technical and Conforming Amendment.—

Section 635 of the Post-Katrina Management Reform Act of 2006 (6 U.S.C. 761(d)) is amended by striking “2008” and inserting “2009”.

SEC. 905. EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

Section 661(i) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 761(i)) is amended by striking “2008” and inserting “2009”.

SEC. 906. CLARIFICATION ON USE OF FUNDS.


(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “out of amounts awarded to a grant recipient” and inserting “out of amounts awarded to a grant recipient, as a condition of receiving a grant under this section, shall provide a copy of the explanation of how any requested equipment, training, or technical assistance under this section shall submit such information in support of the application as the Administrator may require, including an explanation of how any requested equipment will be used to support a system of mutual aid among neighboring jurisdictions;

(B) STATE CONCURRENCE.—

(1) IN GENERAL.—An applicant for direct equipment, training, or technical assistance under this section shall submit such information in support of the application as the Administrator may require, including an explanation of how any requested equipment will be used to support a system of mutual aid among neighboring jurisdictions.

(2) STATE CONCURRENCE.—

(A) IN GENERAL.—An applicant for direct equipment, training, or technical assistance under this section shall submit such information in support of the application as the Administrator may require, including an explanation of how any requested equipment will be used to support a system of mutual aid among neighboring jurisdictions.

SEC. 907. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

Title XXVII of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.), as amended by section 904 of this Act, is amended by adding at the end the following:

"SEC. 2043. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

(1) Establishment.—The Secretary, through the Administrator, is authorized to provide equipment, equipment training, and equipment technical assistance to assist State and local law enforcement and other emergency response providers in preventing, preparing for, responding to, and recovering from natural disasters, acts of terrorism, and other man-made disasters.

(2) Eligibility.—A law enforcement agency, fire department, emergency medical service, emergency management agency, public safety agency, or other emergency response agency shall be eligible to apply for direct equipment, training, and technical assistance under this section, if such an application—

(1) has not received equipment funding or other assistance under a grant under the Assistance to Firefighters Grant Program during the 2-year period ending on the application deadline for the Commercial Equipment Direct Assistance Program in any fiscal year; and

(2) the Governor of a State determines that the application of an emergency response agency under this section if it would result in any jurisdiction located not later than the date on which the agency submits the application to the Administrator is located not later than the date on which the agency submits the application to the Administrator is located.

(3) Voluntary Consensus Standards.—

(A) The Administrator may not directly provide a law enforcement or other emergency response agency under this section equipment that does not meet applicable voluntary consensus standards, unless the agency demonstrates that there are compelling reasons for such provision of equipment.

(B) Prohibition and Other Use.—No amount appropriated pursuant to the authorization of appropriations under this section may be used for an assessment and validation program or for any other purpose or program not provided for in this section.

(4) Authorization of Appropriations.—

There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2009 through 2012.

SEC. 908. TASK FORCE FOR EMERGENCY READINESS.

Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 903 of this Act, is amended by adding at the end the following:

"SEC. 527. TASK FORCE FOR EMERGENCY READINESS.

(1) Definitions.—In this section—

(A) the term ‘national planning scenarios’ means the national planning scenarios developed under section 445 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 745); and
(a) In General.—Section 2104 of the Homeland Security Act of 2002 (6 U.S.C. 204 et seq.), as amended by section 501 of this Act, is amended by adding at the end the following:

Sec. 2104. BOMBING PREVENTION.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $25,000,000 for each of fiscal years 2009 through 2010; and

(B) such sums as may be necessary for each fiscal year thereafter.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as may be necessary to carry out this section."

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**SEC. 909. TECHNICAL AND CONFORMING AMENDMENTS.**

**SECTION 514 OF THE HOMELAND SECURITY ACT OF 2002 (6 U.S.C. 231b).**

(1) DIRECTION.—The planning activities of a task force under this subsection shall be directed by the Governor of the applicable State, consistent with the objectives and plans of the Post Katrina Emergency Management Readiness Act of 2006 (6 U.S.C. 771).

(2) TASK FORCE ESTABLISHMENT.—Under the provisions described in paragraph (1), the Administrator shall establish a Task Force for Emergency Readiness in not fewer than five States.

(3) TASK FORCE MEMBERSHIP.—Each task force established under the program under this subsection shall consist of—

(A) State and local emergency planners from the applicable State, including National Guard planners in State status, appointed by the Governor of the applicable State;

(B) experienced emergency planners from the Agency, designated by the Administrator, in conjunction with the Regional Administrator for the applicable State; and

(C) representatives of emergency planners from the Department of Defense, designated by the Secretary of Defense, which may include civil service personnel.

**TITLE X—NATIONAL BOMBING PREVENTION ACT**

**SEC. 1001. BOMBING PREVENTION.**

(a) In General.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.), as amended by section 501 of this Act, is amended by adding at the end the following:

Sec. 210G. OFFICE FOR BOMBING PREVENTION.

(a) IN GENERAL.—There is in the Department an Office for Bombing Prevention (in this section referred to as the ‘‘Office’’), to be established within the Office of National Preparedness, and to be headed by an Assistant Secretary for Bombing Prevention within the Department.

(b) RESPONSIBILITIES.—The Office shall have the primary responsibility with respect to the prevention of terrorist bombings, in coordination with the efforts of the Office of the Director of National Intelligence, the National Counterterrorism Center, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

(A) $25,000,000 for each of fiscal years 2009 through 2010; and

(B) such sums as may be necessary for each fiscal year thereafter.

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**SHARING OF CRITICAL INFORMATION RELATING TO TERRORIST EXPLOSIVE ATTACKS**

(A) by the Administrator, in consultation with the Attorney General, other departments and agencies of Federal, State, and local government, and the private sector, the efforts of the Department to develop and promulgate national explosives detection canine training, certification, and performance standards; and

(B) coordinating the efforts to implement with Federal, State, and local government and the private sector, the efforts of the Department to develop and promulgate national explosives detection canine training, certification, and performance standards; and

(C) ensuring the implementation of any recommendations and responsibilities of the Department contained in the national strategy described in section 210H, including developing, maintaining, and tracking progress toward achieving objectives to reduce the Nation’s vulnerability to terrorist attacks using explosives or improvised explosive devices; and

(D) in coordination with the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, and local governments to deter, detect, prevent, protect, and respond to terrorist explosive attacks.

(E) coordinating in consultation with the Attorney General, other departments and agencies of Federal, State, and local government, the efforts of the Department to develop and promulgate national explosives detection canine training, certification, and performance standards; and

(F) ensuring the implementation of any recommendations and responsibilities of the Department contained in the national strategy described in section 210H, including developing, maintaining, and tracking progress toward achieving objectives to reduce the Nation’s vulnerability to terrorist attacks using explosives or improvised explosive devices; and

(G) in coordination with the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, and local governments to deter, detect, prevent, protect, and respond to terrorist explosive attacks.

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**SECTION 210H. NATIONAL BOMBING PREVENTION ACT**

(a) IN GENERAL.—There is in the Department an Office for Bombing Prevention (in this section referred to as the ‘‘Office’’), to be established within the Office of National Preparedness, and to be headed by an Assistant Secretary for Bombing Prevention within the Department.

(b) RESPONSIBILITIES.—The Office shall have the primary responsibility with respect to the prevention of terrorist bombings, in coordination with the efforts of the Office of the Director of National Intelligence, the National Counterterrorism Center, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

(A) $25,000,000 for each of fiscal years 2009 through 2010; and

(B) such sums as may be necessary for each fiscal year thereafter.

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**SHARING OF CRITICAL INFORMATION RELATING TO TERRORIST EXPLOSIVE ATTACKS**

(A) by the Administrator, in consultation with the Attorney General, other departments and agencies of Federal, State, and local government, and the private sector, the efforts of the Department to develop and promulgate national explosives detection canine training, certification, and performance standards; and

(B) coordinating the efforts to implement with Federal, State, and local government and the private sector, the efforts of the Department to develop and promulgate national explosives detection canine training, certification, and performance standards; and

(C) ensuring the implementation of any recommendations and responsibilities of the Department contained in the national strategy described in section 210H, including developing, maintaining, and tracking progress toward achieving objectives to reduce the Nation’s vulnerability to terrorist attacks using explosives or improvised explosive devices; and

(D) in coordination with the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, and local governments to deter, detect, prevent, protect, and respond to terrorist explosive attacks.

(E) coordinating in consultation with the Attorney General, other departments and agencies of Federal, State, and local government, the efforts of the Department to develop and promulgate national explosives detection canine training, certification, and performance standards; and

(F) ensuring the implementation of any recommendations and responsibilities of the Department contained in the national strategy described in section 210H, including developing, maintaining, and tracking progress toward achieving objectives to reduce the Nation’s vulnerability to terrorist attacks using explosives or improvised explosive devices; and

(G) in coordination with the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, and local governments to deter, detect, prevent, protect, and respond to terrorist explosive attacks.

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**CONGRESSIONAL RECORD — SENATE**

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**SHARING OF CRITICAL INFORMATION RELATING TO TERRORIST EXPLOSIVE ATTACKS**

(A) by the Administrator, in consultation with the Attorney General, other departments and agencies of Federal, State, and local government, and the private sector, the efforts of the Department to develop and promulgate national explosives detection canine training, certification, and performance standards; and

(B) coordinating the efforts to implement with Federal, State, and local government and the private sector, the efforts of the Department to develop and promulgate national explosives detection canine training, certification, and performance standards; and

(C) ensuring the implementation of any recommendations and responsibilities of the Department contained in the national strategy described in section 210H, including developing, maintaining, and tracking progress toward achieving objectives to reduce the Nation’s vulnerability to terrorist attacks using explosives or improvised explosive devices; and

(D) in coordination with the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, and local governments to deter, detect, prevent, protect, and respond to terrorist explosive attacks.

(E) coordinating in consultation with the Attorney General, other departments and agencies of Federal, State, and local government, the efforts of the Department to develop and promulgate national explosives detection canine training, certification, and performance standards; and

(F) ensuring the implementation of any recommendations and responsibilities of the Department contained in the national strategy described in section 210H, including developing, maintaining, and tracking progress toward achieving objectives to reduce the Nation’s vulnerability to terrorist attacks using explosives or improvised explosive devices; and

(G) in coordination with the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, and local governments to deter, detect, prevent, protect, and respond to terrorist explosive attacks.
Homeland Security of the House of Representatives a report regarding the national strategy described in subsection (a), which shall include recommendations, if any, for, determination of, detecting, protecting against, and responding to terrorist attacks in the United States using explosives or improvised explosive devices, including any such actions relating to increasing the efforts of Federal, State, local, and tribal governments, emergency response providers, and the private sector.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 109(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after section 109 and, as added by section 501 of this Act, as amended by adding at the end the following:

“Sec. 320. Explosives research and development.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 703 of this Act, is amended by adding at the end the following:

“SEC. 320. EXPLOSIVES RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs, the Attorney General, the Secretary of Defense, and the head of any other relevant Federal department or agency, shall—

(1) evaluate and assess nonmilitary research, development, testing, and evaluation activities of the Federal Government relating to protection against, and response to explosive attacks within the United States; and

(2) make recommendations for enhancing coordination of, research, development, testing, and evaluation activities described in paragraph (1).

(b) MILITARY RESEARCH.—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs, shall coordinate with the Secretary of Defense, the Attorney General, and the head of any other relevant Federal department or agency to ensure that, to the maximum extent possible, military information, intelligence, development, testing, and evaluation activities relating to the detection and prevention of, protection against, and response to explosive attacks, and the development of tools and technologies necessary to neutralize and disable explosive devices, are applied to nonmilitary uses.

“SEC. 321. TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs and the Attorney General, shall establish a technology transfer program to facilitate the identification, modification, and commercialization of technology and equipment for use by State and local governmental agencies, emergency response providers, and the private sector to deter, prevent, detect, protect, and respond to explosive attacks within the United States.

(b) PROGRAM.—The activities under the program established under subsection (a) shall include:

(1) the application of the technologies described under section 210(b) of the capabilities and requirements of bomb squads, explosive detection canine teams, tactical teams, and public safety dive teams of State and local governments, to assist in the determination of training and technology requirements for State and local governments, emergency response providers, and the private sector;

(2) identifying available technologies designed to provide, protect, or respond to explosive attacks that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department of Defense, other Federal agencies, the private sector, foreign governments, or international organizations;

(3) reviewing whether a technology described in paragraph (1) may be useful in an existing Federal, State, or local governments, emergency response provider, or the private sector in detecting, deterring, preventing, or responding to explosive attacks; and

(4) communicating, in coordination with the Attorney General, to Federal, State, and local governments, emergency response providers, and the private sector the availability of any technology described in paragraph (2), including providing the specifications of such technology, indicating whether such technology satisfies applicable standards, and identifying grants, if any, available from the Department to purchase such technology; and

(5) developing and assisting in the deployment of electronic countermeasures to protect high-risk critical infrastructure and key resources.

(c) WORKING GROUP.—To facilitate the transfer of military technologies, the Secretary, acting through the Under Secretary for Science and Technology, in coordination with the Under Secretary for National Protection and Programs, and in a manner consistent with protection of sensitive sources and methods, shall establish a working group, or use an appropriate interagency body in existence on the date of enactment of this section, to advise and assist in the identification of military technologies to detect, prevent, detect, protect, or respond to explosive attacks that are in the process of being developed, or are developed, by the Department of Defense or the private sector.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 319, as added by section 703 of this Act, the following:

“Sec. 320. Explosives research and development.

“Sec. 321. Technology transfer.”

“SEC. 321. TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs and the Attorney General, shall establish a technology transfer program to facilitate the identification, modification, and commercialization of technology and equipment for use by State and local governmental agencies, emergency response providers, and the private sector to deter, prevent, detect, protect, and respond to explosive attacks within the United States.

(b) PROGRAM.—The activities under the program established under subsection (a) shall include:

(1) the application of the technologies described under section 210(b) of the capabilities and requirements of bomb squads, explosive detection canine teams, tactical teams, and public safety dive teams of State and local governments, to assist in the determination of

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit a report on recommendations for full-time equivalent for the Federal Protective Service to—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Appropriations of the House of Representatives;

(D) the Committee on Homeland Security and the Committee of the House of Representatives; and

(E) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report submitted under this subsection shall include:

(A) an evaluation of whether all, part, or none of the recommendations for full-time equivalent for the Federal Protective Service are necessary or appropriate; and

(B) an evaluation of whether any security fees charged to agencies which utilize the Federal Protective Service, including whether such fees should be assessed based on square footage of facilities or by some other means; and

(C) an evaluation of assessing an enhanced security fee, in addition to a basic security fee, for facilities or agencies which require an enhanced level of service from the Federal Protective Service.

(d) ADJUSTMENT OR FEES.—The Federal Protective Service shall adjust fees as necessary to ensure collections are sufficient to carry out subsection (a).

(e) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Federal Protective Service from continuing to provide reimbursable security and law enforcement services as requested by other Federal agencies and organizations, without limitation to the appropriations authorized by this section.

“SEC. 1102. REPORT ON PERSONNEL NEEDS OF THE FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a contract with an independent consultant to—

(1) prepare a report that recommends the appropriate level and composition of staffing required to accomplish the law enforcement response, proactive patrols, 24-hour service in major metropolitan areas, support to building security committees, assistance with emergency plans, supervision and monitoring of contractors, implementation and maintenance of security systems and countermeasures, and other missions of the Federal Protective Service, including recommendations for full-time equivalent for public police officers, inspectors, area commanders, criminal investigators, canine units, administrative and support staff, and contract security guards; and

(2) submit the report to—

(A) the Secretary;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Homeland Security of the House of Representatives;

(D) the Committee on Transportation and Infrastructure of the House of Representatives; and

(E) the Committees on Appropriations of the Senate and the House of Representatives.

There are authorized to be appropriated such sums as necessary to carry out this section.
SEC. 1103. AUTHORITY FOR FEDERAL PROTECTIVE SERVICE OFFICERS AND INVESTIGATORS TO CARRY WEAPONS DURING EMERGENCY TIMES.

Section 1315(b)(2) of title 40, United States Code, is amended by striking "While engaged in the performance of official duties, an" and inserting "An".

SEC. 1104. AMENDMENTS RELATING TO THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) AMENDMENTS RELATING TO THE CIVIL SERVICE RETIREMENT SYSTEM.—

(1) Section 8331 of title 5, United States Code, as amended by section 815 of this Act, is amended by adding at the end the following:

""(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years."

(2) IMMEDIATE RETIREMENT.—Paragraphs (1) and (2) of section 8312(d) of title 5, United States Code, as amended by section 815 of this Act, are amended by inserting "Federal protective service officer," before "or customs and border protection officer.".

(3) COMPUTATION OF BASIC ANNUITY.—Section 8415(h)(2) of title 5, United States Code, as amended by section 815 of this Act, is amended by adding at the end the following:

"Federal Protective Service Officer 7.5 After June 29, 2009."'

SEC. 1105. MANDATORY SEPARATION.

(1) D EFINITIONS.—Section 8331 of title 5, United States Code, as amended by section 815 of this Act, is amended by adding at the end the following:

"Federal Protective Service Officer 7.5 After June 29, 2009."'

(2) IMMEDIATE RETIREMENT.—Paragraphs (1)(B)(i) and (3) of section 8423(a) of title 5, United States Code, as amended by section 815 of this Act, are amended by inserting "Federal protective service officer," before "customs and border protection officer.".

(3) DEDUCTIONS FROM PAY.—The table contained in section 8422(a)(3) of title 5, United States Code, as amended by section 815 of this Act, is amended by adding at the end the following:

""(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years."

(4) DEDUCTIONS FROM PAY.—The table contained in section 8422(a)(3) of title 5, United States Code, as amended by section 815 of this Act, is amended by adding at the end the following:

"(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years."

(5) GOVERNMENT CONTRIBUTIONS.—Paragraphs (1)(B)(i) and (3) of section 8423(a) of title 5, United States Code, as amended by section 815 of this Act, are amended by inserting "Federal protective service officer," before "customs and border protection officer.".

(b) AMENDMENTS RELATING TO THE FEDERAL PROTECTIVE SERVICE.—

(1) D EFINITIONS.—Section 8401 of title 5, United States Code, as amended by section 815 of this Act, is amended by adding at the end the following:

""(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years."

(2) IMMEDIATE RETIREMENT.—Paragraphs (1) and (2) of section 8412(d) of title 5, United States Code, as amended by section 815 of this Act, are amended by inserting "Federal protective service officer," before "or customs and border protection officer.".

(3) COMPUTATION OF BASIC ANNUITY.—Section 8415(h)(2) of title 5, United States Code, as amended by section 815 of this Act, is amended by adding at the end the following:

"Federal Protective Service Officer 7.5 After June 29, 2009."'

SEC. 1106. AUTHORITY FOR FEDERAL PROTECTIVE SERVICE OFFICERS TO CARRY WEAPONS DURING EMERGENCY TIMES.

(a) FEES.—The Federal Protective Service shall adjust fees as necessary to ensure collections are sufficient to carry out amendments made in this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1107. ELECTION.

(a) INCUMBENT DEFINED.—For purposes of this paragraph, the term ‘incumbent’ means an individual who is serving as a Federal protective service officer on the date of the enactment of this Act.

(b) NOTICE REQUIREMENT.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall take measures reasonably designed to ensure that incumbents are apprised as to the right to make an election under this paragraph, and the effect of making or not making a timely election.

(c) ELECTION AVAILABLE TO INCUMBENTS.—In general.—An incumbent may elect, for all purposes, either—

(I) to be treated in accordance with the amendments made by subsection (a) or (b), as applicable; or

(II) to be treated as if subsections (a) and (b) had never been enacted.

(d) FAILURE TO MAKE A TIMELY ELECTION.—For purposes of this subsection, the term ‘timely election’ means an election made under clause (i) on the last day allowable under clause (iii).

(e) DEADLINE.—An election under this subchapter shall not be effective unless it is made at least 14 days before the effective date under paragraph (1).

(f) DEFINITION.—For purposes of this subchapter, the term ‘Federal protective service officer’ has the meaning given such term by section 8331(34) or 8401(39) of title 5, United States Code (as amended by this section).

SEC. 1108. EXCLUSION.—Nothing in this section or any amendment made by this section shall be considered to afford any election or to otherwise apply with respect to any individual who, as of the day before the date of the enactment of this Act—
(A) holds a positions within the Federal Protective Service; and
(B) is considered a law enforcement officers for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, by virtue of such position.

SEC. 1105. FEDERAL PROTECTIVE SERVICE CONTRACTS.

(a) Prohibition on Award of Contracts to Any Business Concern Owned, Controlled, or Operated by an Individual Convicted of a Felony.—

(1) In general.—The Secretary, acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement—

(A) shall promulgate regulations establishing the prohibition contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and

(B) may consider permanent or interim prohibitions when promulgating the regulations.

(2) Contents.—The regulations under this subsection shall—

(A) identify which serious felonies may prohibit a contractor from being awarded a contract;

(B) require contractors to provide information about relevant felony convictions when submitting bids or proposals; and

(C) provide guidelines for the contracting officer to assess present responsibility, mitigating factors, the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances.

(b) Report on Government-Wide Applicability.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out this section.

(c) Report on Government-Wide Applicability.—Not later than 18 months after the date of enactment of this Act, the Administrator for Federal Procurement Policy shall submit a report on establishing similar guidelines government-wide to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Oversight and Government Reform of the House of Representatives.

By Mr. HATCH:

S. 3626. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Family and Retirement Health Investment Act of 2008. In these difficult economic times, many Utahns are facing the rising costs of health insurance and medical expenses. This bill would make it easier for families to decrease the cost of health insurance and encourage savings for retirement health care costs.

Briefly stated, this bill would enhance and improve Health Savings Accounts by addressing some of the questions and concerns that have been raised since HSAs were first enacted in 2003 but were not addressed by the Health Insurance Portability and Accountability Act of 2003.

Health Savings Accounts were created as an alternative to traditional health insurance. HSAs allow participants to pay for current medical bills while saving for future health care expenses. One of the most attractive features of these accounts is the high degree of control the participants have over how to spend the money and how to manage investments within the account.

Since their creation, HSAs have become increasingly popular. Part of the reason for this is that Health Savings Accounts offer several important tax advantages. Importantly, health savings in an HSA are not taxed. Funds can also be withdrawn from an HSA 100 percent tax free, so long as the withdrawal is related to medical care. HSAs are very easy to set up. Anyone can go to his or her local bank, credit union, insurance company, or sometimes even their employer and request to create an HSA.

Broad agreement now exists that Congress must advance reform that funds the employees on HSAs in health care inflation. In recent years American families—often along with the businesses they own or work for—have been addressing this inflation on their own, by turning toward health savings accounts to supplement the existing health care system.

According to one survey, there are now 6.1 million people covered under health plans that are eligible for an HSA, including over 70,000 in my home state of Utah. This is a 35 percent increase over the previous year, and it is clear that businesses large and small see these plans as an innovative solution for their employees’ health care needs.

In addition, because HSAs offer lower premiums, existing businesses find that they are able to maintain coverage, while new businesses are able to extend health insurance to their employees. And increasingly, these businesses are finding other things that they would a 401(k) plan. At the same time, the financial burden on families generally decreases under these plans due to lower premiums and a cap on out-of-pocket expenditures.

Given these attractive features, HSA-eligible health plans will only expand over time. In fact, a recent report estimates that the number of Health Savings Accounts will double between January 2008 and January 2009. It is appropriate, therefore, to continue to make common sense reforms to improve these plans for the families and businesses that are choosing them.

That is what this bill is all about. Among other things, I am introducing would allow a husband and wife to make catch-up contributions to the same HSA; clarify the use of prescription drugs as preventive care that will not be subject to the deductible; allow employer-sponsored insurance the definition of qualified medical expenses to encourage more exercise and better diet; and establish a more equitable tax treatment of health insurance by allowing individuals and families without employer-sponsored insurance the ability to pay for their health insurance premiums with tax-deductible dollars.

This proposal is certainly not a substitute for broader health care reform. Instead, it seeks to improve an important and growing innovation that is a partial answer to the health care puzzle.

As the Senate prepares for a comprehensive health care debate in the coming months, it is important that we do what we can now to promote wellness, decrease costs, and increase coverage. By taking the intermediate steps proposed in this bill, we can facilitate broader reforms by decreasing costs and assisting businesses and families as they seek to make affordable health care choices.

The popularity of HSAs will one day elevate the acronym to the level of IRAs, where no further clarification is required. Today, I ask my colleagues to join me in a bipartisan effort to accelerate that process by supporting this important legislation.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Family and Retirement Health Investment Act of 2008

Section-by-Section Description

This bill is designed to make certain enhancements and improvements to Health Savings Accounts (HSAs) by addressing some of the questions and concerns that have been raised since HSAs were first enacted in 2003 but were not addressed by the HOPE Act of 2006.

Section 1. Short Title
Section 2. Catch-Up Contributions by Spouses
May Be Made to One Account.

Current law allows HSA-eligible individuals age 55 or older to make additional catch-up contributions each year. However, the contributions must be deposited into separate HSA accounts even if both spouses are eligible to make catch-up contributions. Section 2 would allow the HSA account holder to double their catch-up contribution to account for their eligible spouse.


a. HSA-eligible seniors enrolled in Medicare Part A only may contribute to their Health Savings Accounts.

b. Medicare enrollees may contribute their own money to their Medicare Medical Savings Accounts (MSAs).

c. The law prohibits Medicare beneficiaries enrolled Medicare Medical Savings Account from contributing their own money to their MSAs. Although created in the 1997 Balanced Budget Act, MSAs are a relatively new type of plan under the Medicare Advantage program. MSA plans allow
seniors to enroll in a high-deductible plan and receive tax-free contributions from the federal government to HSA-like accounts. However, the government contribution is significant only when the plan deductible, and the beneficiary may not contribute any of their own money to fill in the gap. Section 3(b) allows Medicare beneficiaries participating in Medicare MSAs to contribute their own tax-deductible money to their MSAs to cover the annual shortfall.

Section 4. Expanded Opportunities for Veterans

Current law prohibits veterans from contributing to their HSAs if they have utilized VA medical services in the past three months. The bill would remove those restrictions and allow veterans with a service-connected disability to contribute to their HSAs regardless of utilization of VA medical services.

Section 5. Expanded Opportunities for Native Americans

Current law prohibits Native Americans from contributing to their HSAs if they have utilized medical services of the Indian Health Service (IHS) or a tribal organization. The bill would remove those restrictions and allow Native Americans to contribute to their HSAs regardless of utilization of IHS or tribal medical services.

Section 6. Improved Opportunities to Roll Over Funds From FSAs and HRAs to HSAs

The HHS Act of 2006 (H.R. 6111) allowed employer that offered Flexible Spending Arrangements (FSAs) or Health Reimbursement Arrangements (HRAs) to roll over unused FSA or HRA funds from employees to their HSAs as employees transitioned to an HSA for the first time. However, the unused FSA funds may not be rolled over the HSAs unless the employer offers a plan that allows medical expenses to be reimbursed from an FSA through March 15 of the following year (instead of the usual “use or lose” by December 31). In addition, the amount that may be rolled over to the HSA cannot exceed the amount in such an account as of September 21, 2006. This provision effectively limits most employees from ever being able to use unused funds in an FSA or an HRA to help fund their HSAs. Section 6 clarifies current law to provide employers greater opportunity to contribute funds from employees’ FSAs or HRAs to their HSAs in a future year in order to ease the transition from FSAs and HRAs to HSAs.

Section 7. Expanded Opportunity to Purchase Health Insurance with HSA Funds

Under current law, people can only use their HSA account to pay for health insurance premiums when they are receiving federal or state unemployment benefits or are covered by a COBRA continuation policy from a former employer. In addition, HSA funds may not be used to pay for a spouse’s Medicare premiums unless the HSA account holder is age 65 or older. Section 7 allows HSA account funds to be used to pay premiums for HSA-qualified policies regardless of the account holder’s age. This section also clarifies that Medicare premiums for a spouse on Medicare are reimbursable from an HSA even though the HSA account holder is not age 65.

Section 8. Greater Flexibility Using HSA Account to Pay Expenses

When people enroll in an HSA-qualified plan, some let a few months elapse between the time they lose coverage and the time they transition to their new plan (e.g., January) and when the health savings bank account is set up and becomes operational (e.g., March). However, the IRS does not allow the medical expenses incurred during that gap (between January and March) to be reimbursed with HSA funds. Section 8 allows all “qualified medical expenses” (as defined under the tax code) incurred after HSA-qualified coverage begins to be reimbursed from an HSA account as long as the account holder is established by April 15 of the following year.

Section 9. Expanded Definition of “Preventive” Drugs

Current law allows “preventive care” services to be paid by HSA-qualified plans without being subject to the policy deductible. Although IRS guidance allows certain types of prescription drugs to be considered “preventive care,” the guidance generally does not permit plans to include drugs that prevent complications resulting from chronic conditions. Section 9 expands the definition of “preventive care” to include medications that prevent worsening of or complications from chronic conditions. This would provide additional flexibility to health plans that want to provide coverage for these medications and remove a perceived barrier to HSAs for people with chronic conditions.

Sections 10–12. Expanded Definition of “Qualified Medical Expenses.”

With the increase in the need to encourage Americans to take better care of their health and reduce the prevalence of obesity, Section 10 and 11 modify the definition of “qualified medical expenses” (Sec. 10) allowed by the Internal Revenue Code to include the cost of: Exercise and physical fitness programs, up to $1,000 per year (Sec. 10); Nutritional counseling, up to $500 per year, including meal replacement products, up to $1,000 per year (Sec. 11).

The modification would affect all health care programs using the definition, including HSAs, HRAs, FSAs and the medical expense deduction when taxpayers itemize.

Final Section 9(a) expands the definition of “qualified medical expenses” generally does not include fees charged by primary care physicians that offer pre-paid medical services on demand because there is no direct billing for individual services provided by the physician and the arrangement is not considered “insurance.” Section 12 would allow amounts paid by patients to their primary physician in advance for the right to receive medical services on an as-needed basis to be considered a “qualified medical expense” under the tax code. This section would affect all health care programs using the definition, including HSAs, HRAs, FSAs, and the medical expense deduction when taxpayers itemize.

By Mr. HARKIN:

S. 3627. A bill to improve the calculation of, the reporting of, and the accountability for, secondary school graduation rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, this fall our Nation’s high school graduation class of 2012 took their first steps into their local high school as freshmen. The best research based on data from all 50 states tells us that ½ of that class of freshmen will not walk across a stage and receive their diploma with their peers in four years.

Tragically we face a national high school drop out crisis. Every year an estimated 1.23 million students drop out of high school. To put that number in perspective, it is equivalent to the entire population of the ninth largest city in the country, Dallas.

What are the facts of the Nation’s dropout epidemic? We know that if you are Black or Hispanic it’s essentially a 50-50 chance that you will graduate in 4 years. This disparity exists even in my home State of Iowa, one of the best states in the Nation in terms of graduating kids in 4 years. According to data from the Editorial Projects in Evolution Research Center, 63 percent of African-American students in Iowa graduate in 4 years—almost 30 points lower than white students—while the graduation rate for Hispanic students is only 54 percent.

Just as the data on racial and ethnic minorities paints a grim picture, a look into the Nation’s graduation rates for students with disabilities shows many students continue to be failed by the system. The most recent data indicates that slightly more than half of all students with disabilities graduated from high school with a regular diploma. Those rates go down when examining different categories of students with disabilities. For instance, in 2009, 67 percent of students with emotional disturbances graduated from high school with a regular diploma. Bear in mind that many of these students do not have a learning disability, and with the proper supports and interventions they can achieve at least as well as expected of their non-disabled peers.

But these statistics may not even tell the full story. Too few States use a “cohort rate,” which tracks students from high school entrance through graduation of the class of freshmen. In No Child Left Behind, many States choose to employ a method of calculation that produces inflated reports due to under-counting dropouts. In 2005, the Government Accountability Office first documented troubling and inconsistent trends in graduation rate reporting. Unfortunately, because we lack of uniform measure of graduation rates, hundreds of thousands of children are un-accounted for each year.

We owe it to the students to do a better job of tracking their progress towards graduation, and ensuring that they receive their high school diploma in 4 years. Census Bureau data shows there is a $9,000 discrepancy between the average income of a high school graduate and a high school dropout. In the middle of an economic crisis that is affecting American families’ savings, an extra $9,000 would go a long way.

But looking beyond the individual impact, a measure that properly educates its young people and graduates them in 4 years provides economic security for the country. Research by Cecilia Rouse, professor of economics and public affairs at Princeton University, shows that each drop out, over his or her lifetime costs the Nation approximately $260,000. If more than 1 million students continue to dropout of high school each year, in 10 years that will amount to a cost of $3 trillion to our Nation.

Just as we have new work out for us. Today I introduce the Every Student Counts Act, legislation that directly addresses the nation’s dropout
crisis through the creation of one consistent graduation rate across all 50 states and by setting meaningful graduation rate goals and targets for schools, districts and States.

As we roll up our sleeves and get down to the business of solving the dropout crisis, we cannot waste our energy and our time arguing over whose data is correct. As I noted above, today we have 50 States with 50 different ways of measuring dropouts. In addition, we have many wonderful education organizations with their own figures on high school graduation. It should be no surprise that they do not match up.

Take for example the difference in the graduation rates between those compiled by the independent Editorial Projects in Education Research Center, whose data is employed in Education Week’s “Diplomas Count” annual report, and those currently reported by the States. While I think most would expect, to be relatively similar, they are not. In some States the difference between the two graduation rates is as much as 30 percentage points.

That is why the first thing the Every Student Count Act will do is make graduation rate calculations uniform and accurate. The bill requires that all States calculate their graduation rates in the same manner, allowing for more consistency and transparency. This bill will bring States together requiring each State to report both a 4-year graduation rate and a cumulative graduation rate. A cumulative graduation rate will give parents a clear picture of how many students are graduating, while acknowledging that not all children will graduate in 4 years.

But agreement on one graduation rate is only half the battle here. Schools, school districts and States that are not already graduating a high number of students must be required to make annual progress to high graduation rates. The Every Student Counts Act sets a graduation rate goal of 90 percent for all students and disadvantaged populations. Schools, districts and States with graduation rates below 90 percent, in the aggregate or for any subgroup, will be required to increase their graduation rates an average of 3 percentage points per year in order to make adequate yearly progress required under the No Child Left Behind Law.

Before I conclude my remarks, I would like to thank the growing list of organizations representing the interests of children across the country who have signed on to support the Every Student Counts Act. Specifically, I recognize the Alliance for Excellent Education and their President, former Governor of West Virginia Bob Wise, who have been champions in the movement to improve our high schools and turn back the dropout crisis.

I would also like to recognize the work of my colleague in the House, Representative BOBBY SCOTT of Virginia, who is the chief sponsor of the companion to this legislation and has long championed education for disadvantaged young people.

We have no more urgent educational challenge than bringing down the dropout rate, especially for minorities and children with disabilities. For which we all understand—poverty, poor nutrition, broken homes, disadvantaged childhoods—not all of our students come to school every day ready to learn. In some cases, it’s as though they become frustrated. They drop out. As a result, they face a lifetime of fewer opportunities and lower earnings. Economically, our Nation cannot afford to lose one million students each year. Morally, we cannot allow children to continue to fall through the cracks. I believe the Every Student Counts Act puts us on the right track towards turning back the tide of high school dropouts and I ask my colleagues to support this legislation.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows: SEPTEMBER 26, 2008.

Senator Tom HARKIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN: We, the undersigned education, civil rights, and advocacy organizations thank you for introducing the Every Student Counts Act to ensure meaningful accountability for the graduation rates of our nation’s students. As you know, educators and policymakers at all levels of government agree that change is necessary on this issue.

Only 70 percent of our nation’s students graduate with a regular diploma. Worse, just over half of black and Hispanic students graduate on time. Dropout students, as well as those who have graduated, also have graduation rates of just over 50 percent. Such poor graduation rates are untenable in a global economy that demands an educated workforce. According to the Department of Labor, 90 percent of the fastest-growing and best-paying jobs in the United States require at least some postsecondary education. It is imperative that the nation’s schools prepare their students to succeed in the twenty-first-century workforce.

The No Child Left Behind Act (NCLB) has focused the nation’s attention on the unacceptable achievement gap and the need to improve outcomes for all students, particularly those of minority students, English language learners, and students with disabilities. However, NCLB does not place enough focus on all students and close achievement gaps; ensure that graduation rates and test scores be disaggregated for both accountability and reporting purposes to ensure that school improvement activities focus on all students and close achievement gaps; ensure that graduation rates and test scores are treated equally in AYP determinations; require aggressive, attainable, and uniform annual growth requirements as part of AYP determination; ensure consistent increases in graduation rates for all students; recognize that some small numbers of students take longer than four years to graduate and give credit to schools, school districts and states for graduating those students while maintaining the primacy of graduating the great preponderance of all students in four years; and provide incentives for schools, districts and states to create programs to serve students who have already dropped out and are over-age and undercredited.

Again, we thank you for introducing the Every Student Counts Act and for your leadership on this critical issue.

Sincerely,

By Mr. KERRY:
S. 3628. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodations in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, today I introduced a piece of legislation that
working on for over 10 years, the Workplace Religious Freedom Act.

Religious pluralism is a source of strength for this country. It always has been. That is why I support the Workplace Religious Freedom Act or WRFA, as I have ever since I first introduced it back in 1996.

My personal involvement with this issue goes back to two Catholic women working at a dog-racing track in Raynham, Massachusetts. They were fired because they refused to work on Christmas Eve. They felt it was against their religion to do business that night. We need to pass WRFA to make it clear that here in America, living out your faith is not a reason to lose your job.

The bill is designed to protect people just like those two women: workers suffering from on-the-job discrimination because of their religious beliefs and practices. It requires employers to make a reasonable accommodation for an employee’s religious practice or observance, such as time off or dress. It protects, within reason, time off for religious observances. And it protects Yarmulkes, Hijabs, Turbans, Mormon garb—and all the distinctive marks of our religious lives. All the threats that everyone should be proud of and nobody should ever be forced to hide.

All of us should have the freedom to abide by and to express our religious beliefs—they are crucial to our individual and communal identities, and collectively, they are a crucial part of our national identity as a diverse and tolerant country.

Writing religious freedom into law is by necessity a balancing act between universal values—such as religious toler- ance and equal treatment—with the particulars that each of our faiths demand of us. Just as religious scholars wonder whether God can create an indestructible rock and then destroy it, scholars of religious pluralism have to answer a similar riddle: does a pluralism that’s based on tolerance, tolerate intolerance?

Squaring this circle will always be a balancing act. Religious freedom in America doesn’t mean the absolute right to impose your religion on others. With WRFA we have achieved that balance by protecting not only religious practices in the workplace but also by protecting those that don’t share the same faith or choose not to practice at all.

I find that if you look at the vast, vast majority of actual cases, protecting religious freedom turns out to be a matter of common sense.

Consider the case of Jack Rosenberg, a 35-year-old Hasidic Jew from Rockland County, New York. Jack signed up for the Coast Guard and passed his training, only to discover that he wasn’t allowed to wear his yarmulke. “As soon as I got sworn in and got ready to wear the uniform,” Mr. Rosenberg said, “the commander came to me and said it’s going to be a problem.” As Mr. Rosenberg said, “If my religion requires it, ‘there’s not a choice.” I agree: No American should have to choose or religious with an employer and be told: ‘it’s going to be a problem.’ I am proud to say that the Coast Guard changed their regulations to allow for religious headgear. We fought for Jack Rosenberg and he won.

Another case involves a server at a Red Robin restaurant who belongs to the ancient Egyptian Kemetic religion, which doesn’t allow him to hide his religious tattoos. Red Robin fired him for a wrist tattoo, larger than a quarter-inch wide. In the end, he won in court and Red Robin agreed to train managers to better understand religious discrimination.

This isn’t about litigation. It is about protecting the right of free expression and ensuring that religious people feel comfortable in the workplace. We must never leave anyone with the idea that practicing one’s religion and being American are in conflict. I will work hard to keep America alive as Americans, and I will fight to make sure that our laws governing religious freedom are worthy of our values.

By Mr. DURBIN:

S. 3629. A bill to create a new Consumer Credit Safety Commission, to provide individual consumers of credit with better information and stronger protections, and to provide sellers of consumer credit with more regulatory certainty; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, we are in difficult times. The administration has informed us that the financial markets stand on the brink of collapse and that Congress must act quickly to allow the Treasury to intervene in the markets. We must not simply bail out the companies whose subprime mortgage practices put us in this situation in the first place. Many of us are working to include help for homeowners in any stabilization we consider.

But we must also look beyond the immediate crisis and take steps to prevent similar abuses and errors in the future. This crisis started when lenders sold too many faulty mortgages to families who had too little protection against such practices. Once this immediate crisis passes, Congress must act to ensure that this never happens again.

Our financial system requires a fundamental overhaul, so that the needs of American families stand above the interests of Wall Street.

To start that discussion, today I am introducing the Consumer Credit Safety Commission Act. This bill would put a single government agency in charge of ensuring that the offering of financial products to consumers is responsible, accountable, and transparent.

This new agency would look out for consumers first, so that the Fed, the FDIC, and the rest of the alphabet soup of financial regulators can focus more on the job and be told: “it’s going to be a problem.” I am proud to say that the Coast Guard changed their regulations to allow for religious headgear. We fought for Jack Rosenberg and he won.

Let me put it this way, as Harvard professor Elizabeth Warren has done: why is it that 1 in 10 toaster do not catch fire in our homes, but 1 in 10 home mortgages are failing? The answer is that toasters are properly regulated and financial products are not.

I do not believe that the government should regulate the freedom out of our markets, and I do not believe that we should eliminate prudent risk taking.

On the contrary: moderate, sensible, and targeted regulation creates an environment in which the entrepreneur spirit of America can thrive, but without the unnecessary booms and busts of the Wild West.

The Consumer Credit Safety Commission will add consumer protection to the factors lenders must consider in creating and offering financial products. It will identify the practices that undermine sound markets and put a stop to them before they bring the entire financial market to its knees.

In the early next year, Congress will try to establish the oversight and accountability mechanisms that will foster a dynamic and more responsible environment for financial products. This bill provides us with a good place to start. I urge my colleagues to join me in sponsoring this legislation and working to create an agency that truly puts consumers first.

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. 3629

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Consumer Credit Safety Commission Act of 2008”.

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

Sec. 1. Title; table of contents.
Sec. 2. Definition.
Sec. 3. Establishment of Commission.
Sec. 4. Authorization of appropriations.
Sec. 5. Objectives and responsibilities.
Sec. 6. Coordination of enforcement.
Sec. 7. Authority.
Sec. 8. Collaboration with Federal and State entities.
Sec. 9. Procedures and rulemaking.
Sec. 10. Prohibited acts.
Sec. 11. Penalties for violations.
Sec. 12. Reports.
Sec. 13. Effective date.

SEC. 2. FINDINGS.

The Congress finds that—
SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ‘‘consumer credit’’ includes—

(A) a consumer loan, or consumer loan guarantee, made by or on behalf of a lender to a person in connection with the purchase, rental, lease, or financing of goods, services, or real property;

(B) any fees connected with credit extension or availability, such as numerical periodic rates, late fees, creditor-imposed insufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, over limit fees, annual fees, cash advance fees, or membership fees;

(C) any fees which constitute a finance charge;

(D) credit insurance premiums;

(E) all charges and costs for ancillary products sold with or incidental to the credit transaction; and

(F) any direct or indirect fee, cost, or charge incurred in, in connection with, or ancillary to a consumer payment system, including but not exclusive to merchant discount fees, interchange fees, debit card fees, check-writing fees, automated clearinghouse fees, wire transfer fees, internet payment intermediary fees, and remote deposit capture fees;

(2) the term ‘‘relevant congressional committees’’ means the Committee on Banking, Housing, and Urban Affairs and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the Senate, and the Committee on Financial Services and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the House of Representatives, and any successor committees as may be constituted;

(3) the term ‘‘creditor’’ has the same meaning as in section 301 of the Truth in Lending Act (15 U.S.C. 1602);

(4) the term ‘‘finance charge’’ has the same meaning as in section 106 of the Truth in Lending Act (15 U.S.C. 1605b); and

(5) the term ‘‘consumer’’ means any natural person and any small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) Establishment; Chairperson.—

(1) IN GENERAL.—An independent regulatory commission is hereby established to be known as the ‘‘Consumer Credit Safety Commission’’ (in this Act referred to as the ‘‘Commission’’), consisting of 5 Commissioners appointed by the President, by and with the advice and consent of the Senate.

(2) MEMBERSHIP.—In making appointments to the Commission, the President shall consider individuals who, by reason of their background and expertise in areas related to consumer credit, are qualified to serve as members of the Commission.

(b) Quorum.—The Commission shall be established by at least 3 Commissioners, and the Chairman or any 2 members of the Commission shall constitute a quorum for the transaction of business, except that if there are only 3 members serving on the Commission, 2 members of the Commission shall constitute a quorum for the transaction of business, and if there are only 2 members serving on the Commission, 1 member of the Commission shall constitute a quorum for the transaction of business.

(c) RESTRICTIONS ON OUTSIDE ACTIVITIES.—

(1) POLITICAL AFFILIATION.—Not more than 3 of the Commissioners shall be affiliated with the same political party.

(2) CONFLICTS OF INTEREST.—No individual may hold the office of Commissioner if that individual—

(A) is in the employ of, or holding any official relation to, or married to any person engaged in selling or devising consumer credit;

(B) owns stock or bonds of substantial value in a person so engaged;

(C) is in any other manner pecuniarily interested in such a person, or in a substantial supplier of such debt;

(D) engages in any other business, voca-

tion, or employment;

(e) S EAL.—The Commission shall have an official seal of which judicial notice shall be taken.

(f) FUNCTIONS OF CHAIRPERSON; REQUEST FOR APPROPRIATIONS.—

(1) DUTIES.—The Chairperson of the Commission shall be the principal executive officer of the Commission, and shall exercise all of the executive and administrative functions of the Commission, including functions of the Chairperson under this subsection (a); and

(A) the appointment and supervision of personnel employed under the Commission (and the Commission shall fix their compensation at a level comparable to that for employees of the Securities and Exchange Commission); and

(B) the promulgation of regulations and the distribution of business among personnel appointed and supervised by the Chairperson and among administrative units of the Commission; and

(C) establish requirements for such clear and adequate warnings or other information, that abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise inconsistent with consumer protection.

(2) GOVERNANCE.—In carrying out any functions of the Chairperson under this subsection, the Chairperson shall be governed generally by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may, by law, be authorized to make.

(g) AGENDA AND PRIORITIES; ESTABLISHMENT AND COMMENTS.—At least 30 days before the beginning of each fiscal year, the Commission shall establish an agenda for Commission action under its jurisdiction and, to the extent feasible, shall establish priorities for such actions. Before establishing such agenda and priorities, the Commission shall conduct a public hearing on the agenda and priorities, and shall provide reasonable opportunity for the submission of comments.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for purposes of carrying out this Act such sums as may be necessary.

SEC. 6. OBJECTIVES AND RESPONSIBILITIES.

(a) OBJECTIVES.—The objectives of the Commission are—

(1) to minimize unreasonable consumer risk associated with buying and using consumer credit;

(2) to prevent and eliminate unfair practices that lead consumers to incur unreasonable, inappropriate, or excessive debt, or make it difficult for consumers to escape existing debt, including practices or product features that are abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise inconsistent with consumer protection;

(3) to promote practices that assist and encourage consumers to use credit responsibly, avoid excessive debt, and avoid unnecessary or excessive charges derived from or associated with credit products;

(4) to ensure that credit history is maintained, reported, and used fairly and accurately;

(5) to maintain strong privacy protections for consumer credit transactions, credit histories, and other personal information associated with the use of consumer credit;

(6) to collect, investigate, resolve, and infor-

m the public about consumer complaints regarding consumer credit;

(7) to ensure a fair and efficient system of consumer dispute resolution in consumer credit; and

(8) to take such other steps as are reason-

able to protect consumers of credit products.

(b) RESPONSIBILITIES.—The Commission shall—

(1) promulgate consumer credit safety rules that—

(A) ban abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or other-

wise anti-consumer practices or product features for creditors;

(B) place reasonable restrictions on con-

sumer credit products or product features to reduce the likelihood that they may be provided in a manner that is inconsistent with these objectives specified in subsection (a); and

(C) establish requirements for such clear and adequate warnings or other information,
and the form of such warnings or other information, as may be appropriate to advance the objectives specified in subsection (a); 
(2) establish and maintain a best practices guide for all providers of consumer credit; 
(3) conduct such continuing studies and investigations of consumer credit industry practices as it deems necessary; 
(4) enter into contracts for the conduct of such studies and investigations with any person (including a governmental entity); 
(5) following publication of an advance notice of proposed rulemaking, a notice of proposed rulemaking, or a rule under any rule-making authority administered by the Commission, and private organizations or groups of consumer credit providers, administratively and technically, in the development of consumer credit safety standards or guidelines that would assist such providers in complying with such rule; and 
(6) establish and operate a consumer credit customer hotline which consumers can call to register complaints and receive information on how to combat anti-consumer credit.

SEC. 7. COORDINATION OF ENFORCEMENT.

(a) Generally—Notwithstanding any concurrent or similar authority of any other agency, the Commission shall enforce the requirements of this Act.

(b) Scope of Enforcement.—The authority granted to the Commission to make and enforce rules under this Act shall not be construed to impair the authority of any other Federal agency to make and enforce rules under any other provision of law, provided that any portion of any rule promulgated by any such agency that conflicts with a rule promulgated by the Commission and that is less protective of consumers than the rule promulgated by the Commission shall be superseded by the stronger rule promulgated by the Commission, to the extent of the conflict. Any portion of any rule promulgated by any such agency that is not superseded by a rule promulgated by the Commission shall remain in force without regard to this Act.

(c) Agency Authority.—Any agency designated in subsection (d) may exercise, for the purpose of carrying out the provisions of an Act under its jurisdiction, any authority conferred on such agency by any other Act.

(d) Designated Agencies.—The agencies designated in this subsection are—

(1) the Board of Governors of the Federal Reserve System;
(2) the Federal Deposit Insurance Corporation;
(3) the Office of the Comptroller of the Currency;
(4) the Office of Thrift Supervision;
(5) the National Credit Union Administration;
(6) the Federal Housing Finance Authority;
(7) the Federal Housing Administration;
(8) the Secretary of Housing and Urban Development;
(9) the Federal Home Loan Bank Board; and
(10) the Federal Trade Commission.

SEC. 8. AUTHORITIES.

(a) Authority To Conduct Hearings or Other Inquiries.—The Commission may, by one or more of its members or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States. A Commissioner who participates in such a hearing or other inquiry shall not be disqualified solely by reason of such participation in a proceeding to which he or she is a party, if he or she is not participating in a decision of the Commission in the same matter. The Commission shall publish notice of any proposed hearing in the Federal Register, and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(b) Commission Documents.—The Commission shall have the power—

(1) to require, by special or general orders, any person to submit information and answers to questions as the Commission may prescribe to carry out a specific regulatory or enforcement function of the Commission, and such person shall make such information and answers available within such reasonable period and under oath or otherwise as the Commission may determine, and such order shall contain a statement that the person compelling such answers is authorized by the Commission to require the report or answers specified in the order to carry out a specific regulatory or enforcement function of the Commission; and shall place the least burden on the person subject to the order as is practicable, taking into account the purpose for which the order was issued;

(2) to administer oaths;

(3) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relative to the execution of its duties;

(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

(6) to accept voluntary and uncompensated services relevant to the performance of the Commission's duties, notwithstanding the provisions of section 142 of title 31, United States Code, and to accept voluntary and uncompensated services (but not gifts) relevant to the performance of the Commission's duties, provided that any such services shall not be from parties that have or are likely to have business before the Commission;

(7) to—

(A) initiate, prosecute, defend, intervene in, or appeal (other than to the Supreme Court of the United States), through its own legal representative and in the name of the Commission, any appeal of an action of the Commission that the Attorney General of the United States certifies is necessary to protect the public interest, and the Commission may by rule require any provider of consumer credit to sell the service to the Commission at cost.

(b) Disclosure of Information.—No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information to the Commission.

(c) Customer and Revenue Data.—The Commission may by rule require any provider of consumer credit to provide to the Commission such customer and revenue data as may be required to carry out the purposes of this Act.

(d) Statistical and Revenue Data by Commission.—For purposes of carrying out this Act, the Commission may purchase any consumer credit, and it may require any provider of consumer credit to sell the service to the Commission at cost.

(e) Contract Authority.—The Commission is authorized to enter into contracts with governmental agencies, private organizations, or individuals for the conduct of activities authorized by this Act.

(f) Budget Estimates and Requests; Legislative Recommendations; Testimony; Comments on Legislation.—(1) Budget copies to Congress.—Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the relevant congressional committees.

(2) Legislative Recommendation.—Whenever the Commission submits any legislative recommendations, or testifies on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the relevant congressional committees.

(3) Budget Estimates and Requests; Legislative Recommendations; Testimony; Comments on Legislation.—(1) Budget copies to Congress.—Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the relevant congressional committees.

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(7) Budget Estimates and Requests; Legislative Recommendations; Testimony; Comments on Legislation.—(1) Budget copies to Congress.—Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the relevant congressional committees.

(8) Legislative Recommendation.—Whenever the Commission submits any legislative recommendations, or testifies on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the relevant congressional committees.

(9) Budget Estimates and Requests; Legislative Recommendations; Testimony; Comments on Legislation.—(1) Budget copies to Congress.—Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the relevant congressional committees.

(10) Legislative Recommendation.—Whenever the Commission submits any legislative recommendations, or testifies on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the relevant congressional committees.
safety shall, to the maximum extent practicable, cooperate and consult in order to ensure fully coordinated efforts.

SEC. 10. PROCEDURES AND RULEMAKING.

(a) Commencement of Proceeding; Publication of Notice of Proposed Rulemaking; Transmittal of Notice.—A proceeding for the development of a consumer credit safety rule shall be commenced by the publication in the Federal Register of an advance notice of proposed rulemaking which shall:

(1) identify the objective or objectives specified in section 6(a) for the consumer credit safety rule;

(2) include a summary of each of the regulatory alternatives under consideration by the Commission;

(3) include information with respect to any existing voluntary standard known to the Commission which may be relevant to the proceedings, together with a summary of the reasons why the Commission believes preliminarily that such standard does not achieve an objective identified in paragraph (1); and

(4) invite interested persons to submit to the Commission, within such period as the Commission shall specify in the notice (which period shall not be less than 30 days after the date of publication of the notice), comments with respect to—

(A) the need of the public for the consumer credit safety rule; and

(B) regulatory alternatives being considered, and other possible alternatives for achieving the objective or objectives identified in paragraph (1);

(5) invite any person (other than the Commission) to submit to the Commission, within such period as the Commission shall specify in the notice (which period shall not be less than 30 days after the date of publication of the notice), an existing voluntary standard or a portion of such a standard as a proposed consumer credit safety rule;

(b) Transmittal to Congress.—The Commission shall transmit such notice within 10 calendar days to the relevant congressional committees.

(c) Voluntary Standard; Publication as Proposed Rule; Notice of Reliance on Commission on Standard.—If the Commission determines that a voluntary standard satisfies the criteria set forth in the notice published under subsection (a)(5) if promulgated in whole, in part, or in combination with any other standard submitted to the Commission or any part of such a standard) as a consumer credit safety rule, would achieve the objective or objectives identified in paragraph (1), the Commission may publish such standard, in whole, in part, or in such combination and with nonmaterial modifications, as a proposed consumer credit safety rule.

(d) Publication of Proposed Rule; Preliminary Regulatory Analysis; Contents.—No consumer credit safety rule may be promulgated unless, not later than 60 days after the date of publication of the notice required in subsection (a), the Commission publishes in the Federal Register a preliminary regulatory analysis containing—

(1) a preliminary description of the potential benefits and potential costs of the proposed rule, including any benefits or costs that cannot be quantified in monetary terms, and an identification of those likely to receive the benefits and bear the costs;

(2) a discussion of the reasons any standard or portion of a standard submitted to the Commission pursuant to subsection (a) may not be published by the Commission as the proposed rule or part of the proposed rule; and

(3) a description of any reasonable alternatives to the proposed rule, together with a summary description of their potential costs and benefits, and a brief explanation of why such alternatives should not be published as a proposed rule.

(e) Transmittal of Notice.—The Commission shall transmit such notices not later than 10 calendar days after the date of publication of the notice to the relevant congressional committees.

(f) Final Rule.—Any proposed consumer credit safety rule shall be issued within 12 months after the date of publication of an advance notice of proposed rulemaking relating to the consumer credit involved, unless the Commission determines that such proposed rule is not a reasonable means of achieving the objective or objectives identified in subsection (a)(1) with respect to such proposed rule or an objective specified in section 6(a), or is (a)(1) with respect to such proposed rule or an objective specified in section 6(a); or

(ii) in the public interest.

(2) Extension.—The Commission may extend such 60-day period for good cause shown (if it publishes its reasons therefor in the Federal Register).

(3) TITLE 5.—Consumer credit safety rules shall be promulgated in accordance with section 553 of title 5, United States Code, except that the Commission shall give interested persons an opportunity for the oral presentation of data, views, and arguments in addition to an opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(b) Expression of Objective; Consideration of Available Product Data; Needs of Elderly and Handicapped.—

(1) Objectives.—A consumer credit safety rule shall express in the rule itself the objectives identified in subsection (a)(1) with respect to such rule.

(2) Considerations.—In promulgating such a rule, the Commission shall—

(A) consider relevant available data, including the results of investigation activities conducted by the Commission and pursuant to this Act; and

(B) consider and take into account the special needs of elderly and handicapped individuals with disabilities to determine the extent to which such persons may be affected by such rule.

(c) Final Rule; Final Regulatory Analysis; Judicial Review of Rule.—

(1) Findings.—Prior to promulgating a consumer credit safety rule, the Commission shall make appropriate findings or restate findings for inclusion in such rule with respect to—

(A) the degree and nature of the benefit to consumer protection that the rule is designed to achieve or promote;

(B) the approximate number of consumer credit products, or types of credit, or classes thereof, subject to such rule;

(C) the need of the public for the consumer credit product subject to such rule, and the probable effect of the rule on the availability, cost, or availability of such services to meet such need; and

(D) any means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of the provision of consumer credit.

(2) Regulatory Analysis.—The Commission shall not promulgate a consumer credit safety rule, unless it—

(A) has prepared, on the basis of the findings of the Commission under paragraph (1) and on other information before the Commission, a final regulatory analysis of the rule containing—

(i) a description of the potential benefits and potential costs of the rule, including benefits and costs that cannot be quantified in monetary terms, and the identification of those likely to receive the benefits and bear the costs;

(ii) a description of any alternatives to the final rule which were considered by the Commission, together with a brief explanation of the reasons why these alternatives were not chosen; and

(iii) a summary of any significant issues raised during the public comment period in response to the preliminary regulatory analysis, and a summary of the assessment by the Commission of how these issues were addressed;

(B) finds (and includes such finding in the rule)—

(i) that the rule (including its effective date) is reasonably apt to achieve an objective identified in subsection (a)(1) with respect to such proposed rule or specified in section 6(a); and

(ii) that the promulgation of the rule is in the public interest; and

(iii) that the benefits expected from the rule bear a reasonable relationship to its costs.

(3) Publication.—The Commission shall publish its final regulatory analysis with the rule.

(d) LIMIT ON JUDICIAL REVIEW.—Any preliminary or final regulatory analysis prepared under subsection (c) or (h) shall not be subject to independent judicial review, except to the extent that a rule is promulgated by the Commission or, if promulgated by a rule, remains promulgated after the effective date of this Act.

(e) Amendments or Revocations.—The effective date of a consumer credit safety rule under this Act shall be set at a date that is at least 30 days from the date on which it is issued in final form, unless the Commission finds, for good cause shown, that a later effective date is in the public interest. In no case may the effective date be set at a date which is earlier than the date of issuance in final form.
date on which it is to take effect, which shall not exceed 180 days from the date on which the amendment or revocation is published, unless the Commission finds for good cause shown that the effective date is in the public interest and publishes its reasons for such finding. Where an amendment involves a material change in a consumer credit safety rule, the Commission shall publish in the Federal Register a revised and written presentation of the rule in accordance with subsection (d)(2).

The Commission may revoke such rule only if it determines that the rule is not a reasonable and necessary means of achieving an objectified goal stated in subsection (a)(1) with respect to such proposed rule or an objective specified in subsection 6(a).

(1) PETITION TO INITIATE RULEMAKING.—The Commission shall grant, in whole or in part, or deny any petition under section 553(e) of title 5, United States Code, requesting the Commission to initiate a rulemaking, within a reasonable time after the date on which such petition is filed. The Commission shall state the reasons for granting or denying such petition.

SEC. 11. PROHIBITED ACTS.

It shall be unlawful for any person—

(1) to advertise for or offer for sale any consumer credit which is not in conformity with an applicable consumer credit rule under this Act;

(2) to advertise for or offer for sale any consumer credit—

(A) which has been declared a banned product by a rule under this Act;

(B) in a manner that does not comply with any rule or provision of the prohibition, warnings or other information regarding such credit; or

(C) to fail or refuse to permit access to or interpretation of any of the acts or practices constituting in whole or in part a violation of section 11, and who has knowledge of notice of noncompliance received by the corporation from the Commission, shall be subject to penalties under this section, without regard to any penalties to which that corporation may be otherwise subject;

(b) PENALTIES.—

(1) CRIMINAL PENALTIES.—Any person who knowingly and willfully violates section 11 after having received notice of noncompliance from the Commission shall be fined not more than $500,000 or be imprisoned for not more than 5 years; or both.

(2) EXECUTIVES AND AGENTS.—Any individual, director, officer, or agent of a corporation who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of section 11, and who has knowledge of notice of noncompliance received by the corporation from the Commission, shall be subject to penalties under this section, without regard to any penalties to which that corporation may be otherwise subject.

(3) PENALTIES.—

(a) REPORTS TO THE PUBLIC.—The Commission shall determine what reports should be produced and distributed to the public on a recurring and ad hoc basis, and shall publish such reports on such a web site that provides free access to the general public.

(b) REPORT TO PRESIDENT AND CONGRESS.—

The Commission shall prepare and submit to the President and Congress a comprehensive report on the administration of this Act for the preceding fiscal year. Such report shall include—

(1) a thorough appraisal, including statistical analyses, estimates, and long-term projections of the effects of any provisions associated with the provision of consumer credit that are inconsistent with the objectives specified in section 6(a), with a breakdown by consumer type and by the various sources of injury as the Commission finds appropriate;

(2) a list of consumer credit safety rules prescribed under this Act;

(3) an evaluation of the degree of observance of consumer credit safety rules, including a list of enforcement actions, court decisions, and compromises of civil penalties, by location and company name;

(4) a summary of outstanding problems confronting the administration of this Act in order of priority;

(5) an analysis and evaluation of public and private consumer credit safety research activities;

(6) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act;

(7) the extent to which technical information was disseminated to the scientific and consumer credit communities and consumer information was made available to the public;

(8) the extent of cooperation between Commission officials and representatives of industry and other interested parties in the implementation of this Act, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(9) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission;

(10) with respect to voluntary consumer credit safety standards promulgated as consumer safety rules under section 10(c), a description of—

(A) the number of such standards adopted as rules;

(B) the nature and number of the consumer credit products and services which are the subject of such adopted rules and the approximate number of consumer credit transactions concerning such products and services; and

(11) such recommendations for additional legislation as the Commission deems necessary to carry out the purposes of this Act; and

(12) the extent of cooperation with and the joint efforts undertaken by the Commission in conjunction with other regulators with whom the Commission shares responsibilities for consumer credit safety.

SEC. 14. EFFECTIVE DATE.

This Act shall be effective 120 days after the date of enactment of this Act.

By Mr. BROWN:


Mr. BROWN. Mr. President, in the past year, 189 Americans died after taking tainted Heparin, a widely used blood thinner. It was later learned—as reported in the New York Times—that the contaminant derived from pig intestines was produced in "largely unregulated" Chinese workshops. Unfortunately, Heparin is not the only drug that relies on this dangerous brand of outsourcing. More and more, drug companies are taking advantage of cheap labor and weak safety standards found outside of the U.S. to manufacture the pharmaceuticals later used in American hospitals and households. According to a Pfizer representative who testified before the Senate Committee on Health, Education, Labor and Pensions in April, Pfizer outsources the manufacture of 17 percent of its drug products.

Consumers have a right to know where their drugs are produced. That is why I am today introducing the Transparency in Drug Labeling Act. This bill would require country-of-origin labeling for both active and inactive ingredients on all pharmaceuticals, both prescription and over-the-counter. These new drug labels would list all the countries that played a role in the manufacturing of ingredients for the drug. The order of the list would be determined by the percentage of the drug produced in each country, with the largest contributors appearing at the top of the list.

This bill would raise consumers' awareness of where their drugs are being produced. It would also allow companies who produce their drugs in the U.S. to advertise that fact. Drug companies that produce their drugs in the U.S. and follow the corresponding safety and regulatory standards should be rewarded with increased consumer confidence in their products.
This bill takes a proactive approach to keeping Americans safe in our global, interdependent economy. When we import from overseas, we are importing the health, labor and environmental standards of those countries as well. Consumers have a right to know where their products originate. This bill would satisfy that reasonable demand.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ): S. 3634. A bill to reduce gun trafficking by prohibiting bulk purchases of handguns; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the End Gun Trafficking Act of 2008. I am proud to be joined by my colleague from New Jersey, Senator MENENDEZ, in introducing this bill.

 Trafficking in illegal guns is a serious problem that fuels crime, drug activity, and gang violence in our communities and on our streets.

Under current Federal law, gun purchasers are able to buy—and gun dealers are able to sell—unlimited numbers of handguns. All too frequently, these bulk handgun sales turn around and sell those handguns on the black market. The guns are sold to criminals and gang members—people who are barred under Federal law from buying guns themselves.

This pipeline of illegal guns threatens States’ abilities to protect their own residents, as guns are often purchased in bulk in States with weak gun laws and sold to criminals in States with tougher gun laws.

My State of New Jersey has some of the strongest gun violence prevention laws in the country, including a ban on assault weapons, child access prevention requirements, and permitting requirements for gun ownership. Unfortunately, because of the gun trafficking of illegal weapons make their way onto New Jersey’s streets and place all New Jerseyans in danger.

In 2007, 72 percent of the guns recovered from New Jersey crime scenes that were traced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives came from out of State. Just six States accounted for nearly 50 percent of those traced guns.

As these numbers make all too clear, we will only give full effect to New Jersey’s and New Jersey’s effort to protect their residents when we shut down the “iron pipeline” of gun trafficking. To stop gun trafficking, we must stop the bulk sales of handguns.

The legislation that I introduce today would do exactly that. The End Gun Trafficking Act of 2008 would limit gun buyers to one handgun every 30 days.

This “one-handgun-a-month” approach is proven. Today, States—Virginia, Maryland, and California—have such laws. Before enacting this law in 1993, Virginia was the supplier of choice for criminals up and down the East Coast. A 1993 study showed drastic reductions in the flow of Virginia guns to criminals in other States: the percentage of crime guns traced back to Virginia fell by 71 percent in New York and 72 percent in Massachusetts. Unfortunately, despite these results, Virginia significantly weakened its law in 2004.

I hope that New Jersey will be the fourth State to limit handgun purchases to one a month. In July, the New Jersey Assembly approved a one-handgun-a-month bill that is awaiting action in the Senate. I strongly support this legislation, which will help cut down on the illegal gun trade within New Jersey.

But to really combat interstate gun trafficking, we need a national solution. The End Gun Trafficking Act is an important step in that direction. Specifically, this legislation would prohibit gun dealers from selling a handgun to an unlicensed person who they know or have reason to believe has purchased another handgun within the previous 30 days.

It would prohibit unlicensed individuals from purchasing more than one handgun during a 30-day period.

It would make exceptions for exchanges, Government, and law enforcement purchases and curios and relics.

It would ensure that the background check system checks whether a buyer has purchased a handgun within the last 30 days and block handgun sales to such buyers.

It would increase the maximum penalty from 1 year to 5 years for gun dealers who make false statements in their gun sale records.

It would require that background checks be kept for at least 180 days instead of the current 24 hours, to allow dealers to find out whether an individual has purchased another handgun within the previous 30 days and make unlicensed gun dealers who sell more than one handgun a month to an unlicensed individual subject to the same laws as licensed gun dealers.

I look forward to working with my Senate colleagues to pass this legislation and reduce gun violence.

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. 3634

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 “End Gun Trafficking Act of 2008.”

SEC. 2. PROHIBITION AGAINST MULTIPLE HANDGUN SALES OR PURCHASES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by adding at the end the following:—

“(aa) Prohibition Against Multiple Handgun Sales or Purchases.—

(1) Sale.—It shall be unlawful for any person, anywhere, to sell one handgun to a person who has been shipped or transported in interstate or foreign commerce during any 30-day period ending on the date of such sale or disposition.

“(2) Purchase.—It shall be unlawful for any person who is not licensed under section 923 to purchase one handgun that has been shipped or transported in interstate or foreign commerce during any 30-day period.

“(3) EXCEPTIONS.—Paragraphs (1) and (2) shall not apply to—

“(A) exchange of 1 handgun for 1 handgun;

“(B) the transfer to or purchase by the United States, a department or agency of the United States, a State, or a subdivision of a State, of a handgun;

“(C) the transfer to or purchase by a law enforcement officer employed by an entity referred to in subparagraph (B) of a handgun for law enforcement purposes (whether on or off duty);

“(D) the transfer to or purchase by a law enforcement officer employed by a railroad carrier certified or commissioned as a police officer under the laws of a State of a handgun for law enforcement purposes (whether on or off duty); or

“(E) the transfer or purchase of a handgun listed as a curio or relic by the Attorney General pursuant to section 921(a)(13)."

(b) PENALTIES.—Section 922(a)(2) of title 18, United States Code, is amended by striking “(9)” and inserting “(9), (aa)”.

(c) CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(1) in section 922(b)—

(A) in paragraph (1)(B)(i), by striking “(g) or (n)” and inserting “(g), (n), or (aa)(2)”;

(B) in paragraph (2), by striking “(g) or (n)” and inserting “(g), (n), or (aa)(2)”;

(C) in paragraph (3), by striking “(g)” or “(n)” and inserting “(g), (n), or (aa)(2)”;

(D) in paragraph (4), by striking “(g)” or “(n)” and inserting “(g), (n), or (aa)(2)”;

and

(2) in section 924, by striking “(9)” and inserting “(9), (aa)”.

(d) ELIMINATE MULTIPLE SALES REPORTING REQUIREMENT.—Section 925(g) of title 18, United States Code, is amended by striking paragraph (3).

(e) AUTHORITY TO ISSUE RULES AND REGULATIONS.—The Attorney General shall prescribe any rules and regulations as are necessary to ensure that the national instant criminal background check system is able to identify whether receipt of a handgun by a prospective transferee would violate section 922(aa) of title 18, United States Code.

SEC. 3. INCREASED PENALTIES FOR MAKING KNOWINGLY FALSE STATEMENTS IN CONNECTION WITH FIREARMS.

Section 922(a)(3) of title 18, United States Code, is amended by inserting “not less than 180 days” after “transfer is allowed,” before “destruction.”

SEC. 4. RETENTION OF RECORDS.

(a) RETENTION OF RECORDS.—Section 921(c) of title 18, United States Code, is amended to add the following:—

“(2) In any case, the records referred to in subparagraph (B) of a handgun during any 30-day period to which section 922(aa) of title 18, United States Code, is amended—

(1) in section 922(t)—

(A) in paragraph (1)(B)(ii), by striking “(g) or (n)” and inserting “(g), (n), or (aa)(2)”;

(B) in paragraph (2), by striking “(g) or (n)” and inserting “(g), (n), or (aa)(2)”;

(C) in paragraph (3), by striking “(g)” or “(n)” and inserting “(g), (n), or (aa)(2)”;

and

(D) in paragraph (4), by striking “(g)” or “(n)” and inserting “(g), (n), or (aa)(2)”;

(b) REPEALS.—

(1) FISCAL YEAR 2004.—Section 617 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 95) is amended by inserting “not less than 180 days” after “after the transfer is allowed,” before “destruction.”

(b) REPEALS.—

(1) FISCAL YEAR 2004.—Section 617 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 95) is amended—

(A) by striking “(a)”;

(B) by striking “for—” and all that follows through “(1)” and inserting “for”; and

(C) by striking “; and” and all that follows and inserting a period.

(b) FISCAL YEAR 2005.—Section 615 of division B of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2915) is amended—

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CONGRESSIONAL RECORD — SENATE September 26, 2008

S9716

The RECORD, as follows:

SEC. 4. RETENTION OF RECORDS.

(a) RETENTION OF RECORDS.—Section 921(c) of title 18, United States Code, is amended by inserting “not less than 180 days after the transfer is allowed,” before “destruction.”

(b) REPEALS.—

(1) FISCAL YEAR 2004.—Section 617 of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 95) is amended—

(A) by striking “(a)”;

(B) by striking “for—” and all that follows through “(1)” and inserting “for”; and

(C) by striking “; and” and all that follows and inserting a period.

(b) FISCAL YEAR 2005.—Section 615 of division B of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2915) is amended—
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S9717

(A) by striking “—” and all that follows through “(4)” and inserting “—” and all that follows through “—” and inserting “—” and all that follows and inserting a period.

(B) by striking “—” and all that follows through “(4)” and inserting “—” and all that follows and inserting a period.

(C) by striking “—” and all that follows through “(4)” and inserting “—” and all that follows and inserting a period.

SEC. 5. REVISED DEFINITION.

Section 921(a)(21)(C) of title 18, United States Code, is amended by inserting “—”, except that such term shall include any person who transfers more than 1 handgun in any 30-day period to a person who is not a licensed dealer— before the semicolon.

By Mrs. CLINTON:

S. 3535. A bill to authorize a loan forgiveness program for students of institutions of higher education who volunteer to serve as mentors; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, I rise today to discuss an issue that is very near and dear to my heart: the importance of mentoring. A good mentor can make a real difference in a young person's life, serving as friend, role-model and advocate for children who need it most. We should be rewarding those young people who commit to public service, including mentoring at-risk children, and offering incentives to encourage wider participation.

I am proud to introduce the Supporting Mentors, Supporting Our Youth Act, which would forgive $10 of student loans for every hour of mentoring for a minimum commitment of one year of service. I'm pleased that my friend and colleague, Congressman Jim CROWLEY, is introducing this legislation in the House of Representatives.

I have long been an advocate for mentoring and for supporting mentoring programs like the ones you run across the country. Last year, I joined my colleague Senator KERRY in introducing the Mentoring America's Children Act, which built upon the Model, Advisor, and Advocate. I've long been an advocate for mentoring and for supporting mentoring programs like the ones you run across the country.

Public service is the lifeblood of our communities and mentoring at-risk children is particularly important. Tomorrow, February 27th, is the National Day of Action and I could not think of a better way of supporting the thousands of communities who will mobilize across the country than by introducing this legislation to encourage more people to serve.

Earlier this month, I joined Senators KENNEDY and HATCH in introducing the Serve America Act. The legislation would build a new service corps focused on addressing areas of national need such as education, energy and the environment. The bill would increase opportunities to participate in service for Americans of all ages by encouraging and supporting participants to use mentor—especially young people who could benefit the most from a role model, advisor, and advocate. I've long been on my way to serving and for supporting mentoring programs like the ones you run across the country.

By Mr. NELSON, of Florida:

S. 3538. A bill to reauthorize the National Windstorm Impact Reduction Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation on a subject that is never far from the minds of citizens in my home State of Florida and others living along our coasts and in tornado alley: the threat of windstorms, and the havoc that these events can wreak on our communities.

We were all transfixed by the non-stop news coverage as Hurricanes Gustav and Ike grew into monster storms and crossed the Caribbean and Gulf of Mexico, leaving a trail of misery in their wake. In Florida this year, these storms, along with Tropical Storm Fay and Hurricane Hanna, reminded us of our vulnerability in the face of Mother Nature. We are not out of the woods yet. Hurricane season lasts for another two months, and other severe storms can general form at any time of year. In fact, more than 2,000 tornadoes had hit the United States by mid-September, causing more than 120 fatalities and making 2008 the deadliest year for windstorm-related fatalities in a decade.

Although windstorms are a perpetual hazard, particularly in Florida, we have learned a great deal from these events and have taken steps to make our homes and buildings more resilient. In 1992, Hurricane Andrew devastated South Florida and revealed a number of problems with how we designed and constructed buildings in areas subject to high winds. The lessons learned from Andrew drove the adoption of stronger building codes in Miami-Dade and Broward counties in 1994, codes that still serve as models for the Nation. In 2001, Florida's State legislature adopted a statewide building code, which made building requirements stronger and more consistent across the state.

These actions have already started paying dividends. In 2004, when Hurri-
NWIRP activities at the primary agencies: the National Institute of Standards and Technology, the National Science Foundation, the National Oceanic and Atmospheric Administration and FEMA. Despite explicit language from the appropriations bill, the Administration has refused to allocate the more than $11 million designated for NWIRP. I find this lack of cooperation on NWIRP, a program that can help save lives and avoid property damage, to be particularly troubling as millions of people on the Gulf Coast and in Florida struggle to recover from recent hurricanes.

While I will continue my efforts to obtain additional funding for NWIRP, Congress must help by extending the program past its expiration on September 30th of this year. My legislation would extend NWIRP through 2013, and make several other programmatic changes that are needed to put the program on a stronger footing moving forward.

I propose shifting primary authority and responsibility for managing NWIRP from the President’s Office of Science and Technology Policy to NIST, an agency that has excelled in leading the National Earthquake Hazards Reduction Program since 2004. My legislation would also clarify the roles and responsibilities of all Federal agencies participating on NWIRP’s Interagency Working Group on Windstorm Impact Reduction. Three Federal agencies with current missions that provide valuable data or expertise that support NWIRP’s goals will be added to the program, namely the Department of Transportation, National Aeronautics and Space Administration, and U.S. Army Corps of Engineers. Lastly, the legislation would set a deadline for NIST to assemble the National Advisory Committee on Windstorm Impact Reduction, a group charged with providing guidance to NIST and the Interagency Working Group on windstorm-related research, mitigation, outreach, and other program priorities. The Advisory Committee will include representatives from a broad array of NWIRP stakeholders, including state and local governments and experts from the research, technology transfer, building design and construction, insurance, and finance communities.

I do not want to return to Florida this fall without taking action to keep us focused on reducing the impacts of windstorms on our citizens and our economy. That is why I felt it important to propose this legislation to extend, revamp, and revitalize the National Windstorm Impact Reduction Program.

In closing, I would like to recognize the efforts of Representative DENNIS MOORE of Kansas, who is introducing a companion measure in the U.S. House of Representatives today. Kansas is particularly vulnerable to the devastation that tornadoes and hailstorms can cause, so I know that he shares my desire to ensure that our constituents have innovative, effective, and affordable tools available to help reduce their vulnerability to windstorms. I also understand that three members of the Florida delegation in the House, Representatives ALCEE HASTINGS, LEANA ROS-LEHTINEN, and MARIO DIAZ-BALART, are original cosponsors of Representative Moore’s bill. In addition to demonstrating how important this legislation is to the State of the Florida, and the Nation, I welcome the bipartisan support that these cosponsors provide. I look forward to working with Chairman INOUYE, Ranking Member HUTCHISON and the other members of the Senate Committee on Commerce, Science, and Transportation to debate 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. 3683

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

SEC. 1. SHORT TITLE. This Act may be cited as the “National Windstorm Impact Reduction Reauthorization Act of 2008.”

SEC. 2. FINDINGS.

Section 202 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15701) is amended by striking paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and by inserting after paragraph (2) the following:—

“(3) Global climate variability and climate change may alter the frequency and intensity of severe windstorm events, but further research is needed to identify any such linkages and, if appropriate, to incorporate climate-related impacts into windstorm risk and vulnerability assessments and mitigation activities;”

(3) in paragraph (5), as redesignated, by striking “interagency coordination” and inserting “coordination among Federal agencies and with State and local governments’;”

SEC. 3. DEFINITIONS.

(a) DIRECTOR.—Section 203(1) of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15702(1)) is amended—

(1) by redesigning paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) the term ‘Interagency Working Group’ means the Interagency Working Group on Windstorm Impact Reduction established pursuant to section 203 of this Act.”

SEC. 4. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

(a) LEAD FEDERAL AGENCY.—Section 204 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15703) is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c); and

(3) by inserting after subsection (c), as redesignated, the following:

“‘(d) LEAD FEDERAL AGENCY.—The National Institute of Standards and Technology shall be the lead Federal agency for planning, management, and coordination of the Program.”

In carrying out this subsection, the Director shall—

(1) establish a Program Office, which shall be under the direct supervision of a full-time Program Director, to provide the planning, management, and coordination functions described in subsection (e); and

(2) in conjunction with other Program agencies, prepare an annual budget for the Program, which shall be submitted to the Office of Management and Budget and shall include, for each Program agency and for each major goal established for the Program components under subsection (c)—

(A) the Program budget for the current fiscal year; and

(B) the proposed Program budget for the subsequent fiscal year;

(3) facilitate the preparation of the Interagency Working Group’s biennial report to Congress and the National Science and Technology Council under subsection (j); and

(4) support research and development to improve building codes, standards, and practices for design and construction of buildings, structures, and lifelines;

(5) in conjunction with the Federal Emergency Management Agency, work closely with national standards and model building code organizations to promote the implementation of research results;

(6) in partnership with the Federal Emergency Management Agency, work closely with other Federal agencies, State and local governments, academia, and the private sector, support—

(A) the organization and deployment of comprehensive, discipline-oriented interagency teams to investigate major windstorm events; and

(B) the gathering, publishing, and archiving of collected data and analysis results; and

(7) participate in, coordinate, or support, as needed, other Program mitigation activities authorized under subsection (c).”

(b) PROGRAM OFFICE DUTIES.—Section 204 of such Act, as amended by subsection (a), is further amended—

(1) by striking subsection (e); and

(2) by redesigning subsection (f) as subsection (i); and

(3) by inserting after subsection (d), as added by subsection (a)(3) of this Act, the following:

“(e) PROGRAM OFFICE.—The Program Office established under subsection (d) shall—

(I) ensure that all statutory requirements, including reporting requirements, are met in accordance with this Act;

(II) ensure coordination and synergy across the Program agencies in meeting the strategic goals and objectives of the Program;

(III) implement an outreach program to identify and build effective partnerships with stakeholders in the construction and insurance industries, Federal, State, and local governments, academic and research institutions, and non-governmental entities, such as standards, codes, and technical organizations;

(IV) conduct studies on cutting-edge planning issues, particularly those that are significant for the development and updating of the strategic plan required under subsection (b); and

(V) conduct analysis and evaluation studies to measure the progress and results achieved in meeting the strategic goals and objectives of the Program.”

(c) INTERAGENCY WORKING GROUP.—Section 204 of such Act (42 U.S.C. 15703) is further amended—

(1) by redesigning subsection (o) as subsection (p); and

(2) by inserting after subsection (m)(3), as added by subsection (b)(3) of this Act, the following:
"(f) INTERAGENCY WORKING GROUP.—

(1) IN GENERAL.—There is established an Interagency Working Group on Wind Impact Reduction, which shall report to the Director.

(2) PURPOSE.—The primary purpose of the Interagency Working Group is to coordinate activities and facilitate better communication among Program agencies in reducing the impacts of windstorms.

(3) DUTIES.—The Interagency Working Group shall:

(A) facilitate Program planning, analysis, and evaluation;

(B) facilitate coordination and synergy among Program agencies in meeting the strategic goals and objectives of the Program;

(C) prepare the coordinated interagency budget for the Program;

(D) prepare the interim working plan required under subsection (h);

(E) prepare the strategic plan with stakeholder input required under subsection (i);

(F) prepare the biennial report to Congress and the National Science and Technology Council required under subsection (j);

(G) work with States, local governments, non-governmental organizations, industry, academia, and research institutions, as appropriate; and

(H) in partnership with State and local governments, academia, and the private sector, facilitate—

(i) the organization and deployment of comprehensive discipline-oriented interagency teams to investigate major windstorm events; and

(ii) the gathering, publishing, and archiving of collected data and analysis results.

(4) MEMBERSHIP.—The Interagency Working Group shall be comprised of 1 representative from each of—

(A) the National Institute of Standards and Technology;

(B) the National Science Foundation;

(C) the National Oceanic and Atmospheric Administration;

(D) the Federal Emergency Management Agency;

(E) the Department of Transportation;

(F) the National Aeronautics and Space Administration;

(G) the United States Army Corps of Engineers; and

(H) the Office of Science and Technology Policy; and

(i) the Office of Management and Budget.

(5) CHAIR.—The Program Director referred to in section 6(a) shall chair the Interagency Working Group.

(6) DUTIES OF THE CHAIR.—The Chair shall—

(A) convene at least 4 Interagency Working Group meetings per year, the first of which shall be convened not later than 90 days after the date of the enactment of the National Windstorm Impact Reduction Reauthorization Act of 2008;

(B) ensure the timely submission of the Interagency Working Group’s biennial report to Congress and the National Science and Technology Council required under subsection (j); and

(C) carry out such other duties as may be necessary to carry out this Act.

(g) PROGRAM AGENCIES.—Section 204 of such Act (42 U.S.C. 15703) is further amended by inserting after subsection (f), as added by subsection (c) of this Act, the following:

(1) NATIONAL SCIENCE FOUNDATION.—The National Science Foundation shall support research and the application of sciences to improve the understanding of the behavior of windstorms and the impact of windstorms on buildings, structures, and lifelines.

(2) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The National Oceanic and Atmospheric Administration shall support atmospheric sciences research to improve the understanding of the behavior of windstorms and the impact of windstorms on buildings, structures, and lifelines through wind observations, modeling, and analysis.

(3) FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Federal Emergency Management Agency shall support—

(A) the development of risk assessment tools, effective mitigation techniques, and related guidance documents and products;

(B) windstorm-related data collection and analysis;

(C) evacuation planning;

(D) public outreach and information dissemination; and

(E) the implementation of mitigation measures consistent with the Federal Emergency Management Agency’s all-hazards approach.

(4) DEPARTMENT OF TRANSPORTATION.—The Department of Transportation shall—

(A) support research to improve understanding, measuring, predicting, and designing for wind effects on transportation infrastructure, including bridges; and

(B) assist in training.

(5) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—The National Aeronautics and Space Administration shall support—

(A) research to improve understanding of the regional and global behavior of windstorms; and

(B) dissemination and utilization of observational data from existing satellites and sensors, forecasts, and other analytical products that can aid in reducing windstorm impacts.

(6) UNITED STATES ARMY CORPS OF ENGINEERS.—The United States Army Corps of Engineers shall—

(A) support research to improve understanding of wind effects on storm surge and other flooding; and

(B) support the development of evacuation plans and other activities or tools to reduce the potential for loss of life or structure damage resulting from windstorms.

(6) United States Army Corps of Engineers.

(6) UNITED STATES ARMY CORPS OF ENGINEERS.—The United States Army Corps of Engineers shall—

(A) support research to improve understanding of wind effects on storm surge and other flooding; and

(B) support the development of evacuation plans and other activities or tools to reduce the potential for loss of life or structure damage resulting from windstorms.

(7) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The National Oceanic and Atmospheric Administration shall support—

(A) research to improve understanding of windstorms; and

(B) dissemination and utilization of observational data from existing satellites and sensors, forecasts, and other analytical products that can aid in reducing windstorm impacts.

(8) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—The National Aeronautics and Space Administration shall support—

(A) research to improve understanding of the regional and global behavior of windstorms; and

(B) dissemination and utilization of observational data from existing satellites and sensors, forecasts, and other analytical products that can aid in reducing windstorm impacts.

(9) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The National Institute of Standards and Technology shall support—

(A) research to improve understanding of windstorms; and

(B) dissemination and utilization of observational data from existing satellites and sensors, forecasts, and other analytical products that can aid in reducing windstorm impacts.

(10) NATIONAL SCIENCE FOUNDATION.—The National Science Foundation shall support—

(A) research to improve understanding of windstorms; and

(B) dissemination and utilization of observational data from existing satellites and sensors, forecasts, and other analytical products that can aid in reducing windstorm impacts.

(11) FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Federal Emergency Management Agency shall support—

(A) research to improve understanding of windstorms; and

(B) dissemination and utilization of observational data from existing satellites and sensors, forecasts, and other analytical products that can aid in reducing windstorm impacts.

(12) DEPARTMENT OF TRANSPORTATION.—The Department of Transportation shall—

(A) support research to improve understanding, measuring, predicting, and designing for wind effects on transportation infrastructure, including bridges; and

(B) assist in training.

(13) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—The National Aeronautics and Space Administration shall support—

(A) research to improve understanding of windstorms; and

(B) dissemination and utilization of observational data from existing satellites and sensors, forecasts, and other analytical products that can aid in reducing windstorm impacts.

(14) UNITED STATES ARMY CORPS OF ENGINEERS.—The United States Army Corps of Engineers shall—

(A) support research to improve understanding of wind effects on storm surge and other flooding; and

(B) support the development of evacuation plans and other activities or tools to reduce the potential for loss of life or structure damage resulting from windstorms.

(15) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The National Oceanic and Atmospheric Administration shall support—

(A) research to improve understanding of windstorms; and

(B) dissemination and utilization of observational data from existing satellites and sensors, forecasts, and other analytical products that can aid in reducing windstorm impacts.

(16) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—The National Aeronautics and Space Administration shall support—

(A) research to improve understanding of windstorms; and

(B) dissemination and utilization of observational data from existing satellites and sensors, forecasts, and other analytical products that can aid in reducing windstorm impacts.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the National Windstorm Impact Reduction Act of 2001 (42 U.S.C. 15704(c)) is amended by striking "section 204(c)''.

SEC. 7. APPROPRIATIONS.

(a) IN GENERAL.—The appropriations for the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15704) shall be appropriated as follows:

(1) $1,000,000 shall be allocated for the Department of Transportation;

(2) $2,000,000 shall be allocated for the National Science and Technology Council.

(3) $2,500,000 shall be allocated for the National Aeronautics and Space Administration.

(4) $1,500,000 shall be allocated for the National Institute of Standards and Technology.

(5) $1,000,000 shall be allocated for the Federal Emergency Management Agency.

(6) $2,500,000 shall be allocated for the United States Army Corps of Engineers.
(b) Authorization for Program Planning, Management, and Coordination.—

(1) LEAD AGENCY.—From the amounts appropriated for the National Institute of Standards and Technology pursuant to subsection (a)(1)—

(A) up to $1,000,000 may be allocated for carrying out the lead agency planning, management, and coordination functions assigned to the National Institute of Standards and Technology under section 204(d); and

(B) not greater than 8 percent of such amounts may be allocated for managing the other Federal programs described in paragraph (1) under subsection (a) that are not allocated pursuant to the National Institute of Standards and Technology assigned research and development responsibilities.

(2) OTHER PROGRAM AGENCIES.—From the amounts appropriated to each of the Program agencies under paragraphs (2) through (7) of subsection (a), not greater than 8 percent may be allocated to each such agency for carrying out planning, management, and coordination functions assigned to such agency under this Act, including participation in the Interagency Working Group.

(c) REMAINDER AUTHORIZED FOR PROGRAM ACTIVITIES.—Any amounts appropriated pursuant to subsection (a) that are not allocated under paragraphs (1) and (2) shall be allocated to Program activities carried out in accordance with the objectives of the Program, including—

(1) data collection and analysis;

(2) risk assessment;

(3) outreach;

(4) technology transfer; and

(5) research and development.

By Mr. FEINGOLD (For himself, Mr. WHITEHOUSE, and Mr. CARDIN)

S. 3640. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary,

Mr. FEINGOLD. Mr. President, in a democracy, no right has been so dearly won. This country was founded on the idea that a just government derives its power from the consent of the governed, a principle codified in the very first sentence of our Constitution: "We the People of the United States." From the Civil War through the women's suffrage movement through the Voting Rights Act of 1965, President Johnson said: "It is an anachronism, one of the last vestiges of a medieval jurisprudence that declared convicted criminals to be outlaws, irrevocably expelled from society.

This principle was called "civil death" and in medieval Europe, it was reserved for the worst crimes. Yet today, in the greatest democracy in the world, we continue to sentence 4 million people—people who have served their time, people who are contributing members of society—to civil death.

The right to vote is the most basic constitutional right. It is an abridgment because a person has been convicted of a crime unless that person is actually in prison serving a felony sentence. It gives the Attorney General of the United States the power to obtain declaratory or injunctive relief to enforce that right. And it gives a person whose rights are being violated a right to go to court to get relief.

The bill also requires Federal and State officials to notify individuals of their right to vote once their sentences have been served. This is an important part of the bill, given the long history of the use of civil death and its impact on voting rights restoration procedures. Even after this bill passes, many ex-offenders may not know their rights, and we should take affirmative steps to make sure that they do. No one should be disenfranchised because of lack of information.

Upon signing the Voting Rights Act of 1965, President Johnson said:

"The vote is the powerful instrument ever devised by man for breaking down injustice and for destroying the tyrannies which impede our nation's progress. It is the right to vote which makes democracy work, which enables the ordinary people to pick their own leaders. It confers the privilege of participation in the decisions which affect the daily life of the community. In the last decade, 16 states have reformed their laws to expand the franchise, and restore voting rights to people coming out of prison and reentering the community. In the last decade, 16 States have reformed their laws to expand the franchise, and restore voting rights to people coming out of prison and reentering the community. But they cannot vote. At this time, 10 states still strip people who have completed their sentence—who have paid their debt to society—of their right to vote. Some 35 States deny the vote to people on parole, and 30 of those States deny the vote to people on probation. I believe that the practice of stripping our fellow citizens of their voting rights is un-American. It weakens our democracy.

It is an anachronism, one of the last vestiges of a medieval jurisprudence that declared convicted criminals to be outlaws, irrevocably expelled from society.

This principle was called "civil death" and in medieval Europe, it was reserved for the worst crimes. Yet today, in the greatest democracy in the world, we continue to sentence 4 million people—people who have served their time, people who are contributing members of society—to civil death.

One might ask how something as undemocratic as civil death could have survived to the present day. Unfortunately, Mr. President, the practice of disenfranchising people with felony convictions has an explicitly racist history. Like the grandfather clause, the literacy test, and the poll tax, civil death became a tool of Jim Crow.

Across the country, 13 percent of African-American men are disenfranchised because of a felony conviction. As of 2004, in 14 states, felony disenfranchisement provisions had stripped more than 10 percent of the entire African-American voting-age population of the right to vote. In 4 states, they had disenfranchised more than 20 percent of eligible African-American voters.

The architects of Jim Crow would be proud of their handiwork, and how it has lasted long after the rest of their evil system was dismantled. The rest of us should be ashamed, and yes, outraged. If we believe in redemption, we should be outraged. Because civil death keeps this country from being the country it could be, it weakens our democracy, and it makes it harder for us to live up to the full promise of our Constitution.

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The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless such individual is serving a felony sentence in a correctional institution or facility at the time of the election.

**SEC. 4. ENFORCEMENT.**

(a) ATTORNEY GENERAL.—The Attorney General may, in a civil action, obtain declaratory or injunctive relief as is necessary to remedy a violation of this Act.

(b) PRIVATE RIGHT OF ACTION.—Any person aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) Exempt. Provided in paragraph (3), if the violation is not corrected within 90 days after receipt of the notice, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

3. NOTIFICATION FOR THE RESTORATION OF VOTING RIGHTS.

(a) STATE NOTIFICATION.—

(1) NOTIFICATION.—On the date determined under paragraph (2), each State shall notify in writing any individual who has been convicted of a felony offense under Federal law that such individual has the right to register to vote in any State or the Federal Government to serve a term of imprisonment for a felony conviction.

(b) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a State court.

(c) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a State court.

(2) ELECTION.—The term “election” means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

3. FEDERAL OFFICE.—The term “Federal office” means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

4. PRIVATION.—The term “privation” means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual’s freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

5. RELATION TO OTHER LAWS.

(a) STATE LAWS RELATING TO VOTING RIGHTS.—Nothing in this Act shall be construed to prohibit the States from enacting any State laws which afford the right to vote in any election for Federal office on terms less restrictive than those established by this Act.

(b) CERTAIN FEDERAL ACTS.—The rights and remedies established by this Act are in addition to all other rights and remedies provided by law, and neither rights and remedies established by this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act (42 U.S.C. 1973-g).

6. FEDERAL PRISON FUNDS.

No State, unit of local government, or other person may receive or use, to construct or otherwise improve a prison, jail, or other place of incarceration, any Federal grant amounts unless that person has in effect a program under which each individual incarcerated in that person’s jurisdiction who is a citizen of the United States is notified, upon release from such incarceration, of that individual’s rights under section 3.

7. EFFECTIVE DATE.

This Act shall apply to citizens of the United States voting in any election for Federal office held after the date of the enactment of this Act.
SENATE RESOLUTION 686—TO AUTHORIZE THE PRODUCTION OF RECORDS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. Res. 686

Whereas, the United States Department of Justice is conducting an investigation into improper activities by lobbyists and related matters;

Whereas, the Office of Senator Christopher S. Bond has received a request for records from the Department of Justice for use in the investigation of a former employee;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Resolved, That the privilege of the Senate shall be asserted.

SENATE RESOLUTION 687—TO AUTHORIZE THE PRODUCTION OF RECORDS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. Res. 687

Whereas, in the case of People of the State of Michigan v. Sereal Leonard Gravelin, except concerning matters for which a privilege should be asserted. Scc. 2. The Senate Legal Counsel is authorized to represent Ruth Gallop and any other employee of the Senate from whom evidence may be required in the action referenced in section one of this resolution.

SENATE RESOLUTION 688—TO AUTHORIZE TESTIMONY IN UNITED STATES V. MAX OBUSZEWSKI, ET AL.

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. Res. 688

Whereas, in the case of United States v. Max Obuszewski, et al., Case No. 2006-CMD-5824, pending in the Superior Court for the District of Columbia, the prosecution has subpoenaed testimony from Justin Beller, an employee of the Office of the Senate Sergeant at Arms.

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by the permission of the Senate;

Resolved, That the privilege of the Senate of the United States and Rule XI of the Standing Rules of the Senate shall be asserted.

SENATE RESOLUTION 689—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. Res. 689

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 110th Congress;

(2) the manual shall be printed as a Senate document; and

(3) in addition to the usual number of documents, 1,500 additional copies of the manual shall be bound, of which—

(A) 500 paperbound copies shall be for the use of the Senate; and

(B) 1,000 copies shall be bound (550 paperbound and 450 tabbed black skivver) and delivered as may be directed by the Committee on Rules and Administration.

SENATE CONCURRENT RESOLUTION 104—SUPPORTING “LIGHTS ON AFTERSCHOOL” A NATIONAL CELEBRATION OF AFTER SCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. KOHL, Mr. BURR, Mrs. LINCOLN, Mr. STEVENS, Mr. CASEY, Mr. ROBERTS, Mr. FEINGOLD, Ms. STABENOW, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. LIEBERMAN, Mrs. BOXER, Mr. BIDEN, Mr. BARRASSO, Ms. COLLINS, and Mr. SPECTER) submitted the following concurrent resolution; which was considered and agreed to:

S. Con. Res. 104

Whereas high quality after school programs provide safe, enriching, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation’s students, parents, business leaders, and adult volunteers in the lives of the Nation’s youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation’s children;

Whereas “Lights On Afterschool!”, a national celebration of after school programs held on October 14, 2008, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,000,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore be it

Resolved, By the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of “Lights On Afterschool!” a national celebration of after school programs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5664. Mr. REID (for Mr. CONRAD) proposed an amendment to the bill S. 2384, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

SA 5655. Mr. LEAHY proposed an amendment to the bill S. 3325, to enhance remedies for violations of intellectual property laws, and for other purposes.

SA 5656. Mr. LEAHY (for Mr. KENNEDY) proposed an amendment to the bill S. 2384, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

SA 5657. Mr. NELSON, of Florida (for Mr. LIEBERMAN (for himself and Mr. FRYDER)) proposed an amendment to the Senate bill S. 2392, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus presidential housing units stored by the Federal Government around the country at taxpayer expense.

SA 5658. Mr. NELSON, of Florida (for Ms. KLOBÚCHAR (for herself, Mr. ISAKSON, Mr. WICKER, Mr. BROWN, Ms. COLLINS, and Mr. HARKIN)) proposed an amendment to the bill H.R. 5571, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.

SA 5659. Mr. LEAHY proposed an amendment to the bill S. 5658. Mr. NELSON, of Florida (for Mr. ISAKSON, Mr. WICKER, Mr. BROWN, Ms. COLLINS, and Mr. HARKIN) proposed an amendment to the bill S. 2392, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus presidential housing units stored by the Federal Government around the country at taxpayer expense.
TEXT OF AMENDMENTS

SA 5654. Mr. REID (for Mr. CONRAD) proposed an amendment to the bill H.R. 5571, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes; as follows:

On page 2, line 5, strike “June 1, 2013” and insert “March 6, 2009.”

SA 5655. Mr. LEAHY proposed an amendment to the bill S. 3325, to enhance remedies for violations of intellectual property laws, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Prioritizing Resources and Organization for Intellectual Property Act of 2008.”

(b) Table of Contents.—The table of contents is as follows:

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TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

Sec. 101. Registration of claim.

Sec. 102. Civil remedies for infringement.

Sec. 103. Treble damages in counterfeiting cases.

Sec. 104. Statutory damages in counterfeiting cases.

Sec. 105. Importation and exportation.

TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

Sec. 201. Criminal copyright infringement.

Sec. 202. Trafficking in counterfeit labels, labels, or counterfeit documentation or packaging for works that can be copyrighted.

Sec. 203. Unauthorized fixing.

Sec. 204. Unauthorized recording of motion pictures.

Sec. 205. Trafficking in counterfeit goods or services.

Sec. 206. Forfeiture, destruction, and seizure.

Sec. 207. Forfeiture under Economic Espionage Act.

Sec. 208. Criminal sanctions for infringement of a copyright.

Sec. 209. Technical and conforming amendments.

TITLE III—INFORMATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

Sec. 201. Intellectual Property Enforcement Coordinator.

Sec. 202. Definition.

Sec. 203. Joint strategic plan.

Sec. 204. Reporting.

Sec. 205. Savings and repeals.

Sec. 206. Authorization of appropriations.

TITLE IV—DEPARTMENT OF JUSTICE PROGRAMS

Sec. 301. Local law enforcement grants.

Sec. 302. Improved investigative and forensic resources for enforcement of laws related to intellectual property crimes.

Sec. 303. Additional funding for resources to investigate and prosecute intellectual property crimes and other criminal activity involving computers.

Sec. 304. Annual reports.

TITLE V—MISCELLANEOUS

Sec. 501. Grants for study on protection of intellectual property of manufacturers.
SEC. 103. TREBLE DAMAGES IN COUNTERFEITING CASES.

Section 35(c) of the Trademark Act of 1946 (15 U.S.C. 1117) is amended—

(1) in paragraph (1)—

(A) by striking "$500" and inserting "$1,000"; and

(B) by striking "$100,000" and inserting "$200,000"; and

(2) in paragraph (2), by striking "$1,000,000" and inserting "$2,000,000".

SEC. 105. IMPORTATION AND EXPORTATION.

(a) In General.—The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

"CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION."

(b) AMENDMENT ON EXPORTATION.—Section 609(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and moving such subparagraphs 2 ems to the right;

(2) by striking "(a) and inserting "(a) IMPORTATION—

(1) Importation.—

(3) by striking "This subsection does not apply to—" and inserting the following:

"(2) IMPORTATION OR EXPORTATION OF INFRINGING ITEMS.—Importation into the United States or exportation from the United States, without the authority of the owner of copyright under this title, of copies or phonorecords that appear to consist of unautho-

"(b) Forfeiture and Destruction of Counterfeit Documentation or Illicit Labels, or Counterfeit Tapes or Television Pictures.

Section 2319(b) of title 18, United States Code, is amended to read as follows:

"(b) Forfeiture and Destruction of Property.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

(3) by striking subsection (e) and redesignating subsection (f) as subsection (e).

SEC. 203. UNAUTHORIZED FIXATION.

(a) Section 2319(a) of title 18, United States Code, is amended to read as follows:

"(b) Forfeiture and Destruction of Property.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

(b) Section 2319(c) of title 18, United States Code, is amended by striking the sec-

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Goods or Services.—

(a) In General.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "OFFENSE—"; and

"(b) Forfeiture and Destruction of Counterfeit Tapes or Television Pictures.

Section 2319(b) of title 18, United States Code, is amended to read as follows:

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Documentation or Illicit Labels, or Counterfeit Tapes or Television Pictures.

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"(c) Forfeiture and Destruction of Counterfeit Goods or Services.—

(a) In General.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "OFFENSE—"; and

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

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(1) in subsection (a)—

(A) by striking "Whoever" and inserting "OFFENSE—"; and

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Documentation or Illicit Labels, or Counterfeit Tapes or Television Pictures.

Section 2319(b) of title 18, United States Code, is amended to read as follows:

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Goods or Services.—

(a) In General.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "OFFENSE—"; and

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Documentation or Illicit Labels, or Counterfeit Tapes or Television Pictures.

Section 2319(b) of title 18, United States Code, is amended to read as follows:

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Goods or Services.—

(a) In General.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "OFFENSE—"; and

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Documentation or Illicit Labels, or Counterfeit Tapes or Television Pictures.

Section 2319(b) of title 18, United States Code, is amended to read as follows:

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Goods or Services.—

(a) In General.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "OFFENSE—"; and

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Documentation or Illicit Labels, or Counterfeit Tapes or Television Pictures.

Section 2319(b) of title 18, United States Code, is amended to read as follows:

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Goods or Services.—

(a) In General.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "OFFENSE—"; and

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law."; and

"(c) Forfeiture and Destruction of Counterfeit Documentation or Illicit Labels, or Counterfeit Tapes or Television Pictures.
(1) IN GENERAL.—Whoever;
(b) by moving the remaining text 2 ems to the right; and
(c) by adding at the end the following:
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(A) SERIOUS BODILY HARM.—If the offender knowingly or recklessly causes or attempts to cause serious bodily injury in conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for not more than 20 years, or both.
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(2) DEATH.—If the offender knowingly or recklessly causes or attempts to cause death in conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for any term of years or for life.

(2) by adding at the end the following:
```
(h) TRANSPORTATION AND EXPORTATION.—No goods or services, the trafficking in of which is prohibited by this section, shall be transshipped through or exported from the United States. Any such transshipment or exportation shall be deemed a violation of section 42 of an Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, approved July 5, 1946 (commonly referred to as the ‘Trademark Act of 1946’ or the ‘Lanham Act’).
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(3) SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.
(a) SEC. 208. CRIMINAL INFRINGEMENT OF A COPYRIGHT.—Section 1834 of title 18, United States Code, is amended to read as follows:
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SEC. 1834. CRIMINAL INFRINGEMENT.
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(B) Any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A).

(C) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of an offense referred to in subparagraph (A).

(2) PROCEDURES.—The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section.

(c) Any seizure made under this section, the court shall enter an appropriate protective order with respect to discovery of information or materials under section 3664 of this title, in addition to any other similar remedies provided by law.

SEC. 206. FORFEITURE, DESTRUCTION, AND RESTITUTION.
(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:
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SEC. 2232. FORFEITURE, DESTRUCTION, AND RESTITUTION.
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(2) in subsection (c)(2)—
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(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this chapter shall be subject to section 2232, to the extent provided in that section, in addition to any other similar remedies provided by law.

SEC. 207. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.
Section 1856(b) of title 18, United States Code, is amended to read as follows:
```
SEC. 1856. ECONOMIC ESPIONAGE ACT.
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(b) OTHER AMENDMENTS.—Section 411(b) of title 17, United States Code, is amended by striking ‘‘sections 509 and 510’’ and inserting ‘‘section 510’’; and

(C) in subsection (f)(1), by striking ‘‘and 509’’.

SEC. 301. INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR.
(a) INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR.—The President shall appoint, by and with the advice and consent of the Senate, an Intellectual Property Enforcement Coordinator (in this title referred to as the ‘IPEC’) to serve within the Executive Office of the President, to exercise the rulemaking power of the Senate, any nomination of the IPEC submitted to the Senate for confirmation, and referred to a committee shall be referred to the Committee on the Judiciary. A notification of the IPEC shall be referred to the Committee on the Judiciary.

(b) DUTIES OF IPEC.—
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(1) IN GENERAL.—The IPEC shall:
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(d) in paragraph (1), by striking ‘‘sections 509 and 510’’ and inserting ‘‘section 510’’.

SEC. 302. TECHNICAL AND CONFORMING AMENDMENTS.
(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—
```
(1) Section 199(b)(d) of title 17, United States Code, is amended by striking ‘‘and 505’’ and inserting ‘‘and 509’’.
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(b) Section 111 of title 17, United States Code, is amended—
```
(a) in subsection (b), by striking ‘‘and 509’’;
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(1) in paragraph (2), by striking ‘‘and 509’’;

(ii) in paragraph (3), by striking ‘‘sections 509 and 510’’ and inserting ‘‘section 510’’;

(iii) in paragraph (4), by striking ‘‘and section 509’’; and

(C) in subsection (e),
```
(1) in paragraph (1), by striking ‘‘sections 509 and 510’’ and inserting ‘‘section 510’’;
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(2) in paragraph (2), by striking ‘‘and 509’’.

(3) Section 115(c) of title 17, United States Code, is amended—
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(A) in paragraph (3)(G)(i), by striking ‘‘and 509’’; and
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(B) in paragraph (6), by striking ‘‘and 509’’.

(4) Section 119(b) of title 17, United States Code, is amended—
```
(A) in paragraph (5), by striking ‘‘sections 509 and 510’’;
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(B) in paragraph (8), by striking ‘‘and 509’’; and

(D) in paragraph (13), by striking ‘‘and 509’’.

(5) Section 122 of title 17, United States Code, is amended—
```
(C) in subsection (d), by striking ‘‘and 509’’;
```

(B) in subsection (e), by striking ‘‘sections 509 and 510’’ and inserting ‘‘section 510’’; and

(b) OTHER AMENDMENTS.—Section 590(c)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)(C)) is amended by striking ‘‘or 509’’.
and facilities utilized by the agencies and recommend actions against the financing, production, trafficking, or sale of counterfeit and infringing goods.

Paragraph 301(b)(1)(B) (in this section referred to as the "Joint Strategic Plan") is the following:

(1) Seeking to enhance the efficiency and consistency with which Federal resources are expended, and seek to minimize duplication, overlap, or inconsistency.

(2) Identify and give priority to those countries where programs of training and technical assistance can be carried out most effectively and with the greatest benefit to reducing counterfeit and infringing products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

(3) Develop metrics to measure the effectiveness of the Federal Government's efforts.
to improve the laws and enforcement prac-
tices of foreign governments against counter-
feiting and infringement.

(g) **Dissemination of the Joint Strategic Plan.** The joint strategic plan shall be posted for public access on the website of the White House, and shall be disseminated to the public through such other means as the IPEC determines.

SEC. 304. REPORTING.

(a) **Annual Report.**—Not later than December 31 of each calendar year beginning in 2009, the IPEC shall submit a report on the activities of the advisory committee during the preceding fiscal year. The annual report shall be submitted to Congress, and disseminated to the United States, in the manner specified in subsections (b) and (g) of section 303.

(b) **Contents.**—The report required by this section shall include the following:

(1) The progress made on implementing the strategic plan and on the progress toward fulfillment of the priorities identified under section 303(e)(1).

(2) The progress made in efforts to encourage Federal, State, and local government departments and agencies to accord higher priority to intellectual property enforcement.

(3) The progress made in working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the production, trafficking, and sale of counterfeit and infringing goods.

(4) The manner in which the relevant departments and agencies are working together and sharing information to strengthen intellectual property enforcement.

(5) An assessment of the successes and shortcomings of the efforts of the Federal Government, including departments and agencies represented on the committee established under section 303(b)(3).

(6) Recommendations, if any and as appropriate, on the design, structure, and funding of programs of the Department of Justice to do the following with respect to intellectual property enforcement:

(7) The progress made in strengthening the capacity of United States persons and their licensees to protect intellectual property rights.

(8) The successes and challenges in sharing with other countries information relating to intellectual property enforcement.

(9) The progress made under trade agreements and treaties to protect intellectual property rights of United States persons and their licensees.

(10) The progress made in minimizing duplicative efforts, materials, facilities, and procedures of the Federal agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes.

(11) Recommendations, if any and as appropriate, on how to enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes, including the extent to which the agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes have utilized existing personnel, materials, technologies, and facilities.

SEC. 305. SAVINGS AND REPEALS.

(a) **Transition from NIPLECC to IPEC.**—

(1) **Repeal of NIPLECC.**—Section 653 of the Treasury, Postal Service, and General Government Appropriations Act, 2000 (15 U.S.C. 1128) is repealed effective upon confirmation of the IPEC by the Senate and publication of such appointment in the Congressional Record.

(2) **Continuity of Performance of Duties.**—Upon confirmation by the Senate, and notwithstanding section 703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), the IPEC may use the services and personnel of the National Intellectual Property Law Enforcement Coordination Council, for such time as is reasonable to perform any functions and duties which in the discretion of the IPEC are necessary to facilitate the orderly transition of any functions or duties transferred from the Council pursuant to any provision of this Act or any amendment made by this Act.

(b) **Current Authorities Not Affected.**—Except as provided in subsection (a), nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to:

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights;

(3) the United States trade agreements program or international trade.

(c) **Rules of Construction.**—Nothing in this title—

(1) shall derogate from the powers, duties, and functions of any of the agencies, departments, or other entities listed or included under section 303(e)(1); or

(2) shall be construed to transfer authority over intellectual property enforcement or intellectual property enforcement matters to the Federal Government.

(b) **Current Authorities Not Affected.**—Except as provided in subsection (a), nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to:

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights;

(3) the United States trade agreements program or international trade.

(d) **Rules of Construction.**—Nothing in this title—

(1) shall derogate from the powers, duties, and functions of any of the agencies, departments, or other entities listed or included under section 303(e)(1); or

(2) shall be construed to transfer authority over intellectual property enforcement or intellectual property enforcement matters to the Federal Government.

(b) **Current Authorities Not Affected.**—Except as provided in subsection (a), nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to:

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights;

(3) the United States trade agreements program or international trade.

(d) **Rules of Construction.**—Nothing in this title—

(1) shall derogate from the powers, duties, and functions of any of the agencies, departments, or other entities listed or included under section 303(e)(1); or

(2) shall be construed to transfer authority over intellectual property enforcement or intellectual property enforcement matters to the Federal Government.

SEC. 401. LOCAL LAW ENFORCEMENT GRANTS.

(a) **Authorization.**—There is authorized to be appropriated to carry out this subsection the sum of $25,000,000 for each of fiscal years 2009 through 2013.

(b) **Savings and Repeals.**—

(1) **Transition from NIPLECC to IPEC.**—

(A) **Repeal of NIPLECC.**—Section 653 of the Treasury, Postal Service, and General Government Appropriations Act, 2000 (15 U.S.C. 1128) is repealed effective upon confirmation of the IPEC by the Senate and publication of such appointment in the Congressional Record.

(B) **Assist State and Local Law Enforcement Agencies in Educating the Public.**—There is authorized to be appropriated $25,000,000 for each of fiscal years 2009 through 2013 for the following:

(1) to assist State and local law enforcement agencies in educating the public about the importance of intellectual property rights and the consequences of infringing intellectual property and to support efforts to reduce intellectual property crime.

(2) to support efforts to reduce intellectual property crime by providing grants to State and local law enforcement agencies to fund enforcement actions, such as undercover investigations and intelligence analyses.
and coordination of intellectual property crimes;

(2) ensure that any Computer Hacking and Intellectual Property Crime Unit in the Department of Justice is supported by at least 1 agent of the Federal Bureau of Investigation (in addition to any agent supporting such unit as of the date of the enactment of this Act) to support such unit for the purpose of investigating or prosecuting intellectual property crimes;

(3) ensure that all Computer Hacking and Intellectual Property Crime Units located at an office of a United States Attorney are assigned at least 2 Assistant United States Attorneys, and other personnel, staff, financial resources, and other resources (such as time, technology, and training) required to fully support such unit for the purpose of investigating or prosecuting intellectual property crimes; and

(4) ensure the implementation of a regular and comprehensive plan—

(A) for the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to intellectual property crimes; and

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes.

(b) ORGANIZED CRIME PLAN.—Subject to the availability of appropriations to carry out this section, not later than 90 days after the date of enactment of this Act, the Attorney General, through the United States Attorneys’ Offices, the Computer Crime and Intellectual Property Section of the Organized Crime and Racketeering Section of the Department of Justice, and in consultation with the Federal Bureau of Investigation and other Federal law enforcement agencies, such as the Department of Homeland Security, shall create and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes involving computers, there are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 through 2013.

(c) AUTHORIZATION.—There are authorized to be appropriated—

(1) $10,000,000 to the Director of the Federal Bureau of Investigation; and

(2) $10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) AVAILABLE.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) FUNDING.—Funds made available under subsection (a) shall be used by the director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(A) hire and train law enforcement officers to—

(1) investigate intellectual property crimes and other crimes committed through the use of information, computer technologies, and other information, including the use of the Internet; and

(2) assist in the prosecution of such crimes;

(B) enable relevant units of the Department of Justice, including units responsible for investigating computer hacking or intellectual property crimes, to procure advanced tools of forensic science and expert computer forensic assistance, including from non-governmental organizations, to investigate, prosecute, and study such crimes.

SEC. 404. ANNUAL REPORTS.

(a) REPORT OF THE ATTORNEY GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit a report to Congress on actions taken to carry out this title. The initial report required under this subsection shall be submitted by May 1, 2009. All subsequent annual reports shall be submitted by May 1st of each fiscal year thereafter. The report required under this subsection shall include part of the annual performance report of the Department of Justice, and shall include the following—

(1) With respect to grants issued under section 401, the number and identity of State and local law enforcement grant applicants, the number of grants issued, the dollar value of each grant, including a breakdown of such value showing how the recipient used the funds, the specific purpose of each grant, and the reports from recipients of the grants on the utilization and effectiveness of the funds as reported by the grant. The Department of Justice shall use the information provided by the grant recipients to improve enforcement for each individual grant. Such statement shall state whether each grantee has accomplished the purposes of the grant as established in section 401(b). Those grantees not in compliance with the requirements of this title shall be subject, but not limited to, sanctions as described in the Financial Guide issued by the Office of Justice Programs at the Department of Justice.

(2) With respect to the additional agents of the Federal Bureau of Investigation authorized under section 402(a), the number of investigations and actions in which such agents were engaged, the type of each action, the resolution of each action, and any penalties imposed in each action.

(3) With respect to the training program authorized under section 402(a), the number of investigations and prosecutions resulting from the hiring, the number and type of investigations and prosecutions in which such agents were engaged, the type of each action, the resolution of each action, and any penalties imposed in each action.

(4) With respect to the organized crime plan authorized under section 402(b), the number of organized crime investigations and prosecutions resulting from such plan.

(5) With respect to the authorizations under section 403—

(A) the number of law enforcement officers hired and the number trained;

(B) the number and type of investigations and prosecutions resulting from the hiring and training of such law enforcement officers;

(C) the defendants involved in any such prosecutions;

(D) any penalties imposed in any such successful prosecutions;

(6) the advanced tools of forensic science procured to investigate, prosecute, and study computer hacking or intellectual property crimes; and

(E) the number and type of investigations and prosecutions in such tools were used.

(6) Any other information that the Attorney General may consider relevant to investigate, prosecute, and study such crimes.

(b) AUTHORIZATION.—There are authorized to be appropriated—

(1) $10,000,000 to the Director of the Federal Bureau of Investigation; and

(2) $10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) AVAILABLE.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) FUNDING.—Funds made available under subsection (a) shall be used by the Director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(A) hire and train law enforcement officers to—

(1) investigate intellectual property crimes and other crimes committed through the use of information, computer technologies, and other information, including the use of the Internet; and

(2) assist in the prosecution of such crimes;

(B) enable relevant units of the Department of Justice, including units responsible for investigating computer hacking or intellectual property crimes, to procure advanced tools of forensic science and expert computer forensic assistance, including from non-governmental organizations, to investigate, prosecute, and study such crimes.

(2) SEC. 403. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE INTELLECTUAL PROPERTY CRIMES AND OTHER CRIMINAL ACTIVITY INVOLVING COMPUTERS.

(a) ADDITIONAL FUNDING FOR RESOURCES.—

(1) AUTHORIZATION.—In addition to amounts otherwise authorized for resources to investigate and prosecute intellectual property crimes, computer crimes involving computers, there are authorized to be appropriated for each of the fiscal years 2009 through 2013—

(A) $10,000,000 to the Director of the Federal Bureau of Investigation; and

(B) $10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) AVAILABLE.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) FUNDING.—Funds made available under subsection (a) shall be used by the Director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(A) hire and train law enforcement officers to—

(1) investigate intellectual property crimes and other crimes committed through the use of information, computer technologies, and other information, including the use of the Internet; and

(2) assist in the prosecution of such crimes;

(B) enable relevant units of the Department of Justice, including units responsible for investigating computer hacking or intellectual property crimes, to procure advanced tools of forensic science and expert computer forensic assistance, including from non-governmental organizations, to investigate, prosecute, and study such crimes.
(C) the number of prosecutions for such crimes, including—
(i) the number of defendants involved in such prosecutions;
(ii) whether the prosecution resulted in a conviction; and
(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and
(4) a Department-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(c) REPORT OF THE FBI.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit a report to Congress on actions taken to carry out this title. The initial report required under subsection (c) shall be submitted as part of the annual performance report of the Department of Justice, and shall include—

(1) a review of the policies and efforts of the Bureau related to the prevention and investigation of intellectual property crimes;
(2) a summary of the overall successes and failures of such policies and efforts;
(3) a review of the investigative and prosecution activity of the Bureau with respect to intellectual property crimes, including—
(A) the number of investigations initiated related to such crimes;
(B) the number of arrests related to such crimes; and
(C) the number of prosecutions for such crimes, including—
(i) the number of defendants involved in such prosecutions;
(ii) whether the prosecution resulted in a conviction; and
(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and
(4) a Bureau-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

TITLe V—MISCELLANEOUS

SEC. 501. GAO STUDY ON PROTECTION OF INTELLECTUAL PROPERTY OF MANUFACTURERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to help determine how the Federal Government could better protect the intellectual property of manufacturers by quantification of the impacts of imported and domestic counterfeit goods on—

(1) the manufacturing industry in the United States; and
(2) the overall economy of the United States.

(b) CONTENTS.—In conducting the study required under subsection (a), the Comptroller General shall examine—

(1) the extent that counterfeit manufactured goods are currently being trafficked in and imported into the United States;
(2) the impacts on domestic manufacturers in the United States of current law regarding the protection of intellectual property, including patent, trademark, and copyright protections;
(3) the nature and scope of current statutory law and case law regarding protecting trade dress from being illegally copied;
(4) the extent which such laws are being used to investigate and prosecute acts of trafficking in counterfeit manufactured goods;
(5) any effective practices or procedures that are protecting all types of intellectual property; and
(6) any changes to current statutes or rules that would need to be implemented to more effectively protect intellectual property rights of manufacturers.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required under subsection (a).

SEC. 502. GAO AUDIT AND REPORT ON NON-DUPLICATION AND EFFICIENCY.

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct an audit and submit a report to the Committee on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives on—

(1) the actions of the Intellectual Property Enforcement Coordinator and the Attorney General in achieving the goals and purposes of this Act, as well as in carrying out any responsibilities or duties assigned to each such individual or agency under this Act;
(2) any possible legislative, administrative, or regulatory changes that Comptroller General recommends be taken by or on behalf of the Intellectual Property Enforcement Coordinator or the Attorney General to better achieve such goals and purposes, and more effectively carry out such responsibilities and duties;
(3) the effectiveness of any actions taken and efforts made by the Intellectual Property Enforcement Coordinator and the Attorney General to—
(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of intellectual property crimes; and
(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes.

SEC. 503. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States intellectual property industries have created millions of high-paying jobs and pay billions of dollars in annual United States tax revenues;
(2) the United States intellectual property industries continue to be the major source of creativity and innovation, business start-ups, skilled job creation, exports, economic growth, and competitiveness;
(3) counterfeiting and infringement results in billions of dollars in lost revenue for United States companies each year and even greater losses to the United States economy due to job growth, exports, and competitiveness;
(4) the growing number of willful violations of existing Federal criminal laws involving counterfeiting and infringement by actors in the United States and, increasingly, by foreign-based individuals and entities is a serious threat to the long-term viability of the United States economy and the future competitiveness of United States industry;
(5) terrorists and organized crime utilize counterfeiting and infringement to fund some of their activities;
(6) effective criminal enforcement of the intellectual property laws against violations in any category of work is among the highest priorities of the Attorney General;
(7) with respect to all crimes related to the theft of intellectual property, the Attorney General shall give priority to cases with a nexus to terrorism and organized crime; and
(8) with respect to criminal counterfeiting and infringement of computer software, including those by foreign-owned or foreign-controlled entities, the Attorney General should give priority to—
(A) protecting the willful theft of intellectual property for purposes of commercial advantage or private financial gain;
(B) where the theft of intellectual property is central to the sustainability and viability of the commercial activity of the enterprise (or subsidiary) involved in the violation;
(C) where the counterfeited or infringing goods or services enables the enterprise to unfairly compete against the legitimate rights holder; or
(D) where there is actual knowledge of the theft of intellectual property by the directors or officers of the enterprise.

SA 5656. Mr. LEAHY (for Mr. KENNEDY) proposed an amendment to the bill S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets
Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.
Sec. 4. Law enforcement response to mentally ill offenders improvement grants.
Sec. 5. Examination and report on prevalence of mentally ill offenders.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to provide services to mentally ill persons who are in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illness.

(3) Los Angeles County Jail and New York’s Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797f(h)) is amended—

(1) in paragraph (1), by striking at the end “and”;

(2) in paragraph (2), by striking “for fiscal years 2006 through 2009.” and inserting “for each of the fiscal years 2006 through 2014.”;

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

“(3) $50,000,000 for each of the fiscal years 2009 through 2014.

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) of subsection (a)(3) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(2) by striking “There are authorized and” and inserting “(1) (1) In General.—There are authorized and”;

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

“(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.

(c) ADDITIONAL APPLICATIONS RECEIVING PRIORITY.—Subsection (c) of such section is amended to read as follows:

“(c) Additional Applications. —The Attorney General, in awarding funds under this section, shall give priority to applications that—

“(1) promote effective strategies by law enforcement to identify and reduce risk of harm to mentally ill offenders and public safety;

“(2) promote effective strategies for identification and treatment of female mentally ill offenders;

“(3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders; or

“(4)(A) demonstrate the strongest commitment to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

“(B) have the support of both the Attorney General and the Secretary.”.

SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797f) is further amended—

(1) redesignating subsection (h) as subsection (i); and

(2) inserting after subsection (g) the following:

“(h) LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.—

“(1) AUTHORIZATION.—The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

“(A) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

“(B) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

“(C) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

“(D) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies to which agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

“(E) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

“(F) BJM TRAINING MODEL.—For purposes of paragraph (1)(A), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

“(G) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this subsection may not exceed 50 percent of the costs of the program. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.

SEC. 5. EXAMINATION AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Attorney General shall examine and report on mental illness and the criminal justice system.

(2) SCOPE.—Congress encourages the Attorney General to specifically examine the following:

(A) POPULATIONS.—The rate of occurrence of serious mental illnesses in each of the following populations:

(i) Individuals, including juveniles, on probation.

(ii) Individuals, including juveniles, incarcerated in a jail.

(iii) Individuals, including juveniles, incarcerated in a prison.

(iv) Individuals, including juveniles, on parole.

(B) BENEFITS.—The percentage of individuals in each population described in subparagraph (A) who have—

(i) a serious mental illness; and

(ii) received disability benefits under title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq.)

(c) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Attorney General shall submit to Congress the report described in subsection (a).

(d) DEFINITIONS.—In this section—

(1) the term “serious mental illness” means that an individual has, or at any time in the preceding 1-year period has had, a serious mental illness.

(2) the date of enactment of this Act had a covered mental, behavioral, or emotional disorder; and

(3) the term “covered mental, behavioral, or emotional disorder” means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Classification of Diseases, Ninth Revision, Clinical Modification equivalent of the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition; or

(B) does not include a disorder that has a V code within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or a substance use disorder, or a developmental disorder, unless that disorder coexists with another disorder described in subparagraph (A) and causes functional impairment which substantially interferes with or limits 1 or more major life activities.

(e) AUTHORIZATION OF APPROPRIATIONS.—The appropriations are authorized to be appropriated to carry out this section $2,000,000 for 2009.

SA 5657. Mr. NELSON of Florida (for Mr. LIEBERMAN (for himself and Mr. PRYOR)) proposed an amendment to the bill S. 2382, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus managed using 3101 hours of storage by the Federal Government around the country at taxpayer expense; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “FEMA Accountability Act of 2008”.

(b) DEFINITIONS.—In this Act—
(1) the term "Administrator" means the Administrator of FEMA;
(2) the terms "emergency" and "major disaster" have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and
(3) the term "FEMA" means the Federal Emergency Management Agency.

SEC. 2. STORAGE, SALE, TRANSFER, AND DISPOSAL OF HOUSING UNITS.

(a) In General.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the enactment of this Act; and

(2) establish criteria for determining whether the individual temporary housing units stored by FEMA are in usable condition, which shall include appropriate criteria for formaldehyde testing and exposure of the individual temporary housing units.

(b) Plan.—

(1) In General.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) tracking, transferring, or otherwise disposing of the temporary housing units in the inventory of FEMA that—

(i) are in excess of the number of temporary housing units that the Administrator determined is not in usable condition, based on the criteria established under subsection (a)(1); and

(ii) are in usable condition, based on the criteria established under subsection (a)(2); and

(B) disposing of the temporary housing units in the inventory of FEMA that the Administrator determines are not in usable condition, based on the criteria established under subsection (a)(1) that FEMA needs to maintain in stock; and

(2) implementing the plan described in subsection (b)(1); and

(c) Reporting.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of the Senate and the House of Representatives a report on the status of the distribution, transfer, or other disposal of the unused temporary housing units purchased by FEMA.

SA 5658. Mr. NELSON of Florida (for Ms. KLOBUCAR (for herself, Mr. ISAKSON, Mr. WICKER, Mr. BROWN, Ms. COLLINS, and Mr. HARKIN)) proposed an amendment to the bill H.R. 5265, to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008".

SEC. 2. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NIH WITH RESPECT TO RESEARCH ON MUSCULAR DYSTROPHY.

(a) Technical Correction.—Section 409E of the Public Health Service Act (42 U.S.C. 283g) is amended by striking subsection (f) (relating to reports to Congress) and redesignating subsection (g) as subsection (f).

(b) Amendments.—Section 409E of the Public Health Service Act (42 U.S.C. 283g) is amended—

(1) in subsection (a)(1), by inserting "the National Heart, Lung, and Blood Institute," after "the "

(2) by inserting subsection (d) as subsection (c); and

(3) by adding at the end of the following:

"Such centers of excellence shall be known as the "Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers"; and"

(c) Requirements.—The Coordinating Committee may evaluate the potential need to enhance the clinical research infrastructure required to test emerging therapies for the various forms of muscular dystrophy by prioritizing the achievement of the goals related to this topic in the plan under subsection (e)(1).

SEC. 3. DEVELOPMENT AND EXPANSION OF ACTIVITIES OF CDC WITH RESPECT TO EPIDEMIOLOGICAL RESEARCH ON MUSCULAR DYSTROPHY.

Section 317Q of the Public Health Service Act (42 U.S.C. 247b-18) is amended—

(1) by redesignating subsection (d) as subsection (c); and

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

"(d) Data.—In carrying out this section, the Secretary may ensure that any data on patients that is collected as part of the Muscular Dystrophy STARNet (under a grant under this section) is regularly updated to reflect changes in patient condition over time.

(e) Reports and Studies.—

(1) annual report.—Not later than 18 months after the date of the enactment of the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008, and annually thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of Congress a report

"(A) concerning the activities carried out by MD STARNet site funded under this section during the year for which the report is prepared;

"(B) containing the data collected and findings derived from the MD STARNet sites each fiscal year (as funded under a grant under this section during fiscal years 2008 through 2012); and

"(C) that every 2 years outlines prospective data collection objectives and strategies.

(2) tracking health outcomes.—The Secretary may provide health outcome data on the health and survival of people with muscular dystrophy.

SEC. 4. INFORMATION AND EDUCATION.

Section 5 of the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 (42 U.S.C. 247b-19) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

"(e) Requirements.—In carrying out this section, the Secretary shall—

"(1) partner with leaders in the muscular dystrophy patient community;

"(2) cooperate with professional organizations and the patient community in the development and issuance of care considerations for Duchenne-Becker muscular dystrophy, and other forms of muscular dystrophy, and in periodic review and updates, as appropriate; and

"(3) widely disseminate the Duchenne-Becker muscular dystrophy care considerations as broadly as possible, including through partnership opportunities with the muscular dystrophy patient community.

SA 5659. Ms. SNOWE (for herself, Mr. SUNUNU, Mr. GREGG, Mr. KENNEDY, Mr. KERRY, Ms. COLLINS, Mr. REED, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 14, of division B, beginning with "among eligible" strike line 20 and insert "for necessary expenses related to commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries.''

SA 5660. Mr. REID proposed an amendment to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end, add the following: The provisions of this Act shall become effective 2 days after enactment.

SA 5661. Mr. REID proposed an amendment to the amendment SA 5660 proposed by Mr. REID to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In the amendment, strike "2" and insert "1".

SA 5662. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 5151, to designate as wilderness additional National Forest System lands in the Monogahela National Forest in the State of West Virginia, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Omnibus Public Land Management Act of 2008".

(b) Table of Contents.—The table of contents of this Act is as follows:

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monogahela Wilderness

Sec. 1001. Designation of wilderness, Monogahela National Forest, West Virginia.

Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monogahela National Forest.

Sec. 1003. Monogahela National Forest boundary confirmation.

Sec. 1004. Enhanced Trail Opportunities.
Subtitle B—Virginia Ridge and Valley Wilderness
Sec. 1101. Definitions.
Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.
Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
Sec. 1105. Trail plan and development.
Sec. 1106. Maps and boundary descriptions.
Sec. 1107. Effective date.
Subtitle C—Mt. Hood Wilderness, Oregon
Sec. 1201. Definitions.
Sec. 1202. Designation of wilderness areas.
Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.
Sec. 1204. Mount Hood National Recreation Area.
Sec. 1205. Provisions for Crystal Springs, Upper Big Bottom, and Cultus Creek.
Sec. 1206. Land exchanges.
Sec. 1207. Tribal provisions; planning and studies.
Subtitle D—Copper Salmon Wilderness, Oregon
Sec. 1301. Designation of the Copper Salmon Wilderness.
Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.
Sec. 1303. Protection of tribal rights.
Subtitle E—Cascade-Siskiyou National Monument, Oregon
Sec. 1401. Definitions.
Sec. 1402. Voluntary grazing lease donation program.
Sec. 1403. Box R Ranch land exchange.
Sec. 1404. Deerfield land exchange.
Sec. 1405. Soda Mountain Wilderness.
Sec. 1406. Effect.
Subtitle F—Owyhee Public Land Management
Sec. 1501. Definitions.
Sec. 1502. Owyhee Science Review and Conservation Center.
Sec. 1503. Wilderness areas.
Sec. 1504. Designation of wild and scenic rivers.
Sec. 1505. Land identified for disposal.
Sec. 1506. Tribal cultural resources.
Sec. 1507. Recreational travel management plans.
Sec. 1508. Authorization of appropriations.
Subtitle G—Sabinoso Wilderness, New Mexico
Sec. 1601. Definitions.
Sec. 1602. Designation of the Sabinoso Wilderness.
Subtitle H—Pictured Rocks National Lakeshore Wilderness
Sec. 1701. Definitions.
Sec. 1702. Designation of Beaver Basin Wilderness.
Sec. 1703. Administration.
Sec. 1704. Effect.
Subtitle I—Oregon Badlands Wilderness
Sec. 1701. Definitions.
Sec. 1702. Oregon Badlands Wilderness.
Sec. 1703. Release.
Sec. 1704. Land exchanges.
Sec. 1705. Protection of tribal treaty rights.
Subtitle J—Spring Basin Wilderness, Oregon
Sec. 1751. Definitions.
Sec. 1752. Spring Basin Wilderness.
Sec. 1753. Release.
Sec. 1754. Land exchanges.
Sec. 1755. Protection of tribal treaty rights.
Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California
Sec. 1801. Definitions.
Sec. 1802. Designation of wilderness areas.
Sec. 1803. Administration of wilderness areas.
Sec. 1804. Release of wilderness study areas.
Sec. 1805. Designation of wild and scenic rivers.
Sec. 1806. Bridgeport Winter Recreation Area.
Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.
Sec. 1808. Ancient Bristlecone Pine Forest.
Subtitle L—Riverside County Wilderness, California
Sec. 1851. Wilderness designation.
Sec. 1852. Wild and scenic river designations, Riverside County, California.
Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.
Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California
Sec. 1901. Definitions.
Sec. 1902. Designation of wilderness areas.
Sec. 1903. Administration of wilderness areas.
Sec. 1904. Authorization of appropriations.
Subtitle N—Rocky Mountain National Park Wilderness, Colorado
Sec. 1951. Definitions.
Sec. 1952. Rocky Mountain National Park Wilderness.
Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.
Sec. 1954. East Shore Trail Area.
Sec. 1955. National forest area boundary adjustments.
Sec. 1956. Authority to lease Leffler tract.
TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS
Subtitle A—National Landscape Conservation System
Subtitle B—Prehistoric Trackways National Monument
Sec. 2101. Findings.
Sec. 2102. Definitions.
Sec. 2103. Establishment.
Sec. 2104. Administration.
Sec. 2105. Authorization of appropriations.
Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area
Sec. 2201. Definitions.
Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
Sec. 2203. Management of the Conservation Area.
Sec. 2204. Authorization of appropriations.
Subtitle D—Snake River Birds of Prey National Conservation Area
Sec. 2301. Snake River Birds of Prey National Conservation Area.
Subtitle E—Dominquez-Escalante National Conservation Area
Sec. 2401. Definitions.
Sec. 2402. Dominquez-Escalante National Conservation Area.
Sec. 2403. Domiguez Canyon Wilderness Area.
Sec. 2404. Maps and legal descriptions.
Sec. 2405. Management of Conservation Area and Wilderness.
Sec. 2406. Management plan.
Subtitle F—Rio Puerco Watershed Management Program
Sec. 2501. Rio Puerco Watershed Management Program.
Sec. 2502. Designation of Beaver Basin Wilderness.
Subtitle G—Land Conveyances and Exchanges
Sec. 2601. Carson City, Nevada, land conveyance.
Sec. 2602. Southern Nevada limited transition area conveyance.
Sec. 2603. Nevada Cancer Institute land conveyance.
Sec. 2604. Turnabout Ranch land conveyance, Utah.
Sec. 2605. Boy Scouts land exchange, Utah.
Sec. 2607. Twin Falls, Idaho, land conveyance.
Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
Sec. 2609. Park City, Utah, land conveyance.
Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.
TITLE III—FOREST SERVICE AUTHORIZATIONS
Subtitle A—Watershed Restoration and Enhancement
Sec. 3001. Watershed restoration and enhancement agreements.
Subtitle B—Wildland Firefighter Safety
Sec. 3101. Wildland firefighter safety.
Subtitle C—Wyoming Range
Sec. 3201. Definitions.
Sec. 3202. Withdrawal of certain land in the Wyoming range.
Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.
Subtitle D—Land Conveyances and Exchanges
Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.
Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.
Sec. 3303. Santa Fe National Forest; Pecos National Historical Park land exchange.
Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.
Sec. 3305. Kittitas County, Washington, land conveyance.
Sec. 3306. Mammouth Community Water District use restrictions.
Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.
Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.
Sec. 3309. Sandia pueblo land exchange technical amendment.
Subtitle E—Colorado Northern Front Range Study
Sec. 3401. Purpose.
Sec. 3402. Definitions.
Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.
TITLE IV—FOREST LANDSCAPE RESTORATION
Subtitle A—Additions to the National Wild and Scenic Rivers System
Sec. 4001. Purpose.
Sec. 4002. Definitions.
Sec. 4003. Collaborative Forest Landscape Restoration Program.
Sec. 4004. Authorization of appropriations.
TITLE V—RIVERS AND TRAILS
Sec. 5002. Snake River Headwaters, Wyoming.
Sec. 5003. Taunton River, Massachusetts.
Subtitle B—Wild and Scenic Rivers Studies
Sec. 5101. Mississipio and Trout Rivers Study.
Subtitle C—Additions to the National Trails System
Sec. 5201. Arizona National Scenic Trail.
Sec. 5202. New England National Scenic Trail.
Sec. 5203. Ice Age Floods National Geologic Trail.
Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.
Sec. 5205. Pacific Northwest National Scenic Trail.
Sec. 5206. Trail of Tears National Historic Trail.
Subtitle D—National Trail System Amendments
Sec. 5301. National Trails System willingness to sell authority.
Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.
Sec. 5303. Chisholm Trail and Great Western Trail Studies.
TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS
Subtitle A—Cooperative Watershed Management Program
Sec. 6001. Definitions.
Sec. 6002. Program.
Sec. 6003. Effect of subtitle.
Subtitle B—Competitive Status for Federal Employees in Alaska
Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.
Subtitle C—Management of the Baca National Wildlife Refuge
Sec. 6201. Baca National Wildlife Refuge.
Subtitle D—Paleontological Resources Preservation
Sec. 6301. Definitions.
Sec. 6302. Management.
Sec. 6303. Public awareness and education program.
Sec. 6304. Collection of paleontological resources.
Sec. 6305. Curation of resources.
Sec. 6306. Prohibited acts; criminal penalties.
Sec. 6307. Civil penalties.
Sec. 6308. Rewards and forfeiture.
Sec. 6309. Confidentiality.
Sec. 6310. Regulations.
Sec. 6311. Savings provisions.
Sec. 6312. Authorization of appropriations.
Subtitle E—Inzemek National Wildlife Refuge Land Exchange
Sec. 6401. Definitions.
Sec. 6402. Land exchange.
Sec. 6403. King Cove Road.
Sec. 6404. Administration of conveyed lands.
Sec. 6405. Failure to begin road construction.
Subtitle F—Wolf Livestock Loss Demonstration Project
Sec. 6501. Definitions.
Sec. 6502. Wolf compensation and prevention program.
Sec. 6503. Authorization of appropriations.
TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS
Subtitle A—Additions to the National Park System
Sec. 7001. Paterson Great Falls National Historical Park, New Jersey.
Sec. 7002. William Jefferson Clinton Birthplace Home National Historic Site.
Sec. 7003. River Raisin National Battlefield Park.
Subtitle B—Amendments to Existing Units of the National Park System
Sec. 7101. Funding for Keweenaw National Historical Park.
Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.
Sec. 7103. Little River Canyon National Preserve boundary expansion.
Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
Sec. 7106. Minute Man National Historical Park.
Sec. 7107. Everglades National Park.
Sec. 7108. Kalaupapa National Historical Park.
Sec. 7109. Boston Harbor Islands National Recreation Area.
Sec. 7110. Thomas Edison National Historical Park, New Jersey.
Sec. 7111. Women’s Rights National Historical Park.
Sec. 7112. Martin Van Buren National Historic Site.
Sec. 7113. Palo Alto Battlefield National Historical Park.
Sec. 7114. Abraham Lincoln Birthplace National Historical Park.
Sec. 7115. New River Gorge National River.
Sec. 7116. Technical corrections.
Sec. 7117. Wright Brothers-Dunbar National Historical Park.
Sec. 7118. Fort Davis National Historic Site.
Subtitle C—Special Resource Studies
Sec. 7201. Walnut Canyon study.
Sec. 7202. Tule Lake Segregation Center, California.
Sec. 7203. Estate Grange, St. Croix.
Sec. 7205. Shepherdbound battlefield, West Virginia.
Sec. 7206. Green McAdoo School, Tennessee.
Sec. 7207. Harry S Truman Birthplace, Independence, Missouri.
Sec. 7208. Battle of Matewan special resource study.
Sec. 7209. Battle of Overland Trail.
Sec. 7210. Cold War sites theme study.
Sec. 7211. Battle of Camden, South Carolina.
Sec. 7212. Fort San Gerónimo, Puerto Rico.
Subtitle D—Program Authorizations
Sec. 7301. American Battlefield Protection Program.
Sec. 7302. Preserve America Program.
Sec. 7303. Save America’s Treasures Program.
Sec. 7304. Route 66 Corridor Preservation Program.
Sec. 7305. National Cave and Karst Research Institute.
Subtitle E—Advisory Commissions
Sec. 7402. Cape Cod National Seashore Advisory Commission.
Sec. 7403. National Park System Advisory Board.
Sec. 7404. Concessions Management Advisory Board.
Sec. 7405. St. Augustine 450th Commemoration Commission.
Subtitle F—Memorials
Sec. 7501. Reauthorization of memorial to Martin Luther King, Jr. TITTLE VIII—NATIONAL HERITAGE AREAS
Subtitle A—Designation of National Heritage Areas
Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
Sec. 8002. Cache La Poudre River National Heritage Area, Colorado.
Sec. 8003. South Park National Heritage Area, Colorado.
Sec. 8004. Northern Plains National Heritage Area, North Dakota.
Sec. 8005. Baltimore National Heritage Area, Maryland.
Sec. 8006. Freedom’s Way National Heritage Area, Massachusetts and New Hampshire.
Sec. 8007. Mississippi Delta National Heritage Area.
Sec. 8008. Mississippi Delta National Heritage Area.
Sec. 8009. Muskie Shools National Heritage Area, Alabama.
Sec. 8010. Kenai Mountains-Turnagain Arm National Heritage Area, Alaska.
Subtitle B—Studies
Sec. 8101. Chattahoochee Trace, Alabama and Georgia.
Subtitle C—Amendments Relating to National Heritage Corridors
Sec. 8201. Quabbin Reservoir, Shetucket Rivers Valley National Heritage Corridor.
Sec. 8202. Delaware And Lehigh National Heritage Corridor.
Sec. 8203. Erie Canalway National Heritage Corridor.
Sec. 8204. John H. Chafee Blackstone River Valley National Heritage Corridor.
TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS
Subtitle A—Feasibility Studies
Sec. 9001. Snake, Boise, and Payette River systems, Idaho.
Sec. 9002. Sierra Vista Subwatershed, Arizona.
Sec. 9003. San Diego Intertie, California.
Subtitle B—Project Authorizations
Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.
Sec. 9102. Madera Water Supply Enhancement Project, California.
Sec. 9103. Eastern New Mexico Rural Water System project, New Mexico.
Sec. 9104. Rancho California Water District project, California.
Sec. 9105. Jackson Gulch Rehabilitation Project, Colorado.
Sec. 9106. Rio Grande Pueblos, New Mexico.
Sec. 9107. Upper Colorado River Basin Fund.
Sec. 9108. Santa Margarita River, California.
Sec. 9109. Elsinore Valley Municipal Water District.
Sec. 9110. North Bay Water Reuse Authority.
Sec. 9111. Prado Basin Natural Treatment System Project, California.
Sec. 9113. GREAT Project, California.
Sec. 9114. Yucaipa Valley Water District, California.
Sec. 9115. Arkansas Valley Conduit, Colorado.
Subtitle C—Title Transfers and Clarifications
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Sec. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1133(a) et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as a component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

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

(2) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled ‘‘Cranberry Expansion Proposed Wilderness’’ and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section (a) and the Roaring Plains West Wilderness designated by section (a), in a manner compatible with the preservation of such areas as wilderness.

(d) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1133 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

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

SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.
Sec. 1003. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

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

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

SEC. 1003. MONONGAHELA NATIONAL FOREST
BOUNDARY CONFIRMATION.

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

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

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities designated as wilderness within the Monongahela National Forest.

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

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

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

Subtitle B—Virginia Ridge and Valley Wildness

SEC. 1101. DEFINITIONS.

In this subtitle:

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

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

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

(a) DESIGNATION OF WILDERNESS.—Section 1 of Public Law 100–526 (16 U.S.C. 1132 note; 112 Stat. 584, 114 Stat. 2957), is amended—

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

(2) by striking ‘‘—’’ each place it appears and inserting ‘‘—System—’’;

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

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

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

(c) ECOCLOGICAL RESTORATION.—

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

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

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

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

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

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

(a) ESTABLISHING AREAS DESIGNATED AS NATIONAL SCENIC AREAS—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 3,415 acres, as generally depicted on the map entitled ‘‘Brasstown Bald and Potential Wilderness Area’’ and dated April 28, 2008, which shall be known as the Brasstown Bald and Potential Wilderness Area.

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 3,676 acres, as generally depicted on the map entitled ‘‘Brush Mountain and Brush Mountain East’’ and dated May 5, 2008, which shall be known as the ‘‘Brush Mountain East Wilderness’’.

(3) certain National Forest System land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled ‘‘Garden Mountain and Hunting Camp Creek’’ and dated April 28, 2008, which shall be known as the ‘‘Hunting Camp Creek Wilderness’’.

(4) certain National Forest System land in the Jefferson National Forest comprising approximately 2,066 acres, as generally depicted on the map entitled ‘‘New River and Little Wilson Creek Additions’’ and dated April 28, 2008, which shall be known as the ‘‘New River and Little Wilson Creek Additions Wilderness’’.

(5) certain National Forest System land in the Jefferson National Forest comprising approximately 1,875 acres, as generally depicted on the map entitled ‘‘Lewis Fork Addition and Little Wilson Creek Additions’’ and dated April 28, 2008, which shall be known as the ‘‘Lewis Fork Addition and Little Wilson Creek Additions Wilderness’’.

(b) DESIGNATION OF WILDERNESS AREA.—The wilderness area designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) shall be known as the ‘‘Seng Mountain and Raccoon Branch Wilderness Study Area’’.  

(c) WILDERNESS DESIGNATION.—The potential wilderness area is designated as wilderness and incorporated in the Seng Mountain and Raccoon Branch Wilderness Study Area on the earlier of—

(1) the first section, by inserting ‘‘as’’ after ‘‘cited’’; and

(2) in section 6(a), by striking ‘‘—’’ each place it appears and inserting ‘‘—Creek—’’.

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

(e) ECOCLOGICAL RESTORATION.—

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

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

(f) WILDERNESS DESIGNATION.—The potential wilderness area is designated as wilderness and incorporated in the Virginia Ridge and Valley Wilderness on the earlier of—

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

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

SEC. 1105. DESIGNATION OF KIMBERLY CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled ‘‘Kimbry Creek Additions and Potential Wilderness Area’’ and dated April 28, 2008, is designated as a potential wilderness area.

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

(c) ECOCLOGICAL RESTORATION.—

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

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

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

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

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

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

(c) ADMINISTRATION.—

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

(A) this subtitle; and

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

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

(d) MANAGEMENT PLAN.—

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

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

(e) TIMBER HARVEST.—

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

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

(A) control fire;

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

(C) control insect and disease outbreaks.

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

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

(1) to maintain scenic quality;

(2) to control vegetation in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act; and

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) VEGETATION MANAGEMENT.—The Secretary may—

(1) to maintain scenic quality;

(2) to control vegetation in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(i) INSECT AND DISEASE—The Secretary may—

(1) to maintain scenic quality;

(2) to control vegetation in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act; and

(3) to reduce hazards to visitors; or

(4) to protect private land.

(i) MOTORIZED VEHICLES.—

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

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

(A) for administrative activities that further the purposes of the scenic areas, as described in subsection (b); and

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

(C) during deer and bear hunting seasons.

(j) FOREST DEVELOPMENT ROADS.—

(1) LOCATION.—Not later than 2 years after enactment of this Act, the Secretary shall establish a system of trails in the scenic areas and the lands surrounding the scenic areas.

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

(k) SUSTAINABLE TRAIL REQUIRED.—The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 111(c) of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

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

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

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

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

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

(1) trails within the Wilderness Act (16 U.S.C. 1131 et seq.), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) a trail system to further the purposes of the scenic areas, as described in subsection (b) and (c).

(b) IMPLEMENTATION—the Secretary shall develop a trail plan to further the purposes of the scenic areas, as described in subsection (b) and (c).

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(b) AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.—The Secretary shall make maps and boundary descriptions of—

(1) the scenic areas; and

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

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

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

SEC. 1107. EFFECTIVE DATE.

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering the scenic areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

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

Subtitle C—MOUNT HOOD WILDERNESS, Oregon

SEC. 1201. DEFINITIONS.

In this subtitle:

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

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

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

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

(1) BUCK CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, is generally depicted on the maps entitled “Bull Creek Creek Additions” and “Buck Creek Wilderness—Bonny Butte”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Buck Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 96 Stat. 273).

(2) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the map entitled “Bull of the Woods Wilderness—Big Bottom”, “Clackamas Wilderness—Clackamas Canyon”, “Clackamas Wilderness—Menasole Lake”, “Clackamas Wilderness—Sisi Butte”, and “Clackamas Wilderness—Fork of Clackamas”, dated July 16, 2007, which shall be known as the “Clackamas Wilderness”.

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

16, 2007, and the map entitled “Mount Hood Wilderness—Cloud Cap”, dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 476).

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the map entitled “Roaring River Wilderness—Roaring River Wilderness”, dated July 16, 2007, which shall be known as the “Roaring River Wilderness”.


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

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

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

(1) ROARING RIVER POTENTIAL WILDERNESS AREA.—

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

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

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

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

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

(2) ADDITION TO THE MOUNT HOOD WILDERNESS.—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled “Mount Hood Wilderness—Mount Hood Wilderness”, dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 435).

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

(i) INSECTS, AND DISEASES.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary may determine such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

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

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

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

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

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

(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.—In furtherance of the purposes of the Wild and Scenic Rivers Act (16 U.S.C. 1271(a)) is amended by adding at the end the following:

(171) SOUTH FORK CLACKAMAS RIVER.—The 4.8-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, as designated by the Secretary of Agriculture as a wild river.

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

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

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

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

(176) FIFTEENMILE CREEK.—

(A) IN GENERAL.—The 1.1-mile segment of Fifteenmile Creek from its source at Seneca Spring to the southern edge of the northwest soul of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

(i) The 0.4-mile segment from its source at Seneca Spring to the Badger Creek Wilderness boundary, as a wild river.

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

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

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

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

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

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

(A) The 11.6-mile segment from the headwater of the East Fork Collawash River to Buckey Creek, as a scenic river.

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

"(179) FISH CREEK.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.

(2) EFFECT.—The amendments made by paragraph (1) do not affect valid existing water rights, mining laws; and

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

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

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

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land administered by the Forest Service and Bureau of Land Management, comprising approximately 34,590 acres, as generally depicted on the “National Recreation Areas—Mount Hood NRA”, “National Recreation Areas—Fifteenmile Creek NRA”, and “National Recreation Areas—Shellrock Mountain Area” dated February 2007.

(c) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

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

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

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

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

(B) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (1).

(2) APPLICABLE LAW.—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service.

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

(a) as necessary to protect the health and safety of the public; or

(b) to conduct environmental cleanup required by the United States.

(4) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall—

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

(ii) subject to valid existing mining laws; and

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

(iii) to conduct necessary public protections for the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property.

(5) MANAGING.—The purposes of the Mount Hood National Recreation Area are—

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

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

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

(B) MAP AND LEGAL DESCRIPTION.—

(A) Submission of legal description.—As soon as practicable after the date of enactment of this Act, the Federal land designated as the Management Unit with—

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

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

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

(C) WITHDRAWAL.—Subject to valid existing mining laws; and

(i) for the protection of the quality and quantity of the Crystal Springs watershed; and

(ii) the Committee on Natural Resources of the Senate; and

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

(D) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall—

(i) administer the Management Unit—

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

(B) EXCLUSION OF CERTAIN LAND.—The Management Unit is withdrawn from

(i) all forms of entry, appropriation, or disposition under all forms of entry, appropriation, or disposition under all laws relating to mineral and geothermal leasing.

(3) APPLICABLE LAW.—Any portion of a wild river administered by the Secretary of Agriculture as a recreational river.

(a) Designation.—To provide for the protection, enhancement, and enjoyment of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.

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

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

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

(1) Establishment.—

(A) IN GENERAL.—On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service,
(i) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and
(ii) any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) PROHIBITED ACTIVITIES.—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:
(A) New road construction or renovation of existing non-System roads, except as necessary for public health and safety.
(B) Projects undertaken for the purpose of harvesting commercial timber (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) FOREST ROAD CLOSURES.—(A) In general.—Nothing in this subsection affects the use of or access to any private property within the area identified on the map as the “Cloud Cap Road”.
(B) Exception.—Nothing in this subsection requires the Secretary to close the road commonly known as “Cloud Cap Road”, which shall be administered in accordance with otherwise applicable law.

(7) PRIVATE LAND.—(A) Effect.—Nothing in this subsection affects the use of or access to any private property located in the area identified on the map as the “Crystal Springs Zone of Contribution” by:
(i) the owners of the private property; and
(ii) guests to the private property.
(B) COOPERATION.—The Secretary is encouraged to work with private landowners who wish to cooperate with the Secretary to further the purposes of this subsection.

(8) AQUISITION OF LAND.—(A) In general.—The Secretary may acquire from willing landowners any land located within the area identified on the map as the “Crystal Springs Zone of Contribution”.
(B) INCLUSION IN MANAGEMENT UNIT.—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(9) PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.—(A) Lockeland.—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.
(B) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—
(i) the approximately 1,500 acres, as generally depicted on the map entitled “Upper Big Bottom”, dated July 16, 2007; and
(ii) the approximately 260 acres identified as “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007.

(3) MAPS AND LEGAL DESCRIPTIONS.—(A) As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with:
(i) the Committee on Energy and Natural Resources of the Senate; and
(ii) the Committee on Natural Resources of the House of Representatives.

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

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

(D) USE OF LAND.—(A) In general.—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).
(B) PROHIBITED USES.—The following shall be prohibited on the Federal land described in paragraph (2):
(i) Permanent roads.
(ii) Commercial enterprises.
(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety:
(I) the use of motor vehicles; or
(II) roads, utilities, and infrastructure facilities to cross the trails; and
(III) improvement or relocation of the trails to accommodate development of the Federal land.

(E) LAND EXCHANGE.—(A) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—(1) DEFINITIONS.—In this subsection:
(i) COUNTY.—The term “County” means Hood River County, Oregon.
(iii) LAND EXCHANGE.—The term “Federal land” means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as “USFS Land to be Conveyed” on the exchange map.
(iv) MT. HOOD MEADOWS.—The term “Mt. Hood Meadows” means the approximately 770 acres of private land at Cooper Spur identified as “Land to be acquired by USFS” on the exchange map.
(v) NON-FEDERAL LAND.—The term “non-Federal land” means—
(I) any building, structure, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraised description in paragraph (2)(D), (2)(F), and (4)(B).


(C) PROHIBITIONS.—Subject to valid existing rights, as excepted otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(D) CONDITIONS.—(i) TITLE.—As a condition of the land exchange under this subsection, title to the Federal land and to the non-Federal land shall be acceptable to the Secretary.
(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(E) SURVEYS.—(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.
(ii) COSTS.—The responsibility for the costs of any surveys under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the Federal land exchange described in paragraph (4) shall be completed not later than 10 months after the date of enactment of this Act.

(G) RESERVATION OF EASEMENTS.—As a condition of the conveyance of the Federal land, the Secretary shall reserve—
(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the development of the Federal land.
(ii) a trail easement to the Federal land that allows—
(I) nonmotorized use by the public of existing trails; and
(II) roads, utilities, and infrastructure facilities to cross the trails; and
(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) PORT OF CASCADE LOCKS LAND EXCHANGE.—(1) DEFINITIONS.—In this subsection:
(A) EXCHANGE MAP.—The term “exchange map” means the map entitled “Port of Cascade Locks-Pacific Coastal Scenic Trail Land Exchange”, dated June 2006.
(B) LAND EXCHANGE.—The term “Federal land” means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as “USFS Land to be conveyed” on the exchange map.
(C) NON-FEDERAL LAND.—The term “non-Federal land” means the parcels of land consisting of approximately 48 acres identified as “Land to be acquired by USFS” on the exchange map.

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

(E) LAND EXCHANGE.—The Port of Cascade Locks-Pacific Coastal Scenic Trail National Scenic Area.
(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

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

(2) CONDITIONS ON ACCEPTANCE.—

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

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

(4) APPRAISALS.—

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

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

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(G) SURVEYS.—

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

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

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

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

(1) IN GENERAL.—

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

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

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

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

(2) HUNCHBACK MOUNTAIN LAND EXCHANGE.—

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

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

(C) CONDITIONS ON ACCEPTANCE.—

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

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

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

(ii) The Secretary shall carry out the assessment and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

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

(3) BOUNDARY ADJUSTMENT.—

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

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

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

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

(i) in accordance with—

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

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

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

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

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

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

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

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

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

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

(C) ENFORCEMENT.—The requirements under subparagraph (A) may be enforced by the Secretary in accordance with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

(D) DEED.—The deed for the land conveyed shall include—

(i) the language as provided in subparagraph (A) that the parties are subject to; and

(ii) public-private partnerships;

(iii) incremental tax financing; and

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

(E) TRANSPORTATION PLAN.—

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

(B) GENERAL.—The Secretary shall—

(i) promote appropriate economic development;

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

(iii) to enhance public safety.

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

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

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

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

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

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

(i) providing emergency routes; or

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

(F) the feasibility of establishing—

(i) a gondola connection that—

(ii) connects Timberline Lodge to Government Camp; and

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

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

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

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

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) other financing tools that link transportation infrastructure improvements with development.
subsection with the public, may design and
construct a trail at a location selected by
the Secretary in Mount Hood National For-
est suitable for use by persons with disabili-
ties.

Subtitle D—Copper Salmon Wilderness,
Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON
Wilderness.
(a) DESIGNATION.—Section 3 of the Oregon
Public Law 98–328) is amended—
(1) in the matter preceding paragraph (1), by
striking ‘‘eight hundred fifty-nine thou-
sand six hundred acres’’ and inserting
‘‘873,300 acres’’;
(2) in paragraph (2), by striking the period at
the end and inserting ‘‘;’’; and
(3) by adding at the end following:
‘‘(30) certain land in the Siskiyou National
Forest, approximately 13,700 acres, as
designated by the Secretary of the Inte-
rior for the benefit of Indian tribes and indi-
vidual members of Indian tribes’’.
(b) IMPLEMENTATION.—Not later
than 1 year after the date on which the vege-
tation strategy referred to in paragraph
(1) is completed, the Secretary shall submit
the implementation schedule to—
(i) the Committee on Energy and Natural
Resources of the Senate; and
(ii) the Committee on Natural Resources
of the House of Representatives.
(c) LOCAL AND TRIBAL RELATIONSHIPS.—
(i) the Committee on Energy and Natural
Resources of the Senate; and
(ii) the Committee on Natural Resources
of the House of Representatives.
(b) IMPLEMENTATION.—Not later
than 1 year after the date on which the vege-
tation strategy referred to in paragraph
(1) is completed, the Secretary shall submit
the implementation schedule to—
(i) the Committee on Energy and Natural
Resources of the Senate; and
(ii) the Committee on Natural Resources
of the House of Representatives.

SEC. 1302. WILDERNESS ACT OF 1984;
WILDERNESS ACT OF 1996; AND SCENIC RIV-
ER ACT (16 U.S.C. 1274(a)(76)).—Sec-
tion 3(a)(76) of the Wild and Scenic Riv-
ers Act (16 U.S.C. 1274(a)(76)) is amended—
(1) in the matter preceding subparagraph
(A), by striking ‘‘19-mile segment’’ and in-
serting ‘‘20-mile segment’’;
(2) in subparagraph (A), by striking ‘‘;’’ and
inserting a period;
and
(3) by striking subparagraph (B) and insert-
ing the following:
‘‘(B)(i) The approximately 0.6-mile segment
of the North Fork Elk from its source in
sec. 21, T. 33 S., R. 12 W., Willamette Meri-
dian, downtowndstream to 0.1 mile below Forest Ser-
vice Road 3353, as a scenic river.
(ii) The approximately 5.5-mile segment
of the North Fork Elk from 0.1 miles below Forest Serv-
iece confluence with the South Fork Elk, as a wild-
er.
(iii) The approximately 0.9-mile segment
of the South Fork Elk from its source in the
southwest quarter of sec. 32, T. 33 S., R. 12
W., Willamette Meridian, downstream to 0.01
miles below Forest Service Road 3353, as a
scenic river.
(iv) The approximately 4.2-mile segment
of the South Fork Elk from 0.01 miles below Forest Serv-
ice Road 3353 to its confluence with the
Cove Creek, as a wild river.’’.

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.
(a) IN GENERAL.—Nothing in this subtitle
shall be construed as diminishing any right
of any Indian tribe.
(b) MEMORANDUM OF UNDERSTANDING.—
The Secretary shall seek to enter into a memo-
randum of understanding with the Coquille
Indian Tribe regarding access to the Copper
Salmon Wilderness to conduct historical and
-cultural activities.

Subtitle E—Cascade-Siskiyou National
Monument, Oregon

SEC. 1401. DEFINITIONS.
(a) EXISTING GRAZING LEASES.—Le-ase
(A) ACCEPTANCE BY SECRETARY.—The Sec-
retary shall accept any grazing lease that is
donated by a lessor.
(b) DONATION OF LEASE.—The Secretary shall ter-
minate any grazing lease acquired under sub-
paragraph (A).
(c) NO NEW GRAZING LEASE.—Except as pro-
vided in paragraph (A), with respect to each
grazing lease donated under subparagraph
(A), the Secretary shall—
(1) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and
(2) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) DONATION OF PORTION OF GRAZING LEASE.

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

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

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

(i) reduce the authorized grazing level and area to reflect the donation; and
(ii) modify the grazing lease to reflect the reduced level and area of use.

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

(3) Common Allotments.—

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

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

(b) Limitations.—The Secretary—

(1) with respect to the Agate, Emissary Creek, and Siskiyous allotments in and near the Monument,

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on the land covered by the allotments; and

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

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

SEC. 1401. BOX R RANCH LAND EXCHANGE.

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

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

(2) if the Landowner accepts the offer—

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

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

(b) Surveys.—

(1) In General.—The exact acreage and legal description of the Federal parcel and the Box R parcel shall be determined by surveys approved by the Secretary.

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

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

(1) valid existing rights;

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

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

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

(A) Approval.—

(1) In General.—The Federal parcel and the Box R parcel shall be appraised by an independent appraiser selected by the Secretary.

(B) Approval.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

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

(B) the Uniform Standards of Professional Appraisal Practice.

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior

(b) Map and Legal Description.—

(1) Submission of Map and Legal Description.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

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

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

(2) Forcible and Effect.—

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

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

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

(c) Administration of Wilderness.—

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

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

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

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

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

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

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior
and Insular Affairs of the House of Represen-

(4) FISH AND WILDLIFE MANAGEMENT.—In ac-
cordance with section 4(d)(7) of the Wilder-
ess Act (16 U.S.C. 1133(d)(7)), nothing in this 
subtitle affects the jurisdiction of the State with 
respect to fish and wildlife on public land 
located within the County.

(5) INCORPORATION OF ACQUIRED LAND 
AND INTERESTS.—Any land or interest in land 
within the boundary of the Wilderness that is 
acquired by the United States shall—
(A) become part of the Wilderness; and 
(B) be managed in accordance with this 
subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

SEC. 1406. EFFECT.

Nothing in this subtitle—
(1) affects the authority of a Federal agen-
cy to modify or terminate grazing permits or 
leases, except as provided in section 1402; 
(2) authorizes the use of eminent domain; 
(3) creates a property right in any grazing 
permit or lease on Federal land; 
(4) establishes a precedent for future graz-
ing permit or lease donation programs; or 
(5) affects the allocation, ownership, inter-
est, or control, in existence on the date of 
enactment of this Act, of any water or water 
right, or any other valid existing right held by 
the United States, an Indian tribe, a 
State, or private individual, partnership, 
or corporation.

Subtitle F—Owyhee Public Land 
Management

SEC. 1501. DEFINITIONS. 
In this subtitle:
(1) ACCOUNT.—The term "account" means 
the Owyhee Land Acquisition Account estab-
lished by section 1505(b)(1).
(2) COUNTY.—The term "County" means 
Owyhee County, Idaho.
(3) OYWEE FRONT.—The term "Owyhee 
Front" means the area of the County from 
Jump Creek on the west to Mud Flat Road on 
the east and draining north from the crest of 
the Silver City Range to the Snake River.
(4) PLAN.—The term "plan" means a travel 
management plan for motorized and mecha-
nized use and multiple-use recreation pre-
pared under section 1507.
(5) PUBLIC LAND.—The term "public land" 
has the meaning given the term in section 
103(c) of the Land Policy and Man-
agement Act of 1976 (43 U.S.C. 1702(c)).
(6) SECRETARY.—The term "Secretary" 
means the Secretary of the Interior.
(7) STATE.—The term "State" means the 
State of Idaho.
(B) TRIBES.—The term "Tribes" means the 
Shoshone-Paiute Tribes of the Duck Valley 
Reservation.

SEC. 1502. OYWEE SCIENCE REVIEW AND 
CONSERVATION CENTER.

(a) ESTABLISHMENT.—The Secretary, in co-
ordination with Federal, State, and Coun-
ty, and in consultation with the University of 
Idaho, Federal grazing permittees, and public, 
shall establish the Owyhee Science Review and 
Conservation Center in the County to conduct research projects to ad-
dress natural resources management issues 
affecting public and private rangeland in the 
County.
(b) PURPOSE.—The purpose of the center es-
established under subsection (a) shall be to fa-
cilitate the collection and analysis of infor-
mation from Federal and State agen-
cies, the Tribes, the County, private land-
owners, and the public with information on 
improved rangeland management.

SEC. 1503. WILDERNESS AREAS.

(a) WILDERNESS DESIGNATION.—
(1) IN GENERAL.—In accordance with the 
Wilderness Act (16 U.S.C. 1131 et seq.), the 

following areas in the State are designated as 
"WILDERNESS" areas and as components of 
the National Wilderness Preservation System:
(A) BIG JACKS CREEK WILDERNESS.— Certain 
land comprising approximately 43,413 acres, 
as generally depicted on the map enti-
titled "Little Jacks Creek and Big Jacks Creek 
Wilderess" and dated May 5, 2008, which 
shall be known as the "Little Jacks Creek 
Wilderess".
(B) BRUNEAU-JARJIBIVE RIVERS WILDER-
NESS.—Certain land comprising approxi-
ately 50,929 acres, as generally depicted on 
the map entitled "Brunnea-Jarjibive Rivers 
Wilderess" and dated May 5, 2008, which 
shall be known as the "Brunnea-Jarjibive Rivers 
Wilderess".
(C) LITTLE JACKS CREEK WILDERNESS.— 
Certain land comprising approximately 90,929 
acres, as generally depicted on the map enti-
titled "Little Jacks Creek and Big Jacks Creek 
Wilderess" and dated May 5, 2008, which 
shall be known as the "Little Jacks Creek 
Wilderess".
(D) NORTH FORK OWYHEE WILDERNESS.— 
Certain land comprising approximately 43,413 
acres, as generally depicted on the map enti-
titled "North Fork Owyhee and Pole Creek 
Wilderess" and dated May 5, 2008, which 
shall be known as the "North Fork Owyhee 
Wilderess".
(E) OYWEE RIVER WILDERNESS.—Certain 
land comprising approximately 12,533 acres, 
as generally depicted on the map enti-
titled "Oywie River Wilderess" and dated May 5, 2008, which 
shall be known as the "Oywie River Wilderess".
(F) POLE CREEK WILDERNESS.—Certain 
land comprising approximately 297,329 acres, 
as generally depicted on the map enti-
titled "Oywie River Wilderess" and dated May 5, 2008, which 
shall be known as the "Oywie River Wilderess".
(G) SOUTH FORK OWYHEE WILDERNESS.— 
Certain land comprising approximately 50,929 
acres, as generally depicted on the map enti-
titled "South Fork Owyhee and Pole Creek 
Wilderess" and dated May 5, 2008, which 
shall be known as the "South Fork Owyhee 
Wilderess".
(H) WEST FORK OWYHEE WILDERNESS.— 
Certain land comprising approximately 500,000 
acres, as generally depicted on the map enti-
titled "West Fork Owyhee Wilderness and 
Wilderness by this subtitle is withdrawn from all 
fors of—
(A) entry, appropriation, or disposal under 
the public land laws; 
(B) leasing, patent, and entry under the 
mining laws; and 
(C) disposition under the mineral leasing, 
mineral materials, and geothermal leasing 
laws.

(3) LIVESTOCK.—
(A) IN GENERAL.—In the wilderness areas 
designated by this subtitle, the grazing of 
livestock in areas in which grazing is estab-
lished as of the date of enactment of this Act 
shall be allowed to continue, subject to such 
reasonable regulations, policies, and prac-
tices as the Secretary considers necessary, 
consistent with section 4(d)(4) of the Wilder-
ess Act (16 U.S.C. 1133(d)(4)) and the guide-
lines described in Appendix A of House 
(B) INVENTORY.—Not later than 1 year after 
the date of enactment of this Act, the Sec-
retary shall conduct an inventory of existing 
facilities and improvements associated with 
grazing activities in the wilderness areas 
and wild and scenic rivers designated by this 
subtitle.
(C) FENCING.—The Secretary may con-
struct and maintain fencing around wilder-
ness areas designated by this subtitle as the 
Secretary determines to be appropriate to 
enhance wilderness values.
(D) DONATION OF GRIZZLY PERMITS 
OR LEASES.—
(1) ACCEPTANCE BY SECRETARY.—The Sec-
retary shall accept the donation of any valid 
existing permits or leases authorizing graz-
ing on public land, all or a portion of which 
is within the wilderness areas designated by 
this subtitle.
(II) TERMINATION.—With respect to each 
permit or lease donated under clause (i), the 
Secretary shall—
(I) terminate the grazing permit or lease; and 
(II) except as provided in clause (iii), en-
sure a permanent end to grazing on the 
land covered by the permit or lease.
(III) COMMON ALLOTMENTS.—
(I) IN GENERAL.—If the land covered by a 
permit or lease donated under clause (i) is 
covered by another valid existing per-
mit or lease that is not donated under clause 
(i), the Secretary shall reduce the authorized 
grazing level on the land covered by the per-
mits or lease to reflect the donation of the 
permit or lease under clause (i).
(II) AUTHORIZED LEVEL.—To ensure that 
there is a permanent reduction in the level 
of grazing on the land covered by a permit or 
lease donated under clause (i), the Secretary 
shall not allow grazing use to exceed the au-
thorized level established under subclause 
(I).
(IV) PARTIAL DONATION.—
(I) IN GENERAL.—If the permit or lease 
transfers less than the full amount of grazing use authorized 
under the permit or lease, the Secretary shall— 
(aa) reduce the authorized grazing level 
to reflect the donation; and 
(bb) modify the permit or lease to reflect 
the revised level of use.
(II) AUTHORIZED LEVEL.—To ensure that 
there is a permanent reduction in the au-
thorized grazing level on the land covered 
by a permit or lease donated under subclause 
(I), the Secretary shall determine the grazing use 

to the date of enactment of this Act; and 
any other reference in that Act to the Sec-
retary of Agriculture shall be considered to 
be a reference to the Secretary of the 
Interior.
(2) WITHDRAWAL.—Subject to valid existing 
rights, the Federal land designated as wilder-
ness by this subtitle is withdrawn from all 
fors of—
(A) entry, appropriation, or disposal under 
the public land laws; 
(B) leasing, patent, and entry under the 
mining laws; and 
(C) disposition under the mineral leasing, 
mineral materials, and geothermal leasing 
laws.
to exceed the authorized level established under that subclause.

(4) Acquisition of land and interests in land.—

(A) in General.—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle, including by purchase with funds provided under this Act or exchange.

(B) Incorporation of acquired land.—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this Act that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) Trail plan.—

(A) in General.—The Secretary, after providing opportunities for public comment, shall develop a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) Outfitting and guide activities.—Consistent with section 4(d) of the Wilderness Act (16 U.S.C. 1133(d)), commercial outfits (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to conduct activities that fulfill the recreational or other wilderness purposes of the areas.

(7) Access to private property.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1133(a)), the Secretary shall provide any owner of private property within the boundaries of the wilderness areas designated by this subtitle adequate access to the property.

(8) Fish and wildlife.—

(A) in General.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) Management activities.—

(i) in General.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct management activities necessary to maintain or restore fish and wildlife populations and habitats in the wilderness area by this subtitle if, in the management activities are—

(A) consistent with relevant wilderness management plans; and

(B) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101-405.

(ii) Inclusions.—Management activities under clause (i) may include the occasional use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(9) Wildfire, insect, and disease management.—Consistent with section 4(d) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including as the Secretary determines appropriate, the public conduct of those activities with a State or local agency.

(10) Adjacent management.—

(A) in General.—The designation of a wilderness area by this subtitle shall not preclude the conduct of activities or uses outside the boundary of the wilderness area.

(B) Non-wilderness activities.—The fact that shows by this subtitle, including military overflights, that non-wilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) Military overflights.—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) Water rights.—

(A) in General.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) Exclusions.—This paragraph does not apply to any component of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.

(A) in General.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 120(a)(1)) is amended by adding at the end the following:

(180) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, as to be administered by the Secretary of the Interior as a wild river.

(181) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it joins the South Fork of the Owyhee River at Crutchers Crossing, to be administered by the Secretary of the Interior as a wild river.

(182) BRUNEAU RIVER, IDAHO.—

(A) in General.—Subject to subparagraph (B), the 15.1-mile segment from the Idaho-Oregon State border to the upstream boundary of the Owyhee River, to be administered by the Secretary of the Interior as a wild river.

(B) Access.—The Secretary of the Interior shall authorize for continued access across the Owyhee River at Crutchers Crossing, to which such temporary authorization is as the Secretary of the Interior determines to be necessary.

(183) DEEP CREEK, IDAHO.—The 4.6 miles of Deep Creek from the confine of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence of with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with the Bruneau River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

(188) JARIDBE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Wilderness, to be administered by the Secretary of the Interior as a wild river.

(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of Ox Prong Creek, to be administered by the Secretary of the Interior as a wild river.

(190) NORTH FORK OYWHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

(191) OYWHEE RIVER, IDAHO.—

(A) in General.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

(B) Access.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, to which such temporary authorization is as the Secretary of the Interior determines to be necessary.

(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Wilderness, to be administered by the Secretary of the Interior as a wild river.

(194) SOUTH FORK OYWHEE RIVER, IDAHO.—

(A) in General.—Subject to subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada State border, to be administered by the Secretary of the Interior as a wild river.

(B) Exception.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the
point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boggs Meridian, shall be administered by the Secretary of the Interior as a recreational river.

"(186) Wickawunkcreek, Idaho.—The 1.5 miles of the Creek that is a component of the influence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment that is a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of 1/4 mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor unless the land is required for the purpose of the wild river as determined by the Secretary.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE PROVISION.

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a lawful order of the Secretary for purpose of use), all public lands sold or leased to the public from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the "Owyhee Land Acquisition Account".

(2) AVAILABILITY.—(A) Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wild river corridor that is a component of the irrigated and public water system to be administered by the Secretary as the Owyhee Land Acquisition Account.

(b) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public lands within the Boise District of the Bureau of Land Management sold or on or after January 1, 2008.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, to subject to applicable reprogramming guidelines, to purchase land or interest in land under this subsection.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of $8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transportation Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Study Area & Withdrawn From Mineral Entry & Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry" is withdrawn from—

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

(2) location, entry, and patent under the public land laws, except disposal under exchanged property with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

(3) operation of the mineral materials and geothermal leasing laws.
bank or shore at which the surface waters of Lake Superior meet the land or sand beach, respectively, bordering Lake Superior.


(3) NATIONAL LAKE SHORE.—The term “National Lakeshore” means the Pictured Rocks National Lakeshore.

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

(5) WILDERNESS.—The term “Wilder ness” means the Beaver Basin Wilderness described by section 1652(a).

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

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

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is approximately 17,710 acres within the National Lakeshore, as generally depicted on the map.

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

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

(e) MAP AND LEGAL DESCRIPTION.—

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

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

(f) FORC E AND EFFECT.—The map and legal description submitted under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1653. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered without the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that:

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

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

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

SEC. 1654. EFFECT.

Nothing in this subtitle—

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

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

(3) prohibits—

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

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

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

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

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

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

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

SEC. 1702. OREGON BADLANDS WILDERNESS,

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

(b) ADMINISTRATION OF WILDERNESS.

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

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

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

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

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

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

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

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

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–485).

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

(c) POTENTIAL WILDERNESS.—

(1) IN GENERAL.—For the purpose of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of approximately 1,000 feet as generally depicted on the wilderness map as “Potential Wilderness”, is designated as potential wilderness.

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

(3) MAP AND LEGAL DESCRIPTION.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (2) have terminated, the potential wilderness shall be—

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

(B) incorporated into the Oregon Badlands Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

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

SEC. 1703. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c)), the portions of the Badlands wilderness study area that are not designated as Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

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

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c)); and

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

SEC. 1704. LAND EXCHANGE.

(a) CLARNO LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the landowner owner—

(A) the Secretary shall—

(i) accept the offer; and

(ii) on receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States; and

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 299 acres of non-Federal land identified on the wilderness map as “Clar no to Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 299 acres of Federal land identified on the wilderness map as “Federal Government to Clar no”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.
(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(a) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 697 acres of Federal land identified on the wilderness map as “COID to Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as “Spring Basin Wilderness to COID”.

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

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

(ii) the Uniform Standards of Professional Appraisals, and Equalization—

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

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

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

(ii) the Uniform Standards of Professional Appraisals, and Equalization—

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

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

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

(ii) the Uniform Standards of Professional Appraisals.

(C) EQUALIZATION.—

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

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

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

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

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (33 U.S.C. 2305(a)); and

(ii) in accordance with that Act.

(3) CONDITIONS OF EXCHANGE.—

(A) in general.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

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

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

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

SEC. 1705. PROTECTION OF TRIBAL RIGHTS.

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

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

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

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

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

(4) WILDERNESS MAP.—The term “wilder- ness map” means the map entitled “Spring Basin Wilderness with Land Exchange Proposals” and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

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

(b) ADMINISTRATION OF WILDERNESS.—

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

(A) any reference in the Wilderness Act to the effect of an estate or conveyance shall be considered to be a reference to the date of enactment of this Act; and

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

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

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

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

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

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

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

(c) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

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

SEC. 1753. RELEASE.

(a) FINDING.—Congress finds that, for the purpose of this Act, the Federal land described in paragraphs (2)(A) and (2)(B) of this Act, the wilderness that is acquired by the United States within the boundary of the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

T. 8 S., R. 19 E., sec. 10, NE 1/4, W 1/2.


T. 8 S., R. 20 E., sec. 19, SE 1/4, S 1/2 of the S 1/2.

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

(1) shall be held as a reference to the Secretary of the Interior.

(2) shall be managed in accordance with the applicable land use plan adopted under section 203 of that Act (43 U.S.C. 1712).

SEC. 1754. LAND EXCHANGES.

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

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

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 4,800 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to the Confederated Tribes of the Warm Springs Reservation of Oregon”.

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

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

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

(A) sale, lease, or other disposal under the public land laws;

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

(C) conveyance under any law relating to mineral and geothermal leasing or mineral materials.
(b) McGREGOR LAND EXCHANGE.—
(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—
(A) accept the offer; and
(B) acquire, in accordance with paragraph (2)(B), title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2). (2) DESCRIPTION OF LAND.—
(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from McGregor to the Federal Government".
(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to McGregor".

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

(c) KEYS LAND EXCHANGE.—
(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—
(A) accept the offer; and
(B) on receipt of a conveyance from the landowner, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—
(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Keys to the Federal Government".
(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to Keys".

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

(d) BOWKERMAN LAND EXCHANGE.—
(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—
(A) accept the offer; and
(B) on receipt of a conveyance from the landowner, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—
(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Bowkerman to the Federal Government".
(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to Bowkerman".

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

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716). (f) VALUATION, APPRAISALS, AND EQUALIZATION.—
(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—
(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or
(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

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

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—
(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and
(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value of such land shall be equalized by—
(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land that—
(A) is required to be equal, as determined by appraisals conducted in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or
(B) reduces the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and
(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this Act, including the costs of appraisals, surveys, and any necessary environmental clearances.

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

(3) PROTECTION OF TRIBAL TREATY RIGHTS.

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

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California
SEC. 1801. DEFINITIONS.

In this subtitle:

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

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

(3) SECRETARY.—The term "Secretary" means—
(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and
(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) STATE.—The term "State" means the State described in section 1801.

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

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the States described in section 1801 shall be designated as wilderness and as components of the National Wilderness Preservation System:

(1) HOOVER WILDERNESS ADDITION.—

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

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

(i) the map entitled "Humboldt-Toiyabe National Forest Proposed Management" and dated September 17, 2008; and
(ii) the map entitled "Bighorn Proposed Wilderness Additions" and dated September 23, 2008.

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

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

(3) JOHN MUIR WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 79,479 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

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

(i) the map entitled "John Muir Proposed Additions 1 of 5" and dated September 23, 2008; and
(ii) the map entitled "John Muir Proposed Additions 2 of 5" and dated September 23, 2008.

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

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

(E) PROTECTION OF TRIBAL TREATY RIGHTS.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty, treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).
iv. the map entitled ‘“John Muir Proposed Additions 4 of 5” and dated September 16, 2008; and
v. the map entitled ‘“John Muir Proposed Additions 5 of 5” and dated September 16, 2008.
(C) Boundary revision.—The boundary of the John Muir Wilderness is revised as de- picted in the map entitled ‘“John Muir Wilderness—Revised” and dated September 16, 2008.
(4) Ansel Adams Wilderness Addition.—Certain lands in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled “Ansel Adams Proposed Wilderness Addition” and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.
(5) White Mountains Wilderness.—(A) In general.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the map described in subparagraph (B), which shall be known as the “White Mountains Wilderness”.
(B) Administration.—(i) MAPS.—The maps referred to in subparagraph (A) are—
(1) the map entitled “White Mountains Proposed Wilderness—Map 1 of 2 (North)” and dated September 9, 2008; and
(2) the map entitled “White Mountains Proposed Wilderness—Map 2 of 2 (South)” and dated September 15, 2008.
(6) Granite Mountain Wilderness.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 45,719 acres, as generally depicted on the map entitled “Granite Mountain Wilderness” and dated September 19, 2008, which shall be known as the “Granite Mountain Wilderness”.
(7) Magic Mountain Wilderness.—Certain land in the Angeles National Forest, comprising approximately 12,415 acres, as generally depicted on the map entitled “Magic Mountain Proposed Wilderness” and dated September 25, 2008, which shall be known as the “Magic Mountain Wilderness”.
(B) Pleasant View Ridge Wilderness.—Certain land in the Angeles National Forest, comprising approximately 27,564 acres, as generally depicted on the map entitled “Pleasant View Ridge Proposed Wilderness” and dated September 9, 2008, which shall be known as the “Pleasant View Ridge Wilderness”.
SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.
(a) Management.—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—
(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and
(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.
(b) Map and Legal Description.—
(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle with—
(A) the Committee on Natural Resources of the House of Representatives; and
(B) the Committee on Energy and Natural Resources of the Senate.
(2) Force of Law.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.
(3) Public Availability.—Each map and legal description filed under paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the Secretary.
(4) Incorporation of Acquired Land and Interests.—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—
(1) become part of the wilderness area in which the land is located; and
(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.
(d) Withdrawal.—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition designated by this subtitle is withdrawn from—
(1) all forms of entry, appropriation, or disposal under the public land laws;
(2) location, entry, and patent under the mining laws; and
(3) disposition under laws relating to mineral and geothermal leasing or mineral materials.
(e) Fire Management and Related Activities.—
(1) In general.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.
(2) Funding Priorities.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.
(f) Revision and Development of Local Fire Management Plans.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle in accordance with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—
(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency official for forest emergencies); and
(B) enter into agreements with appropriate State or local firefighting agencies.
(g) Access to Private Property.—The Secretary shall provide access to, or the use of, private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.
(h) Military Activities.—Nothing in this subtitle precludes—
(1) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle; or
(2) the establishment of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or
(3) the use or establishment of military flight trails in wilderness areas or wilderness additions designated by this subtitle.
(h) Livestock.—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—
(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and
(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representa- tives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).
(i) Fish and Wildlife Management.—
(1) General.—In fulfillment of the pur- poses of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out manage- ment activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activity is—
(A) consistent with applicable wilderness management plans; and
(B) carried out in accordance with applica- ble guidelines and policies.
(2) Force of Law.—Each map and legal description of the study areas referred to in subsection (a) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.
(2) John Muir Wilderness.—Administrative jurisdiction over the approximately 183 acres of land identified as “Site from FS to BLM” on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the Granite Mountain Wilderness.
SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.
(a) Finding.—Congress finds that, for purposes of section 603 of the Federal Land Pol- icy and Management Act of 1976 (43 U.S.C. 1703), the portion of the study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilder- ness.
(b) Description of Study Areas.—The study areas referred to in subsection (a) are—
(1) the Masonic Mountain Wilderness Study Area;  
(2) the Mormon Meadow Wilderness Study Area;  
(3) the Walford Springs Wilderness Study Area; and  
(4) the Granite Mountain Wilderness Study Area.

(d) MAP AND LEGAL DESCRIPTION.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, develop an implementation plan that —

(1) adequate signage;  
(2) a public education program on allowable usage areas;  
(3) measures to ensure adequate sanitation;  
(4) a monitoring and enforcement strategy; and  
(5) measures to ensure the protection of the Trail.

(e) MANAGEMENT PLAN.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;  
(2) to prevent interference with nonmotorized recreation on the Trail; and  
(3) to reduce user conflicts in the Recreation Area.

(f) P ACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an app-}

(1) in accordance with—  
(a) the National Trails System Act (16 U.S.C. 1241 et seq.); and  
(b) any applicable environmental and public safety laws; and  
(2) subject to the terms and conditions the Secretary determines to be necessary to en-

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior—

(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.  

(B) The approximately 8-mile segment of the Amargosa River from 100 feet down- 
stream of the Tecopa Hot Springs Road crossing to the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to 25 miles upstream of the confluence with the Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.  

(D) The approximately 4.9-mile segment of the Amargosa River from 25 miles up- 
stream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., to 100 feet up- 
stream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recre- 
ational river.

(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet down- 
stream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recre- 
ational river.

(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture—

(A) The 2.3-mile segment of Deadman Creek from the southern source Fork and the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.  

(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary con- 
fluence in sec. 12, T. 3 S., R. 26 E., to the Road Crossing, as a scenic river.  

(C) The 4.1-mile segment of Deadman Creek from the road 3822 crossing . . . .25 miles downstream of the Highway 395 crossing, as a recreational river.

(D) The 3-mile segment of Deadman Creek from . . . .100 feet upstream of Big Springs Road Crossing, as a scenic river.

(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 26 E., as a recreational river.

(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the new Trailhead parking area in sec. 29, T. 2 S., R. 27 E., as a wild river.
therefore, as a component of the National Mountain Proposed Wilderness'', and dated May 9, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Cahuilla Mountain Wilderness’’. (C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 20,217 acres, as generally depicted on the map titled “South Fork San Jacinto Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “South Fork San Jacinto Wilderness’’. (D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled “Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition”, and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 103(a)(28) of Public Law 98–425 (98 Stat. 1622; 16 U.S.C. 1132 note) and expanded by paragraph (9) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note). (E) BUCKLEY MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled “Buckley Mountain Proposed Wilderness”, and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Buckley Mountain Wilderness’’. (F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated May 22, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 1623; 16 U.S.C. 1132 note). (G) OROCOPA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled “Orocopia Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness designated by paragraph (44) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection shall not include— (i) a corridor 250 feet north of the centerline of the Bradshaw Trail; (ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and (iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chuckwalla Mountains on the south and the existing Orocopia Mountains Wilderness boundary.

(PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled “Palen-McCoy Proposed Wilderness Additions”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note). (I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 494 acres, as generally depicted on the map titled “Pinto Mountains Proposed Wilderness”, and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Pinto Mountains Wilderness’’. (J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 80,055 acres, as generally depicted on the map titled “Chuckwalla Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note). (2) MAPS AND DESCRIPTIONS.—(A) IN GENERAL.—As practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. (B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.
SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 200. North Fork San Jacinto River, California.—The following segments of the North Fork San Jacinto River in the State of California shall be administered by the Secretary of Agriculture:

(a) The 2.12-mile segment from the source to Fuller Mill Creek to the State Park boundary, as a wild river.

(b) The 0.9-mile segment in the Pine Wood property boundary as a scenic river.

(c) The 1.4-mile segment from the Pine Wood property boundary in section 23, township 6 south, range 4 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

(d) The 3.3-mile segment of Palm Canyon Creek, California.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 4 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a scenic river, and enhanced as additions to the National Monument designated as wilderness by the Secretary of Agriculture.

(e) The 3.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a scenic river.

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) Boundary Adjustment, Santa Rosa and San Jacinto Mountains National Monument.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1682; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

"(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following segments designated as additions to the National Monument on the map titled ‘‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa-San Jacinto Mountains Wilderness Addition’’, and dated March 12, 2008:

"(1) The ‘‘Santa Rosa Peak Area Expansion’’, as a scenic river.

"(2) The ‘‘Snow Creek Area Expansion’’, as a scenic river.

"(3) The ‘‘Tahquitz Peak Area Expansion’’, as a scenic river.

"(4) The ‘‘Southeast Area Monument Expansion’, which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa-San Jacinto Mountains National Monument.

(b) Technical Amendments to the Santa Rosa and San Jacinto Mountains National Monument.
SEC. 1901. DEFINITIONS. In this subtitle—

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

(2) STATE.—The term "State" means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

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

(1) JOHN KREBS WILDERNESS. — (A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled "John Krebs Wilderness," and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as "Silver Cliff" and "Kings Hang." (C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake.

The Secretary shall be allowed to use helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled "Sequoia-Kings Canyon Wilderness Addition", numbered 102/60008b, titled "Sequoia-Kings Canyon Wilderness Addition", and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness by the Secretary of the Senate or the Committee on Natural Resources of the House of Representatives shall be considered to be a part of a wilderness area designated by this section as wilderness when and as such sums as are necessary to carry out this subtitle.

(4) TAIL.—The term "Tail" means the East Shore Trail established under section 1951(a).

(5) WILDERNESS.—The term "Wilder-ness" means the wilderness designated by section 1952(a).

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

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

(1) JOHN KREBS WILDERNESS. — (A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled "John Krebs Wilderness," and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as "Silver Cliff" and "Kings Hang." (C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake.

The Secretary shall be allowed to use helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled "Sequoia-Kings Canyon Wilderness Addition", numbered 102/60008b, titled "Sequoia-Kings Canyon Wilderness Addition", and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness by the Secretary of the Senate or the Committee on Natural Resources of the House of Representatives shall be considered to be a part of a wilderness area designated by this section as wilderness when and as such sums as are necessary to carry out this subtitle.

(4) TAIL.—The term "Tail" means the East Shore Trail established under section 1951(a).

(5) WILDERNESS.—The term "Wilder-ness" means the wilderness designated by section 1952(a).

SEC. 1951. DEFINITIONS. In this subtitle—

(1) MAP.—The term "map" means the map entitled "Rocky Mountain National Park Wilderness Act of 2007" and dated September 2007.

(2) PARK.—The term "Park" means Rocky Mountain National Park located in the State of Colorado.

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

(4) TRAIL.—The term "Trail" means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term "Wilder-ness" means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map titled "Rocky Mountain National Park Wilderness" and as a preliminary or draft map submitted under this Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND BOUNDARY DESCRIPTION.—(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit a boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

SEC. 1953. GRAND RIVER DITCH AND COLORADO- BIG THOMPSON PROJECTS.

(a) CONSEQUENTIAL WATER RIGHTS.—During any period in which the Water
Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch that is not in the Park in compliance with any operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907:

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall:

(i) govern:

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(I) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(ii) include stipulations with respect to:

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan; and

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(2) LIMITATION.—Nothing in this section applies to any land acquired under section 1952(b)(1)(A) so that the change in the main purpose or use adversely affects the Park.

(f) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall:

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(b) LIMITATION.—(1) The Secretary may not establish the boundary of the Wilderness east of the alignment line for a trail, to be known as the “East Shore Trail”, to maximize the opportunity for sustained use of the Trail without causing—

(i) harm to affected resources; or

(ii) conflicts among users.

(2) BOUNDARIES.—

(i) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall be—

(I) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(II) the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(ii) the Secretary shall modify the map and boundary description of the Wilderness to—

(A) identify the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness;

(B) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary:

(I) any portion of the East Shore Trail Area that is not west of the Trail, that is not within 50 feet of the centerline of the Trail shall be:

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) by striking '', dated July 1978'' and inserting ''74,195 acres''.

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENT.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95–450) is amended—

(1) by striking “seventy thousand acres” and inserting “94,195 acres” and

(2) by striking “, dated July 1978” and inserting “, dated May 2007”.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460(m)(a)) is amended—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “35,235 acres”; and

(2) by striking “, dated July 1978” and inserting “, dated May 2007”.

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the “Leiffer tract” that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

SEC. 2001. DEFINITIONS.

In this subtitle:

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

(2) SYSTEM.—The term “system” means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters West Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and
SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatracks was discovered in theRbolado Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and animals predating dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2680)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site; and

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site; and

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing “the most scientifically significant Early Permian tracksite” in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism and theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) MONUMENT.—The term “Monument” means the Prehistoric Trackways National Monument established by section 2103(b); and

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

SEC. 2103. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally defined in the map entitled “Prehistoric Trackways National Monument” and dated January 25, 2007.

(c) MAP, LEGAL DESCRIPTION.—

(1) IN GENERAL.—As practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—If there is a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make necessary boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

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

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

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

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS.

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

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

SEC. 2301. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term “Conservation Area” means the Fort Stanton-Snowy River Canal National Conservation Area established by section 2202(c).

(2) MANAGEMENT PLAN.—The term “management plan” means the management plan developed for the Conservation Area under section 2202(c).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting...
through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, educational, and scenic cave resources of the Fort Stanton-Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled “Fort Stanton-Snowy River Cave National Conservation Area” and dated January 25, 2007.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area.

(A) the conservation and protection of the natural and unique features and environments for scientific, educational, and other appropriate public uses of the Conservation Area; (B) public access, as appropriate, while providing for the protection of the cave resources and for public safety; and (C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(b) ESTABLISHMENT.—The Secretary of the Interior shall—

(1) in subsection (a); and

(2) in subsection (b), by striking “(iii) any other applicable laws.”

(c) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources and for public safety;

(d) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(1) the conduct of scientific research; and

(2) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(e) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(f) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(g) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) REMAINING.—Public Law 109–64 is amended—

(1) in section 3(a)(1) (16 U.S.C. 460ii–2(a)(1)), by striking “(hereafter referred to as the ‘conservation area’); and

(2) in subsection (g) (16 U.S.C. 460ii–3), by striking “Conservation Area” and inserting “conservation area’; and

(b) USE OF MOTORIZED VEHICLES.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(1) before the effective date of the management plan described in paragraph (c); and

(2) in accordance with the provisions of this Act.

(c) TECHNICAL CORRECTIONS.—Public Law 109–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460ii–2(a)(1)), by striking “(hereafter referred to as the ‘conservation area’); and

(2) in section 4 (16 U.S.C. 460ii–3), by striking “Conservation Area” and inserting “conservation area’; and

(3) in subsection (d) (16 U.S.C. 460ii–4), by striking “Visitors Center” and inserting “center’; and

(4) in subsection (e) (16 U.S.C. 460ii–5), by striking “Visitors Center” and inserting “center’; and

(5) in subsection (f) (16 U.S.C. 460ii–6), by striking “Visitors Center” and inserting “center’.

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the map.

(b) PURPOSES.—The purposes of the Conservation Area are to—

(1) conserve and protect for the benefit and enjoyment of present and future generations—

(A) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(B) the water resources of area streams, and groundwater sources within or adjacent to the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements with the State of Colorado and other interested public and private parties to carry out the purposes of this section.

(3) TAKING.—In this section—

(A) the term ‘Dominguez-Escalante National Conservation Area’ means the Dominguez-Escalante National Conservation Area; (B) the term ‘State’ means the State of Colorado.

(4) DEFINITIONS.—For purposes of this section—

(A) the term ‘Federal Land Policy and Management Act of 1976’ means that Act (43 U.S.C. 1701 et seq.); and

(B) the term ‘Secretary’ means the Secretary of the Interior.

SEC. 2401. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the map.

(b) PURPOSES.—The purposes of the Conservation Area are to—

(1) conserve and protect for the benefit and enjoyment of present and future generations—

(A) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(B) the water resources of area streams, and groundwater sources within or adjacent to the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements with the State of Colorado and other interested public and private parties to carry out the purposes of this section.

(3) TAKING.—In this section—

(A) the term ‘Dominguez-Escalante National Conservation Area’ means the Dominguez-Escalante National Conservation Area; (B) the term ‘State’ means the State of Colorado.

(4) DEFINITIONS.—For purposes of this section—

(A) the term ‘Federal Land Policy and Management Act of 1976’ means that Act (43 U.S.C. 1701 et seq.); and

(B) the term ‘Secretary’ means the Secretary of the Interior.
enactment of this Act to the public land in the Conservation Area; and
(ii) after the effective date of the management plan, only on roads and trails designated by the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of livestock in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) In General.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Dominguez Canyon Wilderness Area."

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

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

(2) no reference in the Wilderness Act to the Secretary shall be considered a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Committee shall file a map and a legal description of the Conservation Area and the Wilderness with—

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

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

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

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

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

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

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

(b) GRAZING.—

(1) GRAZING IN CONSERVATION AREA.—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) BUREAU OF RECLAMATION.—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

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


(c) NO BIA.—

(1) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude such activity or use outside the boundary of the Conservation Area.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) FIRE, INSECTS, AND DISEASES.—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases in the Conservation Area.

(f) A CCESS.—The Secretary shall continue to provide private landowners adequate access to holdings in the Conservation Area.

(g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) WATER RIGHTS.

(1) EFFECT.—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water or water right consistent with subparagraph (E)(i); or

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held in the State water rights system.

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reestablished or created by the United States in the State on or before the date of enactment of this Act.

(2) WILDERNESS WATER RIGHTS.

(A) IN GENERAL.—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(1) PROCEDURAL REQUIREMENTS.—Any water rights within the Wilderness for which the Secretary shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) ESTABLISHMENT OF RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(ii) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this sub- title, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on the Wilderness to fulfill the purposes of the Wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fill the purposes of the Wilderness.

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any individual water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) COOPERATIVE ENFORCEMENT.—

(i) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; or

(ii) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full protection of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board determines that the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce any water rights described in paragraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i); or

(ii) the agreement described in subparagraph (E)(ii) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) WATER RESOURCE FACILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), the Secretary may appropriate, the Secretary shall be adjudicated, and administered in accordance with the procedural requirements and priority system of State law.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may appropriate, the Secretary shall be adjudicated, and administered in accordance with the procedural requirements and priority system of State law.

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

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior

(4) CONSERVATION AREA WATER RIGHTS.—With effect upon, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

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

(1) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

There are authorizations to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO MANAGEMENT COMMITTEE.—

Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

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

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

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generally applicable to the National Forest System land that ensures the protection of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States the title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 136 acres of land administered by the City and identified on the Map as “Parcel #1.”

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

(8) ZONING LAWS.—Before a sale of Federal land under paragraph (1) shall be disposed of in accordance with subsection (e), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713),

(B) reimbursing the Secretary for the costs incurred by the Bureau of Land Management for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h), including the costs of—

(aa) surveys and appraisals; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NON-PROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(i) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act” 42 U.S.C. 166 et seq.).

(D) REVERSIONARY INTEREST.—

(I) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act;

(II) CONVEYANCE BY CITY.—

(A) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(i), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), not for less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NON-PROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(i) shall terminate on the date of enactment of this Act;

(II) CONVEYANCE BY CITY.—

(A) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(vi), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NON-PROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(vi) shall terminate on the date of enactment of this Act;

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of Federal land described in paragraph (2) shall be disposed of in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) DISPOSITION.—

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

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

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

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection of the non-Federal land described in subparagraph (A) to the Secretary of Agriculture, through a competitive bidding process; and

(C) for not less than fair market value.

(6) WITHDRAWAL.—

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

(i) all forms of entry and appropriation under the public land laws;

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

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

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

(7) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in paragraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.

(I) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(II) POSTPONEMENT—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Or the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

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

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the “Carson City Special Account”, and shall be available—

(i) to reimburse costs incurred by the Bureau of Land Management for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h); and

(ii) to acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the “Silver Saddle Endowment Account”, consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the over-sight and enforcement of the conservation easement established under subsection (b)(3)(B).

(3) URBAN INTERFACE.—

(I) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws (43 U.S.C. 1712, 1713);

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(4) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as “Urban Interface Withdrawal”.
in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) USE OF LAND FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT.—(A) Subject to valid existing rights, title, and interest of the United States in and to the land described in paragraph (1), the Tribe may sell, lease, or otherwise convey any portion of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200' elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii) (I) residential or recreational development; or

(II) commercial use.

(5) REVERSION.—With respect to the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200' elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii) (I) residential or recreational development; or

(II) commercial use.

(6) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(7) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the conveyance of the land to the Secretary in accordance with the procedures for conveyance of the land that is beneficial to the Tribe and the Forest Service.

SEC. 2. Transfers to the City of Carson City.

(1) IN GENERAL.—Subject to existing rights, title, and interest of the United States in and to the land described in paragraph (1), the city of Carson City may accept from the Secretary of the Interior, in trust for the Tribe, under section 47504 of title 49, United States Code, as follows:

(A) by striking ''Subject to'' and inserting the following:

''(a) In General.—Subject to'';

(B) in subsection (a) as designated by paragraph (1), by striking ''the parcel'' and all that follows, and inserting the following:

''(i) that is beneficial to the Tribe; and

(ii) F A R MARKET VALUE.—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be sold, leased, or otherwise conveyed at fair market value.

(C) C O M P L I A N C E WITH CHARTER.—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyance established in this section.

(D) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with paragraph (4) of the Southern Nevada Public Land Management Act of 1996 (112 Stat. 2345).

(S) USE OF LAND FOR RECREATIONAL PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (compensated as the "Transition Area Public Purposes Act") (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(2) CONDITIONS.—The Secretary shall contain a limitation to require uses of the land that is beneficial to the Tribe and the Forest Service.
A) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3), by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

B) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this section—

(1) at the discretion of the Secretary, the parcel shall revert to the United States; or

(2) the City may not make an election under clause (1), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ALTA-HUALAPAI SITE.—The term “Alta-Hualapai Site” means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the “Recreational and Public Purposes Act,” 43 U.S.C. 869 et seq.); and

(B) identified on the map as the “Alta-Hualapai Site.”

(2) CITY.—The term “City” means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term “Institute” means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, and nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, and to the extent consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if the Secretary determines that the city of Las Vegas, Nevada.

(4) MAP.—The term “map” means the map titled “Nevada Cancer Institute Expansion Act” and dated July 17, 2006.

(b) ACCEPTANCE.—The Secretary may accept the relinquishment of all or part of the Alta-Hualapai Site.

(c) CONVEYANCE FOR LOCAL GOVERNMENT.—Subject to the terms and conditions imposed on the entire tract of public land acquired by the Boy Scouts for the purposes specified in this section which will be exercised.

(d) MODIFICATION OF MONUMENT.—The Secretary may modify any monument, boundary, or survey under the Recreation and Public Purposes Act” (43 U.S.C. 869 et seq.); and on the map prepared by the Bureau of Land Management and identified for conveyance by the Secretary and identified by the Bureau of Land Management entitled “Douglas County Public Utility District Proposal” and dated March 2, 2006.

(e) MODIFICATION OF MONUMENT.—The term “PUD” means the Public Utility District No. 1 of Douglas County, Washington.

(f) IMPROVEMENTS.—The term “improvements” means the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed under paragraph (1).
SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the city of Twin Falls, Idaho, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as 'Land to be conveyed to Twin Falls' on the map titled 'Twin Falls Land Conveyance' and dated July 28, 2008.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated as parcel 5, map entitled "Sunrise Mountain ISA Release Areas" and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.—

(1) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 2 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2419, and subject to valid existing rights, if not later than 45 days after the date of completion of a survey required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) APPRAISAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall convey, to acceptable appraisal of the public land. The appraisal shall be conducted in accordance with the ‘Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice’.

(3) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) LAND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the Secretary an amount consistent with conveyance to governmental entities for recreation purposes. The land conveyed under this subsection shall be paid for not less than fair market value.

(5) COSTS OF CONVEYANCE.—As a condition of conveyance, the Secretary shall require the conveyee to agree to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of transfer of title to property under this section.

(d) USE OF CONVEYED LANDS.—

(1) PURPOSE.—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, to include the construction of the dam and the generation of hydroelectric power.

(2) RESTRICTION.—The land conveyed under this section shall be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1). The Secretary shall require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is not used in accordance with subsection (d),

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of transfer of title to property under this section.
portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act. 

(b) RELEASE OF REVERSIONARY INTEREST.—Any interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands described in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) IN GENERAL.—

(1) FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2621).

(2) TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2621).

(b) FEDERAL LANDS DESCRIBED.—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 19 and 12, MDM, containing 50.24 acres more or less;

(2) Township 2 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less;

(3) Township 2 North, Range 16 East, Section 52, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

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

(1) Thomas property, pending trust acquisition, comprising 192.70 acres, subject to existing easements of record, including but not limited to easements for ingress, egress, and appurtenant to existing buildings.

(2) Coenenburg property, pending trust acquisition, comprising 192.70 acres, subject to existing easements of record, including but not limited to easements for ingress, egress, and appurtenant to existing buildings.

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 523 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking “each of fiscal years 2006 through 2011” and inserting “fiscal year 2006 and each fiscal year thereafter”; and

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

(1) a watershed restoration and enhancement agreement entered into under this section; or

(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 566a–1).—

Subtitle B—Wildland Firefighter Safety

SEC. 3201. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITIONS.—In this section:

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

(2) WYOMING RANGE WITHDRAWAL AREA.—The term “Wyoming Range Withdrawal Area” means all National Forest land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on a map entitled “Wyoming Range Withdrawal Area” and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

(b) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

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

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

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

(c) EASEMENT RIGHTS.—No right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 323) after the date on which that right was acquired by the United States through donation under section 323, or any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 323) after the date on which that right was acquired by the United States through donation under section 323.

(d) BURDEN.—A burden or easement as of the date of enactment of this Act, the land described in subsection (b) and (c), or other agreement governing the use of wildland firefighting resources by a non-Federal entity; and

(e) Buffers.—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen from within the boundaries of the Wyoming Range Withdrawal Area.

(f) EASEMENT RIGHTS.—Nothing in this section shall apply to any land within the Wyoming Range Withdrawal Area.

(g) C O NFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(h) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking such action as necessary to deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, in accordance with recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration of any agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(i) a description of—

(1) the provisions relating to wildland fire safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity; and

(II) a summary of any actions taken by the Secretary to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

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

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

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

(c) EASEMENT RIGHTS.—No right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 323) after the date on which that right was acquired by the United States through donation under section 323, or any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 323) after the date on which that right was acquired by the United States through donation under section 323.

(d) BURDEN.—A burden or easement as of the date of enactment of this Act, the land described in subsection (b) and (c), or other agreement governing the use of wildland firefighting resources by a non-Federal entity; and

(e) Buffers.—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen from within the boundaries of the Wyoming Range Withdrawal Area.

(f) EASEMENT RIGHTS.—Nothing in this section shall apply to any land within the Wyoming Range Withdrawal Area.

(g) C O NFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(h) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking such action as necessary to deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, in accordance with recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration of any agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(i) a description of—

(1) the provisions relating to wildland fire safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity; and

(II) a summary of any actions taken by the Secretary to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3203. DEFINITIONS.

In this subtitle:

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

(2) WYOMING RANGE WITHDRAWAL AREA.—The term “Wyoming Range Withdrawal Area” means all National Forest land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on a map entitled “Wyoming Range Withdrawal Area” and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.
pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) Directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. AMENDMENTS TO THE DESCRIPTION OF THE WYOMING MINING OR LEASING RIGHTS

(a) Notification of Lessees.—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to all lessees of the Wyoming Range Withdrawal Area that are within the area described in paragraph (2), and that the Secretary has determined that conditions (a) and (b) below are satisfied:

(1) The lease may only be accessed by directional drilling from a lease held by the lessee or by a person that acquires that right; and

(2) The lease shall prohibit, without exception, waive, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(b) Request for Lease Retirement.—

(1) In general.—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written request to the Secretary to retire such mining or leasing right in accordance with applicable law.

(2) Description of Land.—The parcel of Federal land described in paragraph (1) shall be the land conveyed to the Secretary under this section.

(3) Valuation, Appraisals, and Equalization.—

(A) Definitions.—In this section:

(i) State.—The term ‘State’ means the State of New Mexico.


(B) Route.—The term ‘route’ means the land described on the map as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(C) Right-of-Way.—The United States may convey to the Secretary an easement to provide access to the Wyoming Range Withdrawal Area from the holder of the mining or leasing right in the Wyoming Range Withdrawal Area.

(D) Applicable Law.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(E) Applicability.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(F) Reservation.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and applicable law.

Sec. 4.—In this section:

(A) Federal Land.—The term ‘Federal land’ means the approximately 160 acres of non-Federal land in the Park, as depicted on the map.

(B) Easement.—The term ‘park’ means the Pecos National Historical Park in the State.

(C) Secretaries.—The term ‘Secretaries’ means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(D) State.—The term ‘State’ means the State of New Mexico.

(E) Land Exchange.—

(1) In general.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) Easement.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water lines to 2 well sites located in the Park, as generally depicted on the map.

(3) Route.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(4) Terms and Conditions.—The easement shall include such terms and conditions relating to the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(5) Applicable Law.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(6) Reservation.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and applicable law.

Sec. 5.—In this section:

(A) Federal Land.—The term ‘Federal land’ means the approximately 160 acres of non-Federal land in the Park, as depicted on the map.

(B) Easement.—The term ‘park’ means the Pecos National Historical Park in the State.

(C) Secretaries.—The term ‘Secretaries’ means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(D) State.—The term ‘State’ means the State of New Mexico.

(E) Land Exchange.—

(1) In general.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) Easement.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water lines to 2 well sites located in the Park, as generally depicted on the map.

(3) Route.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(4) Terms and Conditions.—The easement shall include such terms and conditions relating to the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(5) Applicable Law.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(6) Reservation.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and applicable law.

Subtitle D—Land Conveyances and Exchanges

SEC. 3301. LAND CONVEYANCE TO COUNTY OF COFFMAN COVE, ALASKA

(a) Definitions.—In this section:

(1) County.—The term ‘County’ means Jefferson County, Montana.

(2) Map.—The term ‘map’ means the map entitled ‘Elkhorn Cemetery’, dated May 9, 2005, and conveyed by the Secretary of Agriculture, acting jointly.

(b) Conveyance to Jefferson County, Montana.—

(1) Conveyance.—Not later than 180 days after the date of enactment of this Act and subject to the route of an applicable law, the Secretary of Agriculture, acting jointly, shall convey by quitclaim deed to the County, for no consideration, all right, title, and interest of the United States, except as provided in paragraphs (2) and (3), in and to the parcel of land described in paragraph (2).

(2) Description of Land.—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements) that is known as the ‘Elkhorn Cemetery’, as generally depicted on the map.

(3) Use of Land.—As a condition of the conveyance under paragraph (1), the County shall:

(A) accept the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) Easement.—As a condition of the conveyance, the Secretary shall grant to the County under this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a right-of-way to provide access to and across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) Reversion.—In the event of conveyance, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is:

(A) used for a purpose other than the purpose described in paragraph (1); or

(B) managed by the County in a manner that is inconsistent with paragraph (5)(A).

Sec. 3302. BEAVERHEAD-DEERLONDON NATIONAL FOREST LAND CONVEYANCE, MONTANA

(a) Definitions.—In this section:

(1) County.—The term ‘County’ means Jefferson County, Montana.


(3) Federal Land.—The term ‘Federal land’ means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(4) Park.—The term ‘Park’ means the Pecos National Historical Park in the State.

(5) Secretaries.—The term ‘Secretaries’ means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(6) State.—The term ‘State’ means the State of New Mexico.

(b) Land Exchange.—

(1) In general.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) Easement.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water lines to 2 well sites located in the Park, as generally depicted on the map.

(3) Route.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(4) Terms and Conditions.—The easement shall include such terms and conditions relating to the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(5) Applicable Law.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(6) Reservation.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and applicable law.
(ii) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

I. Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) CLAIM.—The term "Claim" means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sect. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) CLAIMANTS.—The term "Claimants" means Raymond Lawson.

(b) EXCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City, as appropriate, (A) all right, title, and interest of the United States in the Shooting Range Special Use Permit Area; (B) all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

SEC. 3307. LAND EXCHANGE, WASHATCH-CACHE NATIONAL FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term "Federal land" means the land under the jurisdiction of the Secretary and described and delineated in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716)(b) shall—

(I) be deposited in the fund established by Public Law 94–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(3) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(4) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(a) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(b) other applicable Federal, State, and local laws.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(6) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met; and

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraphs (3) and (4);

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts the Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(d) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after the completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

I. Federal land and non-Federal land exchanged under this section; and

II. the easement described in subsection (b)(2).

(b) R EVERSIONARY INTEREST.—If the Secretary all right, title, and interest of the United States in and to the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) shall—

(A) be deposited in the fund established by the Secretary identified on the map as "Shooting Range Special Use Permit Area".

(B) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(c) ADDITIONAL TERMS AND CONDITIONS.—

The exchange may include such terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3308. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 96–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth Community Water District (now known as the "Mammoth Community Water District") by Patent No. 87–0038, on June 26, 1987, and recorded in volume 492, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for the purpose of the conveyance specified in such subsection.
(5) Disposition of proceeds.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—
(A) deposited in the fund established under Public Law 90-171 (commonly known as the ‘‘Sisk Act’’) (16 U.S.C. 484a); and
(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(f) Additional terms and conditions.—Any conveyance of Federal land under paragraph (1) shall be subject to—
(A) the shooting rights; and
(B) such additional terms and conditions as the Secretary may require.

Sec. 3308. Boundary Adjustment, Frank Church River of No Return Wilderness.
(a) Purposes.—The purposes of this section are—
(1) to adjust the boundaries of the wilderness area; and
(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) Definitions.—In this section:
(1) Land designated for inclusion.—The term ‘‘land designated for inclusion’’ means the parcel of land that is—
(A) comprised of approximately 10.2 acres of land; and
(B) generally depicted on the survey plat entitled ‘‘Proposed Boundary Change FCRRNW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho’’ and dated November 14, 2001;

(c) Disposition of proceeds.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—
(A) deposited in the fund established under Public Law 90-171 (commonly known as the ‘‘Sisk Act’’) (16 U.S.C. 484a); and
(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land for National Forest purposes in the State of Idaho; and

(d) Sale of land under paragraph (1) shall be subject to the conditions and—
(1) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and
(2) any analyses and closing costs associated with the conveyance;

(e) Management purposes, the Secretary may reconfigure the description of the land for sale; and

(f) The owner of the adjacent private land shall have the first opportunity to buy the land.

(g) Conditions.—The sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the ‘‘Sisk Act’’) (16 U.S.C. 484a).

(h) Availability and use.—Amounts deposited under subsection (a) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(i) Prior to the sale of land, the Secretary may make corrections to the description of the land; and

(j) The Secretary may reconfigure the description of the land for sale; and

(k) The owner of the adjacent private land shall have the first opportunity to buy the land.

Sec. 3309. Sandia Pueblo Land Exchange.

Title Technical Amendment.

Section 415(b) of the T’u Shur Bien Preserv- vation Trust Act (16 U.S.C. 539m-11) is amended—
(1) in paragraph (1), by inserting ‘‘3, ’’ after ‘‘sections’’; and
(2) in the first sentence of paragraph (4), by inserting ‘‘, as a condition of the convey- ance,’’ before ‘‘remain’’.

Subtitle E—Colorado Northern Front Range Area Study.

Sec. 3401. Purpose.

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain back- drop of communities in the northern section of the Front Range area of Colorado.

Sec. 3402. Definitions.

In this subtitle:
(1) Secretary.—The term ‘‘Secretary’’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) State.—The term ‘‘State’’ means the State of Colorado.

(3) Study area.—The term ‘‘study area’’ means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, north of the land east and south of the land in Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled ‘‘Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area’’ and dated August 27, 2008.

(4) Undeveloped land.—The term ‘‘undeveloped land’’ means land—
(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) that is developed in a manner which is likely to affect adversely the scenic, wildlife, or recre- ational value of the study area.
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SEC. 4003. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY; REPORT.—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the States, the United States, and any other parties to preserve the open and undeveloped character of the land within the study area.

(b) REQUIREMENTS.—The Secretary shall conduct and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Grand County, Colorado.


(c) LIMITATION.—If the State and local entities designated in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) EFFECT.—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) enhances ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.

In this title:

(1) FUND.—The term “Fund” means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

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

(3) PROPOSAL.—The term “proposal” means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(5) STRATEGY.—The term “strategy” means a landscape restoration strategy described in section 4003(b)(1).

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

(3) any other applicable law.

(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (a), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land; and

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed road or trail infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments.

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth condition characteristics of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would not include restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts);

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands;

(iii) does not include the establishment of permanent roads; and

(iv) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(b) be developed and implemented through a collaborative process that—

(A) includes at least one interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee established through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(c) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the “10 Year Comprehensive Strategy Implementation Plan” and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(i) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(2) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(3) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and nonprofit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) entities that will hire or train local people to complete such contracts, grants, or agreements; and

(E) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) SUBMISSION.—A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(a) IN GENERAL.—A Regional Forester may nominate for selection by the Secretary any proposal that meets the eligibility criteria established by subsection (b).

(b) CONCURRENCE.—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—
SECTION V—RIVERS AND TRAILS

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

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding to the end of the section the following:

“(20) FOSSIL CREEK, ARIZONA.—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river segment.

“(B) The approximately 7.5-mile segment from where the segment exits the Fossil Pen Canyon to the state line.
Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

"(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river."

SEC. 5002. SNAKE RIVER HEADWATERS, WYO-

MONG.

(a) FINDINGS: PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the headwaters of the Snake River Sys-

tem in the State of Wyoming feature some of the

clearest sources of freshwater, healthiest

native trout fisheries, and most intact rivers

and streams in the lower 48 States;

(B) the extraordinary qualities of the head-

waters of the Snake River System—

(i) provide unparalleled fishing, hunting,

boating, and other recreational activities for

local residents, and

(ii) millions of visitors from around the

world;

(C) each year, recreational activities on the

rivers and streams of the headwaters of the

Snake River System generate millions of dol-

lars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) the future generations of citizens of the United States enjoy the ben-

efits of the rivers and streams of the head-

waters of the Snake River System, Congress

should codify the protections provided by the

Wild and Scenic Rivers Act (16 U.S.C. 1271 et

seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the impor-
tance of protecting those rivers and streams of outstanding and remark-
able qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (includ-
ing existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES.—The purposes of this section are—

(A) to protect for current and future genera-
tions of citizens of the United States the out-

standingly remarkable scenic, natural,

wildlife, fishery, recreational, scientific, his-
toric, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable ir-

igation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(b) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term "Sec-

retary concerned" means—

(A) the Secretary of Agriculture (acting

through the Chief of the Forest Service),

with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (c)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial

Parkway; or

(iv) the National Elk Refuge.

(2) STATE.—The term "State" means the State of Wyoming.

(c) WILD AND SCENIC RIVER DESIGNATIONS,

SNake River SYSTEM.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

"(205) WILD AND SCENIC RIVER DESIGNA-

TIONS, SNAKE RIVER SYSTEM.—The fol-

lowing segments of the Snake River System, in the State of Wyoming:

(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, consisting of—

(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

(iii) the 7-mile segment from the up-

stream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridge-Teton National Forest boundary, as a scenic river.

(C) BUFFALO FORK OF THE SNAKE RIVER.—

The portions of the Buffalo Fork of the Snake River, consisting of—

(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

(iii) the 7-mile segment from the up-

stream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

(D) CRYSTAL CREEK.—The portions of

Crystal Creek, consisting of—

(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river;

(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its con-

fluence with the Gros Ventre River, as a sce-

nic river.

(E) GRANITE CREEK.—The portions of

Granite Creek, consisting of—

(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river;

(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

(F) GROS VENTRE RIVER.—The portions of

the Gros Ventre River, consisting of—

(i) the 12-mile segment from its source to Darwin Ranch, as a wild river;

(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

(G) HOBACK RIVER.—The 10-mile segment from its source to the 10 miles upstream from its confluence with the Snake River, as a recreational river.

(H) LEWIS RIVER.—The portions of the

Lewis River, consisting of—

(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

(I) PACIFIC CREEK.—The portions of Pa-

cific Creek, consisting of—

(i) the 22.5-mile segment from its source to the Tetons Wilderness boundary, as a wild river; and

(ii) the 11-mile segment from the Wilder-

ness boundary to its confluence with the Snake River, as a scenic river.

(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles down-

stream from its source, as a wild river.

(K) SNAKE RIVER.—The portions of the

Snake River, consisting of—

(i) the 47-mile segment from its source to Jackson Lake, as a wild river; and

(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Tetons Park Road bridge at Moose, Wyoming, as a scenic river; and

(iii) the 18-mile segment from the mouth of the Hoback River to the upstream boundary of the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

(L) WILLOW CREEK.—The 16.2-mile seg-

ment from the point 16.2 miles upstream from the confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

(M) WOLF CREEK.—The 7-mile segment from its source to the confluence with the Snake River, as a wild river.".

(d) MANAGEMENT.—

(1) EACH RIVER SEGMENT.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (c)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—In accordance with sub-

paragraph (A), not later than 3 years after the date of enactment of this Act, the Sec-

retary concerned shall develop a manage-

ment plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (c)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT.—Eachmanage-

ment plan developed by the Secretary con-

cerned under subparagraph (A) shall contain, with respect to the wild and scenic river, the subject of the plan, a section that contains an analysis and description of the avail-

ability and compatibility of future develop-

ment with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RE-

ERVED BY RIVER SEGMENTS.—

(A) The Secretary concerned shall apply for the quantification of the water rights re-

erved by each river segment designated by this section in accordance with the proce-

dural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with re-

spect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER.—No prop-

erty or interest in property located within the boundaries of any river segment de-

scribed in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (c)) may be
acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including any agreements made pursuant to agreements made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE—JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(e) AUTHORIZATION OF APPROPRIATIONS.—

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

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a) (as amended by section 5002(c) is amended by adding at the end the following:

"(206) TAUNTON RIVER, MASSACHUSETTS.—

The Massachusetts segment of the Taunton River from its headwaters at the confluence of the Town of Taunton and Matfield Rivers in the Town of Bridgewater to its confluence with the Taunton River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Environment in cooperation with the Taunton River Stewardship Council as follows:

"(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 21 in the Town of Raynham, as a scenic river.

"(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

"(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

"(D) The 9-mile segment from Muddy Cove to the confluence with the Quequenham River at the Route 195 Bridge in the City of Fall River, as a recreational river.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section (a) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (as amended to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the "Secretary") determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section (a) (as amended by subsection (a)), the Secretary may enter into cooperative agreements (which may be in written or electronic form) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—

Notwithstanding section 18(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

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

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

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middletown, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic River Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(I) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(II) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary shall not acquire any parcel of land by condemnation.

Subtitle C—Additions to the National Trails System

SEC. 5101. MISSISSQUIO AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"(19) MISSISSQUIO AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Mississqui from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richmond to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its confluence with the Mississqui River.

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

"(19) MISSISSQUIO AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

(A) complete the study of the Mississqui and Trout Rivers, Vermont, described in subsection (a)(19); and

(B) submit a report describing the results of that study to the appropriate committees of Congress.

(c) AUTHORIZATION OF APPROPRIATIONS.—

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

Title II—New England National Scenic Trail
protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to identify and locate that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary of the State and appropriate local and private entities.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of catastrophic floods occurred in what is now the northwestern United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington, and Oregon.

(B) geological features that have exceptional value and quality to illustrate and interpret the extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS.—The term "Ice Age floods" or "floods" means the catastrophic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term "plan" means the cooperative management and interpretation plan authorized by subsection (f)(6).

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

(4) TRAIL.—The term "Trail" means the Ice Age Floods National Geologic Trail designated by subsection (c).

(b) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(c) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or non-profit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary shall prepare the management plan in consultation with—

(i) State, local, and tribal governments;

(ii) the Ice Age Floods Institute;

(iii) private organizations; and

(iv) other interested parties.

(B) CONTENTS.—The plan shall—

(i) locate features more accurately;

(ii) improve the description of features; and

(iii) reevaluate the features in terms of their interpretive potential;

(iv) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any national park.
federally-managed area without the consent of the owner of the land or interest in land.”)

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(i) By amending subparagraph (C) to read as follows: “(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokees were moved to Oklahoma 1830–1850 are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the Feasibility and Environmental Assessment for Trail of Tears National Historic Trail: (i) The Benge and Bell routes. (ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

(ii)The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

(iii)The related campgrounds located along the routes and land components described in clause (ii).”

(ii) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: “No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.”

Subtitle D—National Trail System Amendments

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.

(i) HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(ii) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(iii) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(iv) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

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

“SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS—

(i) DEFINITIONS.—In this subsection:

(A) ROUTE.—The term ‘route’ includes a trail segment commonly known as a cutoff. (B) SHARED ROUTE.—The term ‘shared route’ means a route consisting of more than 1 historic trail, including a route shared with an existing national historic trail.

(ii) REQUIREMENTS FOR REVISION.—

(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subparagraph (A) shall apply to a study required by this subsection.

(C) COMPLETION AND SUBMISSION OF STUDIES.—The study required under this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

(D) OREGON NATIONAL HISTORIC TRAIL.—

(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1992/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

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

(i) Whitman Mission route.

(ii) Upper Columbia River.

(iii) Cowitz River route.

(iv) Meek cutoff.

(v) Free Emigrant Road.

(vi) North Alternate Oregon Trail.

(vii) Goodale’s cutoff.

(viii) North Side alternate route.

(ix) Cutoff to Barlow road.

(x) Naches Pass Trail.

(2) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wheaton, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

(3) CALIFORNIA NATIONAL HISTORIC TRAIL.—

(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the approximately 20-mile segment of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1992/1993, and of such other segments of the California Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the segments as components of the California National Historic Trail.

(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the feasibility and suitability studies for the trail.
"(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

(i) Missouri Valley routes.

(ii) MILLE VALLEY road.

(iii) Portage Landing Road.

(iv) Westport Landing Road.

(v) Fort Leavenworth-Blue River route.

(vi) Route to Amazonia.

(vii) St Joe Road.

(viii) Council Bluffs Road.

(ix) Sublette cutoff.

(x) Applegate route.

(xi) Fort Kearny Road (Oxbow Trail).

(xii) Childs cutoff.

(xiii) Fort River to Applecreek.

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

Section 5 of the National Trails System Act (16 U.S.C. 1246(c)) is amended by adding at the end the following:

"(44) CHISHOLM TRAIL.—

(A) IN GENERAL.—The Chisholm Trail (also known as the 'Ahline Trail'), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments of management to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas designation of 1 or more of the routes as Historic Trail.

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

(i) St. Joe Road.

(ii) Council Bluffs Road.

(iii) Sublette cutoff.

(iv) Applegate route.

(v) Fort Kearny Road (Oxbow Trail).

(vi) Childs cutoff.

(vii) Fort River to Applecreek.

SEC. 6002. PROGRAM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish the Great Western Trail Management Program under which the Secretary shall provide grants—

(1) to form a watershed group; or

(2) to enlarge a watershed group; and

(b) APPLICATION.—

(1)(A) to form a watershed group; or

(B) to enlarge a watershed group; and

(2) to conduct 1 or more phases of a project in accordance with the goals of a watershed group.

(c) DISTRIBUTION OF GRANT FUNDS.—

(A) IN GENERAL.—The Secretary may provide—

(i) AFFECTED STAKEHOLDER.—The term ‘affected stakeholder’ means an entity that significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term ‘grant recipient’ means an entity that has submitted a grant application that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term ‘program’ means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

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

(5) WATERSHED GROUP.—The term ‘watershed group’ means a self-sustaining, cooperative watershed-wide group that—

(i) I N GENERAL .—The Secretary may provide—

(A) a grant recipient a first-phase grant in an amount not greater than $100,000 each year for a period of not more than 3 years.

(B) HYDROELECTRIC PRODUCTION.;

(C) TIMBER PRODUCTION;

(D) LAND DEVELOPMENT;

(E) TIMBER PRODUCTION;

(F) HYDROELECTRIC PRODUCTION;

(G) ENVIRONMENT;

(H) POTABLE WATER SUPPLY AND IN-

(i) private agency that has authority with respect to the watersheds; and

(ii) any State agency that has authority with respect to the watersheds.

(iv) a State agency that has authority with respect to the watersheds;

(v) any Indian tribe that—

(A) owns land within the watershed; or

(B) has land in the watershed that is held in trust;

(vi) a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed.

(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

"(45) GREAT WESTERN TRAIL.—

(A) IN GENERAL.—The Great Western Trail (also known as the ‘Dodge City Trail’), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-norththrough through the vicinities of Coleman and Alvaba, Texas, north through the vicinity of Vernon, Texas, to Doan’s Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

"(4) Childs cutoff.

(vi) 1850 Golden Pass Road in Utah.

(v) Nevada City Road.

(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

(iii) Sublette cutoff.

(ii) Council Bluffs Road.

(i) St. Joe Road.

(f) MAUNEFICENT.—The term 'mauneficient' means a project (including a demonstration project) that—

(i) enhances water conservation, including alternative water uses;

(ii) improves water quality;

(iii) improves ecological resiliency of a river or stream;

(iv) reduces the potential for water conflicts; or

(v) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

"(46) WATERSHED MANAGEMENT PROJECT.—The term ‘watershed management project’ means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

"(5) IN GENERAL.—The Secretary may provide—

(i) AFFECTED STAKEHOLDER.—The term ‘affected stakeholder’ means an entity that significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term ‘grant recipient’ means an entity that has submitted a grant application that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term ‘program’ means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

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

(5) WATERSHED GROUP.—The term ‘watershed group’ means a self-sustaining, cooperative watershed-wide group that—

(i) I N GENERAL .—The Secretary may provide—

(A) a grant recipient a first-phase grant in an amount not greater than $100,000 each year for a period of not more than 3 years.
(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a first-phase grant shall use the funds—
(I) to establish or enlarge a watershed
project; and
(II) to develop a restoration plan.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

A. DETERMINATION.—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

B. EFFECT OF DETERMINATION.—If the Secretary determines that the watershed group—
(I) has not established or made sufficient progress during the year to meet the requirements of first-phase grants;

(ii) the Federal share of the cost of an activity provided assistance through a first-phase grant shall be 50 percent.

C. PROJECTS CARRIED OUT UNDER SECOND PHASE.—

A. IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

B. FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

C. PROJECTS CARRIED OUT UNDER THIRD PHASE.—

A. IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

B. FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) COMPETITIVE STATUS.—

A. PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall redesignate the service of an individual who was hired pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this section as part of the competitive service.

B. PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall redesignate the service of an individual who was hired pursuant to the program established under subsection (a) who is not serving in a position as of the date of enactment of this section as part of the competitive service.

(f) REPORT.—Not later than 90 days after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—
(A) in addressing water conflicts;
(B) in conserving water;
(C) in improving water quality;
and
(D) in improving the ecological resiliency of aquatic ecosystems; and

(2) the benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section—

$1,000,000 for each of fiscal years 2008 and 2009;

(2) $5,000,000 for fiscal year 2010;

(3) $10,000,000 for fiscal year 2011; and

(4) $20,000,000 for each of fiscal years 2012 through 2020.

SEC. 6002. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.
Subtitle D—Paleontological Resources Preservation

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) CASUAL COLLECTING.—The term "casual collecting" means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the term "reasonable amount", "common invertebrate and plant paleontological resources" and "negligible disturbance" shall be determined by the Secretary.

(2) FEDERAL LAND.—The term "Federal land" means:

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) INDIAN LAND.—The term "Indian land" means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) PALAEONTOLOGICAL RESOURCE.—The term "palaeontological resource" means any fos-silized remains, traces, or imprints of organisms, or any part on the earth's crust, that are of palaeontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an ar-chaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470b));

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) STATE.—The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(7) UNITED STATES.—The term "United States" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 6302. MANAGEMENT.

The Secretary shall establish a program to increase public awareness about the significance of palaeontological resources.

SEC. 6303. CURATION OF RESOURCES.

The Secretary shall establish a program to ensure the proper stewardship and curation of these resources, data, and records.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) In general.—Provisions provided in this subtitle, a palaeontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the purposes of the Refuge, use decreed water rights on the Refuge in approximately the same manner that the water rights have been historically used.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—

The Secretary may issue a permit for the collection of a palaeontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering palaeontological knowledge or for public education;

(3) the permitted activity is consistent with any applicable terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(A) the palaeontological resource that is collected from Federal land under the permit will remain the property of the United States;

(B) the palaeontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) local community data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this subtitle, or

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person, knowing or having reason to believe that the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURE.—In order to protect palaeontological or other resources, the Secretary may provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of palaeontological resources.

SEC. 6305. CREATION OF RESOURCES.

Any palaeontological resource, and any data and records associated with such resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal individuals or entities regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface or disturb palaeontological or associated records; or

(b) sell or purchase or offer to sell or purchase any palaeontological resource if the person knew or should have known such record to have been excavated or removed from Federal land in violation of the provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both; but if the sum of the commercial and palaeontological value of the palaeontological resource involved in the violation and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(d) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any palaeontological record which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation, or permit issued under this subtitle, may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined in accordance with the penalties promulgated pursuant to this subtitle, taking into account the following factors:
prosecution, restoration, and repair of the resource and the paleontological site involved.
(C) Any other factors considered relevant by the Secretary in imposing the penalty.

(MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(a) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—
(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of a petition for judicial review of an order under this subsection, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—
(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or
(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for the District of Columbia in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, whichever is greater) of the paleontological resources and sites which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or, if such person has been convicted, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of or in connection with the violation of such a penalty or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of the Federal Seizure and Penalty Forfeiture Act (49 U.S.C. 1601 et seq.), shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this subsection.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of such paleontological resources or the proceeds from the sale of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the proceeds of such sale, to the Secretary. The Secretary may transfer the proceeds, or any part thereof, to the National Park Service or the States for enforcement purposes. Such proceeds shall be used for scientific or educational purposes.

SEC. 6309. CONFIDENTIALITY.
Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law, unless the Secretary determines that disclosure would—
(1) further the purposes of this subtitle;
(2) not create risk of harm to or theft or destruction of such resource or the site containing the resource; and
(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS.
As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6311. SAVINGS PROVISIONS.
Nothing in this subtitle shall be construed to—
(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701-1784), Public Law 94-429 (commonly known as the ‘‘Mining in the Parks Act’’) (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1358), and the Organic Act (43 U.S.C. 174, 482, 551);
(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under regulations described in this subtitle, providing authorities relating to reclamation and multiple uses of Federal land;
(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;
(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land; or
(5) diminish the authority of a Federal agency under any other law to provide for protection of paleontological resources on Federal land in addition to the protection provided under this subtitle;
(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in his official capacity. No person who is an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

SEC. 6401. DEFINITIONS.
In this subtitle:
(A) CORPORATION.—The term ‘‘Corporation’’ means the King Cove Corporation.
(B) FEDERAL LAND.—The term ‘‘Federal land’’ means—
(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and
(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(C) MAP.—The term ‘‘map’’ means each of—
(A) the map entitled ‘‘Izembek and Alaska Peninsula National Wildlife Refuges’’ and dated September 2, 2008; and
(B) the map entitled ‘‘Sitkinak Island—Alaska Maritime National Wildlife Refuge’’ and dated September 2, 2008.

(D) NON-FEDERAL LAND.—The term ‘‘non-Federal land’’ means—
(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and
(B) the approximately 13,330 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); a part of the land described in section 6402(a), as generally depicted on the map.

(E) REFUGE.—The term ‘‘Refuge’’ means the Izembek National Wildlife Refuge.

(F) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(G) STATE.—The term ‘‘State’’ means the State of Alaska.

(H) TRIBE.—The term ‘‘Tribe’’ means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE.
(A) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(B) COMPLIANCE WITH ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—
(1) IN GENERAL.—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—
(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
(B) except as provided in subsection (c), comply with any other applicable law (including regulations).
(2) ENVIRONMENTAL IMPACT STATEMENT.—
(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
(B) REQUIREMENTS.—The environmental impact statement prepared under subparagraph (A) shall contain—
(i) an analysis of—
(I) the proposed land exchange; and
(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and
(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Cold Bay Airport; and
(3) COOPERATING AGENCIES.—
(A) IN GENERAL.—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.
(B) AUTHORIZED ENTITIES.—An authorized entity may include—
(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);
(ii) the State;
(iii) the Aleutians East Borough of the State;
(iv) the City of King Cove, Alaska;
(v) the Tribe; and
(vi) the Alaska Migratory Bird Co-Management Council.
(c) VALUATION.—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or negotiation.
(d) PUBLIC INTEREST DETERMINATION.—
(1) CONDITIONS FOR LAND EXCHANGE.—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall—
(A) implement the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) in the public interest;
(B) LIMITATION OF AUTHORITY OF SECRETARY.—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—
(i) require or direct that the Corporation to convey additional land to the United States; or
(ii) impose any restriction on the subsistence use of the land in the land exchange (as defined in section 802 of the Alaska Native Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State.
(e) KINZAROFF LAGOON.—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a habitat refuge subsection (a), provided that in accordance with the applicable laws (including regulations) of the State.
(f) DESIGNATION OF ROAD CORRIDOR.—In designating the road corridor described in subsection (a)(1)(A), the Secretary shall—
(1) minimize the adverse impact of the road corridor on the Refuge;
(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and
(3) to the maximum extent practicable, incorporate the corridor design that is in existence as of the date of enactment of this Act.
(g) ADDITIONAL TERMS AND CONDITIONS.—The Federal land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.
SEC. 6405. KING COVE ROAD.
(a) REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.—
(1) LIMITATION.—
(A) IN GENERAL.—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used only for noncommercial purposes.
(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).
(2) R EQUIREMENT OF BARRIER CABLE.—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled “Mitigation Measure MM-11, King Cove Access Project Final Environmental Impact Statement Record of Decision” and dated January 22, 2004.
(3) REQUIRED DIMENSIONS.—The road described in paragraph (1)(A) shall—
(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;
(B) be constructed with gravel; and
(C) if determined to be necessary, be constructed to include appropriate safety pull-outs.
(b) SUPPORT FACILITIES.—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.
(c) FEDERAL PERMITS.—It is the intent of Congress that a Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.
(d) ADMINISTRATION.—Nothing in this section amends, or modifies the application of, section 1119 of the Alaska Native Interest Lands Conservation Act (16 U.S.C. 3170).
(e) MITIGATION PLAN.—
(1) IN GENERAL.—Based on the evaluation of impacts determined through the completion of the environmental impact statement established under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.
(2) CORRECTIVE MODIFICATIONS.—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—
(A) the mitigation standards required under the mitigation plan are maintained; and
(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.
SEC. 6404. ADMINISTRATION OF CONVEYED LAND.
(a) FEDERAL LAND.—Upon completion of the land exchange under section 6402(a)—
(A) the boundary of the land designated as wilderness under this subsection shall be modified to exclude the Federal land conveyed to the State under the land exchange; and
(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State under the relinquishment or termination of the withdrawal.
(b) NON-FEDERAL LAND.—Upon completion of the land exchange under section 6402(a), the Federal land located in the United States under this subtitle shall be—
(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate; or
(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.
(c) WILDERNESS ADDITIONS.—
(A) IN GENERAL.—Upon completion of the land exchange under section 6402(a), the State shall—
(i) the Izembek National Wildlife Refuge Wilderness; or
(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.
(b) ADMINISTRATION.—The land added as wilderness under subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).
SEC. 6501. FAILURE TO BEGIN ROAD CONSTRUCTION.
(a) NOTIFICATION TO VOID LAND EXCHANGE.—If the Secretary, the State, and the Corporation enter into an agreement authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.
(b) DISPOSITION OF LAND EXCHANGE.—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2), the land exchange shall be null and void.
(c) RETURN OF PREVIOUS OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.—If the land exchange is voided under subsection (b)—
(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;
(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and
(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.
Subtitle F—Wolf Livestock Loss Demonstration Project
SEC. 6501. DEFINITIONS.
In this subtitle—
(a) IN GENERAL.—The term ‘‘Indian tribe’’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
(b) LIVESTOCK.—The term ‘‘livestock’’ means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.
(c) PROGRAM.—The term ‘‘program’’ means the demonstration program established under section 6502(a).
(d) SECRETARIES.—The term ‘‘Secretaries’’ means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.
SEC. 6502. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a wolf compensation program to provide grants to States and Indian tribes—

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) STATE AND LOCAL REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) promulgate regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance—

(A) to livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; and

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant, including supporting documentation;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) formulate rules for reimbursing livestock producers under the program.

(d) ALLOCATION OF FUNDING.—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) other factors that the Secretaries determine are appropriate.

(e) ELIGIBLE LAND.—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6505. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $1,000,000 for fiscal year 2009 and each fiscal year thereafter.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City of Paterson, New Jersey.

(2) COMMISSION.—The term "Commission" means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term "Historic District" means the Great Falls Historic District in the State.

(4) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Park developed under subsection (d). (b) MAP.—The term "Map" means the Map entitled "Paterson Great Falls National Historical Park—Proposed Boundary", numbered T79S R64E, and dated May 2008.

(c) PARK.—The term "Park" means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

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

(g) STATE.—The term "State" means the State of New Jersey.

(h) PATERNIA GREAT FALLS NATIONAL HISTORICAL PARK—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the "Pateronia Great Falls National Historical Park".

(B) CONDITIONS FOR ESTABLISHMENT.—The Park shall not be established until the date on which the Secretary determines that—

(i) the Great Falls State Park, including any portion of the Great Falls State Park, including the Paterson Great Falls National Historical Park—Proposed Boundary, established in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

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

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section entitles, or shall be construed to entitle, any political subdivision of the State (including the City)—

(A) the right to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located beyond the boundary of the Park.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally recognized historic site or museum within the Park which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any property covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement setting forth and otherwise providing for the conversion, use, or disposal of a property covered by a cooperative agreement for purposes contrary to the purposes for which the property was covered by a cooperative agreement entered into under this section.

(E) MATCHING FUNDS.—

(I) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) FUNDING.—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(F) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire land or interests in land within the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.
shall be to advise the Secretary in the development and implementation of the management plan.

(b) Compensation of Members.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, to be appointed by the Secretary, from among the members of the Commission to carry out the duties of the Commission.

(2) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—The members of the Commission shall be allowed travel expenses, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) VICE CHAIRPERSON.—The Secretary may accept the services of personnel detailed to the Commission.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(B) OTHER APPROPRIATIONS.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the National Historic Site.

(A) SECTION 12(b) OF PUBLIC LAW 91–383 (COMMONLY KNOWN AS THE “NATIONAL PARK SERVICE GENERAL AUTHORITIES ACT”) (16 U.S.C. 1a–7(b)); and

(B) OTHER APPLICABLE LAWS.

(2) COST SHARE.—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) SUBMISSION TO CONGRESS.—On completion of the management plan, the Secretary shall submit the management plan to—

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

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

(e) PATerson GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the “Paterson Great Falls National Historical Park Advisory Commission”.

(2) DUTIES.—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(f) Membership.—

(A) COMPOSITION.—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 2 members shall have experience with national parks and historic preservation.

(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subsection (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—A member shall be appointed for a term of 3 years.

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

(B) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(G) MEETINGS.—The Commission shall meet at the call of—

(A) a majority of the members of the Commission; or

(B) a Chairperson or Vice Chairperson; or

(C) a majority of the members of the Commission.

(6) QUORUM.—A majority of the Commission shall constitute a quorum.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

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

(C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) COMMISSION PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Members of the Commission shall serve as Compensation.

(ii) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel detailed from—

(A) the State; or

(B) any other applicable law.

(A) IN GENERAL.—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(B) TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

fare the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the Secretary with regard to the interpretation and the preservation of the site.

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

(C) INCLUSIONS.—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local government entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out facilities, programs, or activities.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of
the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby appropriated such sums as are necessary to carry out this section.

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

SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) ACQUISITION OF PROPERTY.—Section 4 of Public Law 102–543 (16 U.S.C. 410yy–3) is amended by striking subsection (d).

(b) MATCHING FUNDS.—Section 8(b) of Public Law 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking “$4” and inserting “$3”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amended—

(1) in subsection (a)—

(A) by striking “$25,000,000” and inserting “$50,000,000”; and

(B) by striking “$3,000,000” and inserting “$5,000,000”; and

(2) in subsection (b), by striking “$100,000” and all that follows through “those duties” and inserting “$250,000”.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR KEWEENAW NATIONAL HISTORICAL SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking “contiguous to” and all that follows and inserting “within Fairfield County.”;

(2) by amending paragraph (2) to read as follows:

“(2) DEVELOPMENT.—

“(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subparagraph (A).”;

“(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).”;

and

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “the appropriate zoning authority” and all that follows through “Wilton, Connecticut,” and inserting “the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)”.}

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 688a) is amended—

(1) in subsection (b)—

(A) by striking “The Preserve” and inserting “the following”;

“(1) IN GENERAL.—The Preserve”; and

(B) by adding at the end the following:

“(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled ‘Little River Canyon National Preserve Proposed Boundary’, numbered 152/80,004, and dated December 2007.

(2) in subsection (c), by striking “map” and inserting “maps”.

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled “An Act to rename and extend the boundaries of the Mound City Group National Monument in Ohio”, approved May 27, 1992 (106 Stat. 185), is amended—

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

(2) by striking the period at the end of subsection (a)(4) and inserting “; and”;

(3) by adding a new subsection (a)(4) the following new paragraph:

“(B) the map entitled ‘Hopewell Culture National Monument Proposed Boundary Adjustment’ numbered 353/80,049 and dated June, 2006.”; and

(4) by adding after subsection (d)(2) the following new paragraph:

“(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.”.

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

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1976 (16 U.S.C. 461 note) is amended—

(1) in subsection (b), by striking “of approximately twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park’ numbered 90,000B and dated April 1978.” and inserting “generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/3000A, and dated December 2007.”;

(2) in subsection (b), by striking “Jean Lafitte National Historical Park” and inserting “Jean Lafitte National Historical Park and Preserve”;

(3) by adding after subsection (a)(4) the following new paragraph:

“(3) the integrity of ecological and biological systems; and

“(4) water and air quality.

(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

“(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1) (including use of appropriations from the Land and Water Conservation Fund); and

“(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.”;

and

(3) by redesignating subsection (g) as subsection (d).

(d) DESCRIPTION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1976 (16 U.S.C. 230b) is amended in the first sentence by inserting “or January 1, 2007, for any period after that date” after “January 1, 1977”.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

Section 2 of the Act entitled “An Act to rename and extend the boundaries of the Mound City Group National Monument in Ohio”, approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

SEC. 7107. HOPES WATERS NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

SEC. 7107. EVERGLADES NATIONAL PARK.

(a) Inclusion of Tarpon Basin Property.—

(1) Definitions.—In this subsection:

(A) Hurricane Hole.—The term "Hurricane Hole" means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) Map.—The term "map" means the map entitled "Proposed Tarpon Basin Boundary Revision", numbered 160380.12, and dated May 2008.

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

(D) Tarpon Basin Property.—The term "Tarpon Basin property" means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(B) Boundary Adjustment.—

(A) In General.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) Authority.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land, located within the area depicted on the map, to be added to Everglades National Park.

(C) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) Administration.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(E) Hurricane Hole.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) Authorization of Appropriations.—

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

(B) Land Exchanges.—

(1) Definitions.—In this subsection:

(A) Company.—The term "Company", unless the context otherwise requires, means Ka\'Ohana O Kalapuaa, a nonprofit organization.

(B) Federal Land.—The term "Federal Land" means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) Map.—The term "map" means the map prepared by the National Park Service, entitled "Proposed Land Exchanges, Everglades National Park", numbered 16060411, and dated September 30, 2008.

(D) National Park.—The term "National Park" means Everglades National Park, located in the State of Florida.

(E) Non-Federal Land.—The term "non-Federal land" means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the Secretary; or

(ii) is owned by the Company;

(III) comprises approximately 320 acres; and

(iii) is located within the East Everglades Acquisition Area, as generally depicted on the map as "Tract C".

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

(G) State.—The term "State" means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) Land Exchange with State.—

(A) In General.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest in such land, and to the Federal land generally depicted on the map as "Tract A".

(B) Conditions.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) Valuation.—

(I) In General.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) Equalization.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) Appraisals.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Valuation Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) Technical Corrections.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) Administration of Land Acquired by Secretary.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(G) Map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) Boundary Revision.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) In General.—The Secretary of the Interior shall authorize Ka\'Ohana O Kalapuaa, a nonprofit organization consisting of patient residents at Kalapuaa National Historical Park, to enter into an agreement with the Kalaupapa Peninsula Preservation Association of Molokai, a nonprofit organization, to acquire from the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) Design.—

(1) In General.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 500 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) Approval.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary.

(F) Funding.—Ka\'Ohana O Kalapuaa, a nonprofit organization, shall be solely responsible for the acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.
SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) COOPERATIVE AGREEMENTS.—Section 1029(c)(7) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

"(3) and inserting the following:

(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult and enter into cooperative agreements with interested entities and individuals for the preservation, development, interpretation, and use of the Historical Park.

(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management of the Historical Park.

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire the real property that is within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 429), regarding the establishment and management of the Edison National Historical Site, is repealed.

(5) REFERENCES.—Any reference in a law, regulation, document, paper, or record of the United States to "Alva Edison National Historical Park" shall be deemed to be a reference to the "Thomas Edison National Historical Park".

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSES.—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the "Historical Park").

(2) BOUNDARIES.—The Historical Park shall be the property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the "Secretary") for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the "Thomas Edison National Historical Park", numbered 403/80,000, and dated April 2008.

(c) MAP.—The map of the Historical Park shall be the map of the same name for public inspection in the appropriate offices of the National Park Service.

(d) ADMINISTRATION—

(1) ESTABLISHMENT.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (33 Stat. 535; 16 U.S.C. et seq.) and "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire any real property that is within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 429), regarding the establishment and management of the Edison National Historical Site, is repealed.

(5) REFERENCES.—Any reference in a map, regulation, document, paper, or record of the United States to "Alva Edison National Historical Park", numbered 403/80,000, is amended by striking "Coast Guard" and inserting "Notwithstanding" and inserting "Notwithstanding".

SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 90–353 (74 Stat. 400) is amended by adding at the end the following:

"SEC. 1602. WOMEN FOR VOTING TRAIL.

(A) DEFINITIONS.—In this section:

(1) PARK.—The term ‘Park’ means the Women’s Rights National Historical Park established by section 1601.

(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Director of the National Park Service.

(3) STATE.—The term ‘State’ means the State of New York.

(4) TRAIL.—The term ‘Trail’ means the Votes for Women History Trail Route designated under subsection (b).

(B) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the ‘Votes for Women History Trail Route’, to link properties in the State that are historically and thematically associated with the struggle for women’s suffrage in the United States.

(C) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

(D) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

(1) produce and disseminate appropriate educational materials regarding the Trail, such as brochures, exhibits, signs, interpretive guides, and electronic information;

(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

(3) create and adopt an official, uniform symbol or logo and, with States, develop an "Elements of Trail Route" sign.

(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

(5) ELEMENTS OF TRAIL ROUTE.—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

(A) all units and programs of the Park relating to the struggle for women’s suffrage;

(B) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women’s suffrage; and

(C) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women’s suffrage.

(6) COOPERATIVE AGREEMENTS AND MEMORANDUMS OF UNDERSTANDING.—

(1) IN GENERAL.—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, State, localities, regional governmental bodies, and private entities.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to paragraph (1).

(b) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.

(1) IN GENERAL.—The Secretary of the Interior, acting through the Park (referred to in this section as the “Secretary”) may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in identifying, investigating, and nominating to the National Register of Historic Places women’s rights history properties.

(2) ELIGIBILITY.—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women’s rights movement, such as politics, economics, education, religion, and social and family rights.

(3) USE.—The Secretary shall ensure that the National Register of Historic Places website entitled ‘Places Where Women Made History’ is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

(c) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT NATIONAL PARTNERSHIP NETWORK.

(1) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental, nongovernmental, and non-profit entities (referred to in this section as the “network”), the purpose of which is to provide interpretive and educational program development and management.

(2) MANAGEMENT OF NETWORK.—

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.
(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) STATE HISTORIC PRESERVATION OFFICES.—The requirements for historic preservation specific to the network may be made available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:


(2) MAP.—The term ‘‘map’’ means the map entitled ‘‘Boundary Map, Martin Van Buren National Historic Site’’ numbered ‘‘460/ 80001’’, and dated January 2005.

(b)/espace

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the ‘‘Abraham Lincoln Birthplace National Historical Park’’.

(b) REFERENCES.—Any reference in a law, regulation, or other record to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the ‘‘Abraham Lincoln Birthplace National Historical Park’’.

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 660m-20) is amended in the first sentence by striking ‘‘may’’ and inserting ‘‘shall’’.

SEC. 7116. TECHNICAL CORRECTIONS.

(a) GAYLORD NELSON WILDERNESS.—

(1) DESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–149) is amended—

(A) in subsection (a), by striking ‘‘Gaylord A. Nelson’’ and inserting ‘‘Gaylord Nelson’’;

(B) in subsection (c)(4), by striking ‘‘Gaylord A. Nelson Wilderness’’ and inserting ‘‘Gaylord Nelson Wilderness’’;

(2) REFERENCES.—Section 140 shall be deemed to be a reference to the ‘‘Gaylord Nelson Wilderness’’.

(b) ARLINGTON HOUSE LAND TRANSFER.—Section 2863(h)(1) of Public Law 107–107 (115 Stat. 133) is amended by adding at the end the following:

(C) ADDITIONAL SITES.—In addition to the properties described in subsection (a), the park shall consist of approximately 34 acres of land, as generally depicted on a map entitled ‘‘Palo Alto Battlefield NHS Proposed Boundary Expansion’’, numbered 460/600/012, and dated May 21, 2008.

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

(4) in paragraph (3) (as redesignated by subsection (a)) is amended—

(A) by striking ‘‘(3) Within’’ and inserting the following:

‘‘(3) LEGAL DESCRIPTION.—Not later than’’;

(B) in the second sentence, by striking ‘‘map referred to in paragraph (1)’’ and inserting ‘‘maps referred to in paragraphs (1) and (2)’’.

SEC. 7117. WRIGHT BROTHERS-DUNBAR NATIONAL HISTORICAL PARK, OHIO.

(a) ADDITIONAL AREAS INCLUDED IN PARK.—Section 102(d)(1) of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww-1) is amended by adding at the end the following:

(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled ‘‘Dayton Aviation Heritage National Historical Park’’, numbered 362/80/013 and dated May 2008:

(1) Hawthorn Hill, Oakwood, Ohio.

(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.

(b) PROTECTION OF HISTORIC PROPERTIES.—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww-1) is amended—

(1) in subsection (a), by inserting ‘‘Hawthorn Hill, the Wright Company factory,’’ after ‘‘Cox’s Corner’’;

(2) in subsection (b), by striking ‘‘such agreements’’ and inserting:
“(d) CONDITIONS.—Cooperative agreements under this section;”
(3) by inserting before subsection (d) (as added by paragraph 2) the following:
“(c) General Provisions.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and program the site; and
(b) by redesignating subsection (b) of section 108 as subsection (c); and
(C) by inserting after subsection (a) of section 108 the following new subsection:
“(b) GRANT ASSISTANCE.—The Secretary is authorized to enter into agreements with partners, including the Wright Family Foundation, providing direct assistance to individuals for historic preservation, subject to the availability of appropriations in advance identifying the specific partners and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park’s general management plan, and shall enhance public use and enjoyment of the park.
(2) REFERENCES.—Any reference in any law (other than this title), map, regulation, document, record, or other official paper of the United States to the “Dayton Aviation Heritage National Historical Park” shall be considered to be a reference to the “Wright Brothers-Dunbar National Historical Park”.
(d) NATIONAL AVIATION HERITAGE AREA.—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—
(1) in the first section—
(A) by striking “Dayton Aviation Heritage National Historical Park” each place it appears and inserting “Wright Brothers-Dunbar National Historical Park”;
(B) by redesigning subsection (b) of section 504, by striking subsection (b); and
(C) by inserting before subsection (a) of section 108 the following new subsection:
“(a) Study.—
(1) In general.—The Secretary shall conduct a study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).
(2) Study guidelines.—In conducting the study, the Secretary shall consult with—
(A) the results of the study; and
(B) any recommendations of the Secretaries.
(3) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.
SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.
(a) Study.—
(1) In general.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.
(2) Study guidelines.—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).
(3) Consultation.—In conducting the study, the Secretary shall consult with—
(A) the results of the study; and
(B) any recommendations of the Secretaries.
(4) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.
SEC. 7203. EAST GRANGE, ST. CROIX.
(a) Study.—
(1) In general.—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other historical sites and resources related with Alexander Hamilton’s life on St. Croix in the United States Virgin Islands.
(2) Contents.—In conducting the study under paragraph (1), the Secretary shall evaluate—
(A) the national significance of the sites and resources; and
(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.
(3) Criteria.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under paragraph (1).
(4) Report.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committees on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—
(A) the results of the study; and
(B) any findings, conclusions, and recommendations of the Secretary.
(5) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.
SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.
(a) Study.—
(1) In general.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the “Secretary”) shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—
(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and
(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.
(2) Study guidelines.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).
(3) Report.—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.
(5) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.
SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.
(a) Special Resource Study.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study relating to the Battle of...
Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCAODO SCHOOLS, TENNESSEE.

(a) In General.—The Secretary of the Interior (referred to in this section as the Secretary) shall conduct a special resource study of the site of Green McAudo School in Clinton, Tennessee, (referred to in this section as the site) to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) CONTENTS.—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System; and

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) include the methods for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) In General.—The Secretary of the Interior (referred to in this section as the Secretary) shall conduct a special resource study along the route known as the "Ox-Bow Route" of the Butterfield Overland Trail (referred to in this section as the route) in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the route to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, the Bureau of Land Management, the Forest Service, or other Federal, State, or local government entities, or private or nonprofit organizations.

(b) CRITERIA.—In conducting the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

SEC. 7210. COLD WAR SITES THEME STUDY.

(a) DEFINITIONS.—

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Cold War Advisory Committee established under subsection (c).

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

(3) THEME STUDY.—The term "theme study" means the national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(b) RESOURCES.—In conducting the theme study, the Secretary shall consider—

(1) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1960); and

(2) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles; (ii) flight training facilities; (iii) manufacturing facilities; (iv) communications and command centers (such as Cheyenne Mountain, Colorado); (v) defense command centers (such as the Distant Early Warning Line); (vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

(A) the Secretary of the Air Force;

(B) State and local officials; and

(C) State and local historical organizations.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the Cold War Advisory Committee, to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(A) 3 shall have expertise in Cold War history;
(B) 2 shall have expertise in history preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) Chairperson.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) Compensation.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for travel expenses reasonably incurred in performing the duties of the Advisory Committee.

(5) Meetings.—On at least 3 occasions, the Secretary shall meet and consult with the Advisory Committee on matters relating to the theme study.

(b) Interpretive Handbook on the Cold War.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $500,000.

(d) Interpretive Handbook on the Cold War.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) disseminate information in the theme study by other appropriate means.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) In General.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local governments or private or non-profit organizations.

(b) Study Requirements.—The Secretary shall conduct the study in accordance with section (c)(1).

(c) Report.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 7212. FORT SAN GERONIMO, PUERTO RICO.

(a) In this section:

(1) FORT SAN GERONIMO.—The term “Fort San Gerónimo” (also known as “Fortín de San Gerónimo del Boquerón”) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) RELATED RESOURCES.—The term “related resources” means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) Study.—

(1) In General.—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(c) Study Requirements.—The Secretary shall conduct the study in accordance with section (c)(1) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(d) Report.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

The American Battlefield Protection Act of 1996 (16 U.S.C. 3501 et seq.) is amended—

(1) in subsection (d)(7)(A), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2008 through 2013”; and

(2) by striking subsection (e).

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) Purpose.—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, local governments, and the private sector, to support and promote the preservation of historic resources.

(b) Definitions.—In this section:

(1) COUNCIL.—The term “Council” means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term “heritage tourism” means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(c) Program.—The term “program” means the Preserve America Program established under subsection (c)(1).

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

(e) Establishment.—

(1) In General.—There is established in the Department of the Interior the Preserve America Program under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), Indian tribes, communities designated as Preserve America Communities under section 101 of the National Historic Preservation Act, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) Eligible Projects.—

(A) In General.—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(V) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(B) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) Limitation.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(c) Preference.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America’s Treasures Program.

(d) Consultation and Notification.—

(1) Consultation.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(2) Notification.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(3) Cost-Sharing Requirement.—

(A) In General.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) Form of Non-Federal Share.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) Requirement.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, in part or in full, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) Designation of Preserve America Communities.

(1) Application.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) Criteria.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.
(3) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community Designations for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(4) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year, to remain available until expended.

SEC. 7303. SAVE AMERICA’S TREASURES PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize within the Department of the Interior the Save America’s Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;
(2) the National Endowment for the Humanities;
(3) the Institute of Museum and Library Services;
(4) the National Trust for Historic Preservation;
(5) the National Conference of State Historic Preservation Officers;
(6) the National Association of Tribal Historic Preservation Officers; and
(7) the President’s Committee on the Arts and the Humanities.

(b) DEFINITIONS.—In this section:

(1) COLLECTION.—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term “historic property” has the meaning given the term in section 101 of the National Historic Preservation Act (16 U.S.C. 470(a)(2)).

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

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Save America’s Treasures Program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(2) APPLICABILITY OF GRANTS.—The Secretary shall provide a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(3) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR GRANTS.—(A) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(i) nationally significant; and
(ii) threatened or endangered.

(B) ELIGIBLE PROJECTS.—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) LIMITATION.—In providing grants under this section, the Secretary may give financial assistance to projects that carry out the purposes of both the program and the Preserve America Program.

(d) LIMITATION.—In providing grants under the program, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(e) CONSULTATION AND NOTIFICATION BY SECRETARY.—(A) CONSULTATION.—(i) IN GENERAL.—The Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) LIMITATION.—If an entity described in clause (i) has submitted an application for a grant under the program only if the Secretary determines that the collection or historic property—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property; and
(B) has a clear public benefit; and
(iii) is able to complete on schedule and within the budget described in the grant application.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(f) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or
(ii) contributed supplies or related services, the value of which shall be determined by the Secretary.

(g) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.


SEC. 7305. NATIONAL CAVE AND KARST RESOURCES PROTECTION PROGRAM.

(p. 9) The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105-325) is amended by striking section 5(a) and inserting the following:

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.”

Subtitle E—Advisory Commissions

SEC. 7401. NA HOA PILI O KALOKO-HONOKOAU ADVISORY COMMISSION.


SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY BOARD.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 499b-7(a)) is amended by striking “2008” and inserting “2018”.

SEC. 7403. NATIONAL PARK SERVICE ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5956(d)) is amended in the second sentence by striking “2008” and inserting “2018”.

SEC. 7405. ST. AUGUSTINE 450TH COMMENORATION COMMISSION.

(a) DEFINITIONS.—(1) COMMENORATION.—The term “commemoration” means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) COMMISSION.—The term “Commission” means the St. Augustine 450th Commemoration Commission established by subsection (b).

(3) GOVERNOR.—The term “Governor” means the Governor of the State.

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

(5) STATE.—

(A) IN GENERAL.—The term “State” means the State of Florida.

(B) CONSTRUCTION.—The term “State” includes agencies and entities of the State of Florida.
(1) IN GENERAL.—There is established a commission, to be known as the “St. Augustine 450th Commemoration Commission”.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(A) GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(B) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(C) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service, the member shall continue to serve on the Commission for a period longer than the 28-day period beginning on the date on which that member ceases to hold the position.

(D) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other relationships throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) consider that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETINGS.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the request of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may conduct business and take action.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(C) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of this Act).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(A) provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COORDINATION AND ADMINISTRATION MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation unless the member is compensated for the services of the member as an employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter II of chapter 51 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(f) SUPPORT SERVICES.—

(1) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the Commission.

(2) ANNUAL PLAN.—The Commission shall prepare an annual plan for the activities of the Commission carried out under this section.
Cristo National Heritage Area Board of Directors.

(b) Membership requirements.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) Administration. (1) Authorities.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other interested parties; 

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties; 

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historic resources protection, and heritage programming; 

(D) obtain money or services from any source including any that are provided under any Federal law or program; 

(E) contract for goods or services; and 

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area.

(2) Duties. The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary; 

(B) assist the natural, historical, cultural, and educational resources protection, restoration, and construction; and 

(C) consider the interests of diverse units of government, businesses, organizations, and individuals to further the Heritage Area; and 

(D) develop and maintain a map of the Heritage Area; and 

(E) develop and maintain an interpretive exhibits and programs in the Heritage Area.

(ii) Developing recreational and educational opportunities in the Heritage Area; 

(iv) private, public, or non-profit organizations, or individuals; and 

(v) any other organization, agency, or entity.

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

(6) State.—The term “State” means the State of Colorado.

(b) Sangre de Cristo National Heritage Area, Colorado. (a) Establishment.—There is established in the State of Colorado a National Heritage Area known as the Sangre de Cristo National Heritage Area.

(b) Counties. The term “Sangre de Cristo National Heritage Area” means the counties of Alamosa, Conejos, and Costilla; and (b) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(b) Sangre de Cristo National Heritage Area, Colorado. (a) Establishment.—There is established in the State of Colorado a National Heritage Area known as the Sangre de Cristo National Heritage Area.

(b) Counties. The term “Sangre de Cristo National Heritage Area” means the counties of Alamosa, Conejos, and Costilla; and (b) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(c) Map.—A map of the Heritage Area shall be—

(a) included in the management plan; and 

(b) on file and available for public inspection in appropriate offices of the National Park Service.

(d) Management entity. (a) In general.—The management entity for the Sangre de Cristo National Heritage Area Board of Directors.

(b) Membership requirements.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) Administration. (1) Authorities.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other interested parties; 

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties; 

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historic resources protection, and heritage programming; 

(D) obtain money or services from any source including any that are provided under any Federal law or program; 

(E) contract for goods or services; and 

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area.

(2) Duties. The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary; 

(B) assist the natural, historical, cultural, and educational resources protection, restoration, and construction; and 

(C) consider the interests of diverse units of government, businesses, organizations, and individuals to further the Heritage Area; and 

(D) develop and maintain a map of the Heritage Area; and 

(E) develop and maintain an interpretive exhibits and programs in the Heritage Area.

(ii) Developing recreational and educational opportunities in the Heritage Area; 

(iv) private, public, or non-profit organizations, or individuals; and 

(v) any other organization, agency, or entity.

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

(6) State.—The term “State” means the State of Colorado.

(b) Sangre de Cristo National Heritage Area, Colorado. (a) Establishment.—There is established in the State of Colorado a National Heritage Area known as the Sangre de Cristo National Heritage Area.

(b) Counties. The term “Sangre de Cristo National Heritage Area” means the counties of Alamosa, Conejos, and Costilla; and (b) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(b) Sangre de Cristo National Heritage Area, Colorado. (a) Establishment.—There is established in the State of Colorado a National Heritage Area known as the Sangre de Cristo National Heritage Area.

(b) Counties. The term “Sangre de Cristo National Heritage Area” means the counties of Alamosa, Conejos, and Costilla; and (b) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(c) Map.—A map of the Heritage Area shall be—

(a) included in the management plan; and 

(b) on file and available for public inspection in appropriate offices of the National Park Service.

(d) Management entity. (a) In general.—The management entity for the Sangre de Cristo National Heritage Area Board of Directors.

(b) Membership requirements.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) Administration. (1) Authorities.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other interested parties; 

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties; 

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historic resources protection, and heritage programming; 

(D) obtain money or services from any source including any that are provided under any Federal law or program; 

(E) contract for goods or services; and 

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area.

(2) Duties. The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary; 

(B) assist the natural, historical, cultural, and educational resources protection, restoration, and construction; and 

(C) consider the interests of diverse units of government, businesses, organizations, and individuals to further the Heritage Area; and 

(D) develop and maintain a map of the Heritage Area; and 

(E) develop and maintain an interpretive exhibits and programs in the Heritage Area.

(ii) Developing recreational and educational opportunities in the Heritage Area; 

(iv) private, public, or non-profit organizations, or individuals; and 

(v) any other organization, agency, or entity.

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

(6) State.—The term “State” means the State of Colorado.

(b) Sangre de Cristo National Heritage Area, Colorado. (a) Establishment.—There is established in the State of Colorado a National Heritage Area known as the Sangre de Cristo National Heritage Area.

(b) Counties. The term “Sangre de Cristo National Heritage Area” means the counties of Alamosa, Conejos, and Costilla; and (b) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(b) Sangre de Cristo National Heritage Area, Colorado. (a) Establishment.—There is established in the State of Colorado a National Heritage Area known as the Sangre de Cristo National Heritage Area.

(b) Counties. The term “Sangre de Cristo National Heritage Area” means the counties of Alamosa, Conejos, and Costilla; and (b) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(c) Map.—A map of the Heritage Area shall be—

(a) included in the management plan; and 

(b) on file and available for public inspection in appropriate offices of the National Park Service.

(d) Management entity. (a) In general.—The management entity for the Sangre de Cristo National Heritage Area Board of Directors.

(b) Membership requirements.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) Administration. (1) Authorities.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other interested parties; 

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties; 

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historic resources protection, and heritage programming; 

(D) obtain money or services from any source including any that are provided under any Federal law or program; 

(E) contract for goods or services; and 

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area.

(2) Duties. The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary; 

(B) assist the natural, historical, cultural, and educational resources protection, restoration, and construction; and 

(C) consider the interests of diverse units of government, businesses, organizations, and individuals to further the Heritage Area; and 

(D) develop and maintain a map of the Heritage Area; and 

(E) develop and maintain an interpretive exhibits and programs in the Heritage Area.

(ii) Developing recreational and educational opportunities in the Heritage Area; 

(iv) private, public, or non-profit organizations, or individuals; and 

(v) any other organization, agency, or entity.

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

(6) State.—The term “State” means the State of Colorado.

(b) Sangre de Cristo National Heritage Area, Colorado. (a) Establishment.—There is established in the State of Colorado a National Heritage Area known as the Sangre de Cristo National Heritage Area.

(b) Counties. The term “Sangre de Cristo National Heritage Area” means the counties of Alamosa, Conejos, and Costilla; and (b) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(b) Sangre de Cristo National Heritage Area, Colorado. (a) Establishment.—There is established in the State of Colorado a National Heritage Area known as the Sangre de Cristo National Heritage Area.

(b) Counties. The term “Sangre de Cristo National Heritage Area” means the counties of Alamosa, Conejos, and Costilla; and (b) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.
(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall—

(i) assess the progress of the management entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments;

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(2) REPORT.—The Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated;

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination;

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which—

(1) carries out provisions for the discharge of the Federal, State, or local agencies (including any political subdivision of the State, nonprofit organizations, and other individuals); and

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage management;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(i) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(ii) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(1) carrying out programs and projects that recognize, protect, and enhance important natural, cultural, and historic resources in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area; and

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(2) ENTERING INTO AGREEMENTS.—The local coordinating entity—

(i) carrying out programs and projects that recognize, protect, and enhance important natural, cultural, and historic resources in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area; and

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area; and

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1).


(5) THE LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Secretary of the Interior.

(6) THE STATE.—The term “State” means the State of Colorado.

(b) CACHE LA POURDRE RIVER NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(3) THE MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(i) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(ii) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(iii) to hire and compensate staff which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage management;

(iv) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(v) to enter into contracts for goods or services; and

(vi) to serve as a catalyst for any other activity that—

(A) furthers the purposes and goals of the Heritage Area; and

(B) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important natural, cultural, and historic resources in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area; and

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area; and

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(2) ENTERING INTO AGREEMENTS.—The local coordinating entity—

(i) carrying out programs and projects that recognize, protect, and enhance important natural, cultural, and historic resources in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area; and

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area; and

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;
(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary for audit all records concerning the expenditure of the funds; and

(ii) require, with respect to any agreements that the organizations receiving the funds make available to the Secretary in connection with the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not acquire real property for any purpose under this section—

(A) unless such real property is necessary to implement the management plan;

(B) if the Secretary determines that the local coordinating entity has failed to cooperate in good faith in efforts to acquire real property for any purpose under this section; or

(C) if the Secretary determines that the local coordinating entity has failed to perform any other obligations under this section.

(4) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) a description of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have taken or have proposed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(A) actions to facilitate ongoing collaboration among partners to promote plans for resources protection, restoration, and construction; and

(B) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of Federal and local agency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date described in paragraph (2), the Secretary may not approve any management plan submitted after the date on which the Secretary approves a management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of the receipt of the management plan under paragraph (1), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the local coordinating entity has considered protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would not result in a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or to acquire real property for any purpose under this section—

(A) unless such real property is necessary to implement the management plan within the boundaries of the Heritage Area;

(B) if the Secretary determines that the local coordinating entity has failed to cooperate in good faith in efforts to acquire real property for any purpose under this section; or

(C) if the Secretary determines that the local coordinating entity has failed to perform any other obligations under this section.

(5) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) may alter, limit, or diminish the authority of the States to manage Federal land under the jurisdiction of the State in any way under any other law (including regulations);

(B) authorize or imply the reservation or allocation of water or water rights; or

(C) alter any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency; or

(D) authorize the Secretary to regulate public access by Federal, State, or local agencies to the property of the property owner; or

(E) permit public access or use of property of the property owner under any other Federal, State, or local law; or

(F) alter any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency.

(6) ANALYSIS OF FISHING AND HUNTING.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report in accordance with paragraph (3).

(B) REQUIREMENT.—If the report prepared under paragraph (1)(A) recommends that Federal funding for the Heritage Area be terminated, the report shall include an analysis of—

(i) the extent to which Federal funding for the Heritage Area is necessary, cost-effective, and consistent with the goals and objectives of the approved management plan for the Heritage Area; and

(ii) the potential effects of the termination of Federal funding for the Heritage Area on local economies, jobs, and private property owners, including the right to—

(A) enter and exit the property owner; and

(B) use the property owner.

(C) UTILIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which...
not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out under this section shall be made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(ii) CONFORMING AMENDMENT.—The Caché La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104–323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ‘‘Board’’ means the Board of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term ‘‘management entity’’ means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term ‘‘map’’ means the map entitled ‘‘South Park National Heritage Area Map (Proposed)’’, dated January 30, 2006.

(6) PARTNER.—The term ‘‘partner’’ means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(8) STATE.—The term ‘‘State’’ means the State of Colorado.

(9) TECHNICAL ASSISTANCE.—The term ‘‘technical assistance’’ means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MANAGEMENT COMMITTEE.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) GENERAL.—The term ‘‘acquisition of real property’’—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORIZATIONS.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements entered into under this section, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(d) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map;

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(ii) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

and

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and take into account the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funds under this section on the date on which the Secretary receives and approves the management plan.
(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including local governments, special districts, and non-governmental organizations providing protection of the natural resources of the Heritage Area;

(ii) the management entity confers with the Secretary and the management entity to the Heritage Area the appropriate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) propose reasonable alternatives for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authority granted by Federal law under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(a) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(b) permits the property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law; or

(c) alters any duly adopted land use regulation approved land use plan or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (2).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to determine the extent to which goals and critical components for sustainability of the Heritage Area can be achieved.

(h) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the type of period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 804. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA

(a) DEFINITIONS.—In this section—

(1) HERITAGE AREA.—The term "Heritage Area" means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Northern Plains Heritage Foundation, the local coordinating entity designated by subsection (c)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the State area recommended by the management plan for inclusion in the Heritage Area.

(c) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(d) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) DUTIES.—To further the purposes of this section, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertinent to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;
PROPERTY.—The local coordinating entity may be required to develop the management plan to achieve the purposes of the Heritage Area and are consistent with the approved management plan.

PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may be required to develop the management plan to achieve the purposes of the Heritage Area and are consistent with the approved management plan.

OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for accomplishing the purposes of the Heritage Area; and

(B) include a description of the local coordinating entity's responsibilities and functions of the local coordinating entity.

(C) include a description of the commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area; and

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed.

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government organization, business, or individual.

(G) include the views of, and recommendations for, means by which Federal, State, tribal, and local governments may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) identifies the sources of, and functions of the coordinating entity and of each of the major activities described in the management plan; and

(ii) operates on the assumption that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary within 120 days of the date of enactment of this Act, or is not approved by the Secretary within 180 days of the date of enactment of this Act, the Secretary may terminate funding for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the participation of State, tribal, and local governments, the Heritages, and historic and indigenous heritage areas; and

(ii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area.

(C) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance under this section—

(i) to carry out the purposes of the Heritage Area; and

(ii) to develop opportunities for education, interpretation, funding, management, and development of the Heritage Area; and

(D) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under this section.

(E) PRIORITY.—In carrying out the activities described in paragraph (1), the Secretary shall give priority to activities that—

(i) conserve the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(ii) provide educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to ensure the effective implementation of the management plan.

(2) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies or alters any laws (including regulations) that authorize a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(2) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of private property who may be required or asked to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including access by Federal, State, tribal, and local government organizations, nonprofit organizations, or other public or private entities) to public or private property; and

(ii) allow public use of the property, the property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation that may be applied to the property, the property of the property owner under any other Federal, State, tribal, or local law; or

(4) alters any duly adopted land use regulation that may be applied to the property, the property of the property owner under any other Federal, State, tribal, or local law.
(4) convenes any land use or other regulatory authority to the local coordinating entity;
(5) authorizes or implies the reservation or appropriation of land or water rights;
(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;
(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;
(g) EVALUATION—REPORT.—
(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (1), the Secretary shall—
(A) conduct an evaluation of the accomplishments of the Heritage Area; and
(B) prepare a report in accordance with paragraph (3).
(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—
(A) assess the progress of the local coordinating entity with respect to—
(i) accomplishing the purposes of this section; the Heritage Area; and
(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;
(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.
(3) REPORT.—
(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.
(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—
(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(ii) the appropriate time period necessary to achieve the recommended reduction or elimination;
(C) COMMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—
(i) the Committee on Energy and Natural Resources of the Senate; and
(ii) the Committee on Natural Resources of the House of Representatives.
(h) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000,000, of which not more than $1,000,000,000 may be made available for any fiscal year.
(2) AUTHORIZATION.—
(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall not be more than 50 percent.
(B) FEDERAL CONTRIBUTION.—The Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.
(i) TERMINATION.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.
SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.
(a) DEFINITIONS.—In this section:
(1) IN GENERAL.—The term ‘‘Heritage Area’’ means the Baltimore National Heritage Area, established by subsection (b)(1).
(2) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the local coordinating entity for the Heritage Area designated by subsection (b)(4).
(3) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the management plan for the Heritage Area required under subsection (b)(1)(A).
(4) MAP.—The term ‘‘map’’ means the map entitled ‘‘Baltimore National Heritage Area’’, numbered T10°/80,000, and dated Octob er 2007.
(b) BALTIMORE NATIONAL HERITAGE AREA.—
(1) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State of Maryland.
(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as described on the map:
(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland National Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Plan.
(B) The Mount Auburn Cemetery.
(C) The Gwynns Falls Trail.
(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—
(i) the Cruise Maryland Terminal;
(ii) the new marina construction;
(iii) the National Aquarium Aquatic Life Center;
(iv) the Westport Redevelopment;
(v) the Gwynns Falls Trail;
(vi) the Baltimore Rowing Club; and
(vii) the Masonville Cove Environmental Center.
(3) AVAILABILITY.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.
(4) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.
(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—
(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—
(A) prepare, and submit to the Secretary, in accordance with paragraph (4), a management plan for the Heritage Area;
(B) assist units of local government, regional planning organizations, and nonprofit organizations implementing the approved management plan by—
(i) carrying out programs and projects that recognize, protect, and enhance important resources within the Heritage Area; and
(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;
(C) developing recreational and educational opportunities in the Heritage Area; (iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area; (v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; (vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and (vii) promoting partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;
(2) MANAGEMENT.—The local coordinating entity shall—
(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;
(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;
(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to promote, interpret the natural, historic, scenic, and cultural resources of the Heritage Area;
(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;
(E) inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region for effective implementation of the management plan; and
(F) recommend policies and strategies for resource management including, the development and implementation of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area; and
(G) describe a program for implementation of the management plan, including—
(i) performance goals;
(ii) plans for natural protection, enhancement, and interpretation; and
(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;
(H) include an analysis of, and recommendations for, ways in which Federal, State, and tribal governments may assist the local coordinating entity; and
(I) include a business plan that—
(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and
(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.
(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the management plan shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.
(4) APPROVAL OF MANAGEMENT PLAN.—
(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall—
(i) review the management plan; and
(ii) approve or disapprove the management plan.
(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.
(C) APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—
(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, national and historic resource protection organizations, educational institutions, businesses, community residents, and other local organizational interests;
(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;
(iii) the resource protection and interpretation strategies described in the management plan will effectively protect the natural, historic, and cultural resources of the Heritage Area;
(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;
(v) the Secretary has received adequate assurance that an appropriate State, tribal, or local government or official whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and
(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.
(D) ACTION FOLLOWING DISAPPROVAL.—
(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—
(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and
(II) may make recommendations to the local coordinating entity for revisions to the management plan;
(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.
(E) AMENDMENTS.—
(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.
(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated under this title unless, prior to the date on which the Secretary approves the amendment,
(I) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, national and historic resource protection organizations, educational institutions, businesses, community residents, and other local organizational interests;
(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and
(iii) the resource protection and interpretation strategies described in the management plan will effectively protect the natural, historic, and cultural resources of the Heritage Area;
(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;
(v) the Secretary has received adequate assurance that an appropriate State, tribal, or local government or official whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and
(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.
(F) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—
(i) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.
(2) CONSULTATION AND COORDINATION.—
(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may, in accordance with subparagraph (C), provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.
(B) COOPERATIVE AGREEMENTS.—The local coordinating entity may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).
(C) PROCESSES.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—
(i) conserving the significant natural, historic, cultural, educational, scenic resources of the Heritage Area; and
(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area;
(2) EVALUATION; REPORT.—
(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—
(i) conduct an evaluation of the accomplishments of the Heritage Area; and
(ii) provide recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).
(B) EVALUATION CONDUCTED UNDER SUBPARAGRAPH (A)(I) SHALL—
(i) assess the progress of the local coordinating entity with respect to—
(I) accomplishing the purposes of this section for the Heritage Area; and
(II) achieving the goals and objectives of the approved management plan for the Heritage Area;
(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical elements for sustainability of the Heritage Area.
(C) REPORT.—
(I) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.
(ii) REQUIRED ANALYSES.—If the report prepared under this subparagraph recommends that the Heritage Area be reauthorized, the report shall include an analysis of—
(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.
(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—
(I) the Committee on Energy and Natural Resources of the Senate; and
(II) the Committee on Natural Resources of the House of Representatives.
(3) OTHER FEDERAL AGENCIES.—Nothing in this section—
(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or
(C) modifies, alters, or amends any authorization of Federal land under the jurisdiction of a Federal agency.
(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—
(A) deprives any property owner with respect to any person injured on the private property.
(B) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government; or
(C) limits the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted with the assistance of Federal funds.
(2) requires any property owner to—
(A) permit public access (including Federal, tribal, State, or local government access) to private property; or
(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land.
(C) permits any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government; or
(D) limits the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted with the assistance of Federal funds.
(h) AUTHORIZATION OF APPROPRIATIONS.—
(I) IN GENERAL.—There is authorized to be appropriated to carry out this section the sum of $500,000, which may be made available for any fiscal year.
(2) COST-SHARING REQUIREMENT.—
SEC. 8006. FREEDOMS WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) PURPOSES.—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the education and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under subsection (d)(1)(A).

(MAP.—The term "map" means the map entitled "Freedoms Way National Heritage Area", numbered T04/80,000, and dated July 2007.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Freedom’s Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) submitted to the Secretary for approval; and

(iii) approved by the Secretary in accordance with subsection (e)(4); and

(iv) placed on file in accordance with paragraph (3).

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

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area; and

(iv) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, the report to include—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds and that, by appropriate means, economic revitalization and of the Leveraged Funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and recommendations that private or governmental entities and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) identify policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that—

(A) is described in the management plan; or

(B) is listed, or eligible for listing, on the National Register of Historic Places.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and recommendations that private or governmental entities and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) identify policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(i) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(j) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(k) include an interpretive plan for the Heritage Area; and

(l) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(m) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section.
section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including economic, natural and historic resource, protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the existing entity afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in part, through commitments of adequate financial assistance or other public or private entities to provide technical or financial assistance under subparagraph (A), to the Secretary, the National Park Service, and any other Federal, State, or local government agencies or entities.

(C) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DISCLAIMER.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITIES.—In assisting the Heritage Area, the Secretary shall give priority to actions that assure—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational activities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(I) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, in the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(I) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIREMENTS.—Each report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report submitted under this subparagraph, the Secretary shall submit the report to—

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

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

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section authorizes or implies the reservation or diminution of any Federal authority to refrain from participating in any plan, project, program, or activity conducted within the boundaries of the Heritage Area.

(2) C OMMUNICATION WITH OTHER FEDERAL AGENCIES.—

(A) IN GENERAL.—On the request of the Secretary, the Federal agency shall provide a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) PROVIDING INFORMATION.—On the request of the Federal agency, the Secretary shall provide a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(C) AUDITS.—The Secretary shall perform or contract for audits of the management plan, the revised management plan, the management structure, or the administration of the Heritage Area, in accordance with subparagraph (C).

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the boundaries of the Heritage Area; or

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land.

(i) CERTAIN LAND USE REGULATIONS.—Nothing in this section includes provisions for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(j) TERMINATION OF FINANCIAL ASSISTANCE.—Nothing in this section includes provisions for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).
(B) BOUNDARY DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area is bounded on the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately 1/2 mile due north of exit 296);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects Mississippi Highway 12 at Highway Interchange 42 on the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51; (II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, intersected by Mississippi Highway 14; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(II) COMPOSITION.—Members of the Board of Directors shall consist of—

(i) not more than 1 representative from each of the 15 counties described in paragraph (2)(A); and

(ii) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(D) DUTIES OF THE LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—If the Secretary approves the management plan, then the local coordinating entity shall—

(I) establish and maintain interpretive exhibits and programs within the Heritage Area;

(II) develop recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) engage in any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds or other local or state funds; and

(v) grants made to any other entities during the fiscal year;

(E) involve residents of affected communities and tribal and local governments.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary, or if the Secretary disapproves the management plan, the Secretary shall disapprove or disapprove the management plan.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the reception, the Secretary shall review the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSIDERATION.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies designed for the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal lands under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) REVIEW; AMENDMENTS.—

(1) IN GENERAL.—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section for activities that substantially alter the purposes of the management plan until the Secretary approves the amendment.
(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) preserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—(A) IN GENERAL.—Not later than 3 years before the end of the term by which authority for Federal funding terminates for the Heritage Area under subsection (1), the Secretary shall—

(i) conduct an evaluation of the accomplishment of the management plan of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in conjunction with subparagraph (B).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) analyzing the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(III) reviewing the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—(1) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes the findings for the future role of the National Park Service, if any, with respect to the Heritage Area.

(2) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(3) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

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

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

(D) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(I) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorization of Federal land under the jurisdiction of a Federal agency.

(4) EFFECT.—(A) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(I) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters the Federal land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights; or

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to an Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—There is authorized to be appropriated for this section $16,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—(A) IN GENERAL.—The Federal share of the total cost of an activity under this section shall not be more than 50 percent.

(B) FORM.—(i) The non-Federal contribution shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—(A) IN GENERAL.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section—

(1) BOARD.—The term "Board" means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term "Heritage Area" means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(b) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(c) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under subsection (d).

(d) MAP.—The term "map" means the map entitled "Mississippi Delta National Heritage Area," numbered T35S, R80E, and dated April 2008.

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

(f) STATE.—The term "State" means the State of Mississippi.

(g) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(h) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

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

(j) LOCAL COORDINATING ENTITY.—(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—(1) COMPOSITION.—(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by the Delta Foundation; and

(cc) 1 member shall be appointed by the Smith Robertson Museum.

(2) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(3) OFFICERS.—(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall elect a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(4) DUTIES.—(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(A) presiding over meetings of the Board; and

(BB) executing documents of the Board; and

(DD) coordinating activities of the Heritage Area with Federal, State, local, and non-governmental officials.
(bb) Vice Chairperson.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) Management Authority.—(1) In general.—The Board shall—

(a) exercise all corporate powers of the local coordinating entity;
(b) manage the activities and affairs of the local coordinating entity; and
(c) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) Staff.—The Board shall have the authority to engage any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) Bylaws.—(1) General.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(ii) The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) Minutes.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) Duties and Authorities of Local Coordinating Entity.—

(I) Duties of the Local Coordinating Entity.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;
(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;
(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;
(iii) developing recreational and educational opportunities in the Heritage Area;
(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources in the Heritage Area;
(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;
(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and
(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(B) specific criteria for approval of the management plan.

(2) Requirements.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and the stories and themes of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;
(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;
(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the Heritage Area;
(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;
(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(3) Termination of Funding.—If the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials which is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(4) Approval of Management Plan.—

(A) Review.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) Consultation Required.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) Criteria for Approval.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has adequate authority and resources to address community needs and governmental involvement (including through workshops and public meetings) in the preparation of the management plan and to develop and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials which is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(5) Action Following Disapproval.—

(A) In General.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and
SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the heritage of the region represented by the Muscle Shoals National Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, African American, and African American heritage; and

(4) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and educational resources of the region for the educational and inspirational benefit of current and future generations; and

(5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the Muscle Shoals National Heritage Area established by subsection (c).

(2) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the plan for the Heritage Area required under subsection (d)(1)(A).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated by this section to the National Park Service, if any, for the purposes authorized to be appropriated for the fiscal year beginning after the date of enactment of this Act—

(1) to carry out this section in support of the purposes of this section.

(2) within the boundaries of the Heritage Area established by subsection (c).

(3) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and educational resources of the region for the educational and inspirational benefit of current and future generations; and

(4) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the Muscle Shoals National Heritage Area established by subsection (c).

(2) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the plan for the Heritage Area required under subsection (d)(1)(A).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated by this section in support of the purposes of this section to the National Park Service, if any, for activities authorized for the fiscal year beginning after the date of enactment of this Act.

(1) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(2) FORM.—The non-Federal contribution—

(i) may be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(3) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the heritage of the region represented by the Muscle Shoals National Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, African American, and African American heritage; and

(4) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and educational resources of the region for the educational and inspirational benefit of current and future generations; and

(5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ‘‘Heritage Area’’ means the Muscle Shoals National Heritage Area established by subsection (c).

(2) LOCAL COORDINATING ENTITY.—The term ‘‘local coordinating entity’’ means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ‘‘management plan’’ means the plan for the Heritage Area required under subsection (d)(1)(A).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated by this section in support of the purposes of this section to the National Park Service, if any, for the purposes authorized to be appropriated for the fiscal year beginning after the date of enactment of this Act.

(1) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(2) FORM.—The non-Federal contribution—

(i) may be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(3) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.
(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area; 

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds, affecting and specifying—

(i) the accomplishments of the local coordinating entity; 

(ii) the expenses and income of the local coordinating entity; 

(iii) the amounts and sources of matching funds; 

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and 

(v) grants made to any other entities during the fiscal year; 

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the Federal funds; 

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and 

(E) submit for the implementation of projects and programs among diverse partners in the Heritage Area. 

(2) AUTHORITY.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and local governments;  

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties; 

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation; 

(ii) economic and community development; and 

(iii) heritage planning; 

(D) obtain funds or services from any source, including funds and services provided under Federal, State, or local law; 

(E) contract for goods or services; and 

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan. 

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property. 

(4) MANAGEMENT PLAN.—(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area. 

(B) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the plan, and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area; 

(B) describe in sufficient detail all actions, commitments, and other public or private entities to develop and implement the management plan. 

(C) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area; 

(D) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area; 

(E) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area; 

(F) include an analysis of, and recommendations for, the local coordinating entity’s roles and responsibilities, and the role of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed; 

(G) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area; and 

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities described in the management plan; and 

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area. 

(5) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary. 

(6) DISAPPROVAL.—(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the local coordinating entity that any revision to the management plan shall—

(ii) include a business plan that—

(iii) ensure the effective implementation of the management plan; and 

(iv) provide technical and financial assistance under subparagraph (A); 

(B) DISAPPROVAL; REPORT.—(I) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(ii) submit a report to the Congress that identifies the reasons for the disapproval and recommends to the Congress a revised management plan. 

(7) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(A) TECHNICAL AND FINANCIAL ASSISTANCE.—(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan. 

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under paragraph (A). 

(8) EVALUATION; REPORT.—(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area pursuant to subpart (b), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and
(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) completion of purposes of this section for the Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area, the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area, for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(1) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that a management plan for the Heritage Area be reauthorized, the report shall include an analysis—

(A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

(D) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

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

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

(E) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(T) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate with the Secretary and the local coordinating entity to the maximum extent practicable.

(G) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authority of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) limits the discretion of a landowner—

(A) to permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) to implement plans of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) converts any other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water, water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner or injury to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the purposes of this section—

(A) for the management plan, including—

(i) planning, design, coordination, management, and development of the Heritage Area;

(ii) preparing and conducting an evaluation of the management plan and the Heritage Area; and

(iii) preparing and conducting an evaluation of the implementation of the management plan; and

(B) $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(ii) REQUIRED ANALYSIS.—If the report prepared under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from provisions of any law other than this section for the purposes for which those funds were authorized.

(5) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) DEFINITIONS.—In this section—

(1) HERITAGE AREA.—The term "Heritage Area" means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) M ANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(3) MAP.—The term "map" means the map entitled "Proposed NHA Kenai Mountains Turnagain Arm" and dated August 7, 2007.

(4) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(b) IN GENERAL.—Nothing in this section precludes the local coordinating entity from using Federal funds from provisions of any other law other than this section for the purposes for which those funds were authorized.

(c) LOCAL COORDINATING ENTITY.—The local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(d) APPROVAL OF MANAGEMENT PLAN.—
(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners; and

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through technical assistance and hearings)—

(a) in preparing and implementing the management plan; and

(II) provides for at least semianual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan are adequately implemented, will adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the management plan; and

(vii) the project, program, or activity demonstrated partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments; regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(2) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement the amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the expiration authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of programs and projects among diverse partners in the Heritage Area; (B) submit to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, a report that includes—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds; and

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(2) makes any liability, or affects any liability, of any private property owner with respect to any person injured on the private property.

(6) creates any liability, or affects any liability, under any other Federal law, of any private property owner under any other Federal, State, tribal, or local law.

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency or convey any and use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

or

(6) creates any liability, or affects any liability, under any other Federal law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.
$1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of $10,000,000 is responsible made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(I) TERMINATION OF AUTHORITY.—The authority to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 8101. CHATTahoochee TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term “Corridor” means the Chattahoochee Trace National Heritage Corridor.

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

(3) STUDY AREA.—The term “study area” means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled “Chattahoochee Trace National Heritage Corridor, Alabama/Georgia”, numbered T8S/R600, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) presents distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes non-coniguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklore that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) provides businesses, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor; and

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation and management of the proposed Heritage Area;

(F) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(G) with respect to the designation of the study area and the proposed local coordinating entity responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(H) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants including the Federal Government in the management of the proposed Heritage Area;

(I) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the Governors of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

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

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

(B) REQUIREMENTS.—

(1) IN GENERAL.—The report shall contain—

(i) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(ii) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

(b) EVALUATION.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by adding subsections (b)(2)(F) and (b)(3)(D) as follows:

(f) provides outstanding recreational or educational opportunities;

(g) contains resources and has traditional uses that have national importance;

(h) includes residents, business interests, nonprofit organizations, and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(i) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(j) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has demonstrated the concurrence of each manager with respect to the designation of the study area; and

(k) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants including the Federal Government in the management of the proposed Heritage Area.

(l) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.
U.S.C. 461 note; Public Law 103–449) is amended by adding at the end the following:

"(c) EVALUATION; REPORT.—

"(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

"(A) conduct an evaluation of the accomplishment of the Corridor; and

"(B) prepare a report in accordance with paragraph (3).

"(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

"(A) assess the progress of the management entity with respect to—

"(i) accomplishing the purposes of this title for the Corridor; and

"(ii) achieving the goals and objectives of the management plan for the Corridor;

"(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

"(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

"(3) REPORT.—

"(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

"(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

"(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

"(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

"(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

"(c) AUTHORIZATION OF APPROPRIATIONS.—

Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking "$30,000,000" and inserting "$15,000,000".

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–659) is amended—

"(1) in section 9—

"(A) by striking "The Commission" and inserting the following:

"(a) IN GENERAL.—The Commission;"; and

"(B) by adding at the end the following:

"(b) CORPORATION AS LOCAL COordinating ENTITY.—Beginning on the date of enactment of the Delaware and Lehigh National Heritage Corridor Act of 2008, the Corporation shall be the local coordinating entity for the Corridor.

"(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the management plan for the Corridor.

"(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act to—

"(1) to enter into contracts for goods and services;

"(2) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land; and

"(2) in section 10—

"(A) in the first sentence of subsection (c), by striking "assisting the Commission" and inserting "shall, on the request of the Corporation, assist";

"(B) in subsection (d)—

"(i) by striking "The Secretary" and inserting "Corporation";

"(ii) by striking "(1)" and inserting "(1)(A)";

"(iii) by adding at the end the following:

"(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

"(3) FINANCING.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

"(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

"(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.;;

"(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

"(d) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

"(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

"(2) coordination regarding the implementation of the Plan.

"(3) in section 15—

"(A) by striking paragraph (1) and inserting the following:

"(1) appropriate transition of management of theCorridor to theCorporation; and

"(B) in subsection (c), by striking "directly affecting" and inserting "Corporation";

"(4) in section 12—

"(A) in subsection (a), by striking "Commission" and inserting "Corporation" each place it appears and inserting "Corporation";

"(B) in subsection (c)(1), by striking "2007" and inserting "2012";

"(C) by adding at the end the following:

"(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.;

"(D) by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively; and

"(E) by inserting after paragraph (3) the following:

"(4) the term 'Corporation' means the Delaware and Lehigh National Heritage Corridor, incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 509(a)(1) of the Internal Revenue Code of 1986;";

"(5) in section 16—

"(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

"(B) by adding after paragraph (3) the following:

"(4)(A) to appoint any staff that may be necessary to carry out the duties of the Corridor, subject to the provisions of title 5, United States Code, relating to classification of positions and General Schedule pay rates; and

"(B) in subsection (c)(1), by striking "10 years" and inserting "15 years";

"(2) in in section 17—

"(A) in subsection (e), by striking "with regard to the determination of" and inserting "the availability of appropriations to acquire t";

"(B) by adding at the end the following:

"(C) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations to acquire t theCorridor may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.;

"(3) in section 18—

"(A) by striking paragraph (8)(A) and inserting the following:

"(1) appropriate transition of management of theCorridor to theCorporation; and

"(2) coordination regarding the implementation of the Plan.);

"(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies. TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS Subtitle A—Feasibility Studies SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

"(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued under subparagraph (A) of section 305(b) of the Water Resources Development Act of 1992 (16 U.S.C. 2241 note).

"(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the
Secretary of the Interior to carry out this section $3,000,000.

(d) **Termination of Effectiveness.**—The authority provided by this section terminates 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) **Definitions.**—In this section:

(1) **Appraisal report.**—The term "appraisal report" means the appraisal report concerning augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) **Guidelines.**—The term "principles and guidelines" means the report entitled "Economic and Environmental Principles and Guidelines for Water and Related Resource Implementation Studies" issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 2064 et seq.).

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

(c) **Sierra Vista Subwatershed Feasibility Study.**—

(1) **Study.**—

(A) **In General.**—In accordance with the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) **In Evaluating the Feasibility of Alternatives.**—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews; (II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and (III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and (II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) **Termination of Effectiveness.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

(d) **Authority of Appropriations.**—

There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(e) **Termination of Authority.**—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) **Definitions.**—In this section:

(1) **District.**—The term "District" means the Tumalo Irrigation District, Oregon.

(2) **Project.**—The term "Project" means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

(b) **Authorization.**—

(1) **In General.**—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any applicable Federal studies and reports prepared by the District.

(2) **Cost-Sharing Requirement.**—

(A) **Federal Share.**—The Federal share of the total cost of the Project shall not exceed 75 percent, which shall be nonreimbursable to the United States.

(B) **Credit Toward Non-Federal Share.**—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(c) **Title.**—The District shall hold title to any facilities constructed under this section.

(d) **Operation and Maintenance Costs.**—The Project shall bear the operation and maintenance costs of the Project.

(e) **Effect.**—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (8 U.S.C. 71 et seq.).

(f) **Authorization of Appropriations.**—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(g) **Termination of Authority.**—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) **Definitions.**—In this section:

(1) **District.**—The term "District" means the Madera Irrigation District, Madera, California.

(2) **Project.**—The term "Project" means the Madera Water Supply Enhancement Project, a ground water bank on the 13,446-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

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

(b) **Authorization.**—

(1) **In General.**—The term "total cost" means all reasonable costs, such as the planning, design, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(2) **Project Feasibility.**—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(3) **Applicability of Other Laws.**—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(4) **Cooperative Agreement.**—All final planning and design and the construction of the Project authorized by this section shall
be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;
(2) construction of the Project;
(3) the administration of contracts pertaining to any of the foregoing.

(d) Authorization for the Madera Water Supply and Enhancement Project.—

(1) Authorization of construction.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 381; and any subsequent or supplementary thereto), is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) Total cost.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed $90,000,000.

(3) Cost share.—The Federal share of the capital costs of the Project shall be provided on a ratio of 66 2/3 percent and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District in the preparation of the act shall be considered a portion of the non-Federal cost share.

(4) Credit for non-Federal work.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially to the completion of the project;
(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and
(C) the acquisition of lands used or acquired by the District for the Project.

(5) Limitation.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) Plans and analyses consistent with federal law.—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) Title; responsibility; liability.—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) Authorization of appropriation.—There is appropriated to the Secretary to carry out this subsection $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) Authority.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SUPPLY AND ENHANCEMENT PROJECT.—

(a) Definitions.—In this section:

(1) Authority.—The term ‘Authority’ means the Eastern New Mexico Rural Water Authority as defined under State law for the purposes of planning, financing, developing, and operating the System.


(3) Plan.—The term ‘plan’ means the operation, maintenance, and replacement plan required by subsection (c)(2).

(b) Secretary.—The term ‘Secretary’ means the Secretary of the Interior.

(c) State.—The term ‘State’ means the State of New Mexico.

(d) System.—

(A) General.—The term ‘System’ means the Eastern New Mexico Rural Water System, as defined in subsection (a)(1).

(B) USE.—

(i) In general.—The term ‘USE’ means the use of water of a stream; or
(ii) an interstate compact relating to the administration of water.

(3) SYSTEM.—

(A) Applicable law.—The term ‘SYSTEM’ means the Eastern New Mexico Rural Water System.

(B) FINANCIAL ASSISTANCE.—

(A) General.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, constructing related preconstruction activities for, and constructing the System.

(B) Use.—

(i) General.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) Limitations.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or
(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(C) COST-SHARING REQUIREMENT.—

(A) General.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and
(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) General.—The Authority shall be responsible for all construction, operation, maintenance, and replacement costs associated with the System.

(2) Planning, designing, constructing, and constructing related preconstruction activities with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) Administrative provisions.—

(1) COOPERATIVE AGREEMENT FOR FINANCIAL ASSISTANCE.—

(A) In general.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) COOPERATIVE AGREEMENT FOR FINANCIAL ASSISTANCE.—

(i) General.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) Requirements.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority in respect to—

(1) ensuring that the cost-share requirements established by subsection (b)(2) are met;
(2) completing the planning and final design of the System;
(3) any environmental and cultural resource compliance activities required for the System; and
(4) the construction of the System.

(2) Technical assistance.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) Biological assessment.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(I) State water law; or
(ii) an interstate compact relating to the allocation of water; or
(B) applies to any non-Federal entity that owns or operates a project with the ability to exercise any Federal rights to—

(I) the water of a stream; or
(ii) any groundwater resource.

(5) Authorization and appropriation.—

(A) In general.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than $327,000,000.

(B) Adjustment.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(6) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement provided under section (b) shall be nonreimbursable and nonreturnable to the United States.

(7) Availability of funds.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RIVERA WATER DISTRICT PROJECT, CALIFORNIA.

(a) In general.—The Reclamation Waste Water and Groundwater Study and Facilities Authorization Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:
SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall recover from the District as reimbursable expenses the lesser of—

(A) the amount equal to 35 percent of the cost of the Project; or

(B) $2,900,000.

(2) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A) in a manner agreed to by the Secretary and the District;

(i) in a manner agreed to by the Secretary and the District; and

(ii) over a period of 15 years; and

(iii) with no interest.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) $2,900,000.

(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A) in a manner agreed to by the Secretary and the District;

(i) in a manner agreed to by the Secretary and the District; and

(ii) over a period of 15 years; and

(iii) with no interest.

(4) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) EFFECT.—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 505y et seq.).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary the full cost of carrying out the Project $2,900,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico.

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the existence of rehabilitations and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extension of available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated and owned by the Bureau of Reclamation;

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) PURPOSE.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Reclamation fund to carry out subsection (a) the amount necessary to carry out such rehabilitation activities for each project.

(c) IRRIGATION INFRASTRUCTURE STUDY.—

(1) STUDY.—The Secretary shall—

(A) conduct a study of the irrigation infrastructure of the Middle Rio Grande Basin:

(i) consider each of the factors described in subsection (a)(1); and

(ii) assess the condition of the irrigation infrastructure of the Middle Rio Grande Basin;

(B) establish priorities for the rehabilitation of irrigation infrastructure of the Middle Rio Grande Basin;

(C) develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(2) AUTHORIZED UTILIZATION.—In carrying out subsection (a), the Secretary shall—

(A) consider each of the factors described in subsection (a)(1); and

(B) prioritize the projects recommended for implementation based on—
a review of each of the factors; and
(b) a consideration of the projected benefits of the project on completion of the project.
(2) INELIGIBILITY OF PROJECTS.—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(b) Factors referred to in subparagraph (A) are—
(1) the extent of disrepair of the Pueblo irrigation infrastructure; and
(2) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed.

(iii) the extent to which the project is a special project.

(ii) a consideration of the projected benefits of the project.

(i) the extent of disrepair of the Pueblo irrigation infrastructure that is in disrepair on the applicable Rio Grande Pueblo; and

(3) SPONSIBILITIES.—Nothing in this section—
(A) affects any existing project-specific asset or service that the Secretary determines, or limit the non-Federal share required (2)(C) a consideration of the projected benefits of the project;

(B) the extent that law is not inconsistent with the decision of the applicable Rio Grande Pueblo; or

(ii) the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo.

(4) PERIODIC REVIEW.—Not later than 4 years after the date on which the Secretary submits the report under paragraph (1), and every 4 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall—
(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—
(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriate coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(5) REPAIR, REHABILITATION, OR RECONSTRUCTION.—The Secretary may make available under subsection (a) if the Secretary determines, based on a demonstration of financial hardship by the Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) DISTRICT CONTRIBUTIONS.—
(1) IN GENERAL.—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) within the boundaries of the Six Mile Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(2) LIMITATION.—Nothing in clause (1) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) STATE CONTRIBUTIONS.—
(1) IN GENERAL.—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(2) LIMITATION.—Nothing in clause (1) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) FORM OF STATE FUNDING.—The amount of the State contribution under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(E) EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.—Nothing in this section—
(1) affects any existing project-specific funding or maintenance agreement;

(2) limits or absolves the United States from any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo.

(F) EFFECT ON PUERO WATER RIGHTS OR STATE WATER LAW.—
(1) PUEBLO WATER RIGHTS.—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) STATE WATER LAW.—Nothing in this section preempts or affects—
(A) State water law; or
(B) an interstate compact governing water.

(G) AUTHORIZATION OF APPROPRIATIONS.—
(1) STUDY.—There is authorized to be appropriated to carry out subsection (c) $4,000,000.

(2) PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $6,000,000 for each of fiscal years 2010 through 2019.
environmental reviews for the Project and this section.

(2) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsection (d) of section 2667(e) of title 10, United States Code, to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) the agreement and water under clause (i) and the changes in points of diversion and storage under subparagraph (B)(ii) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(3) Costs.—

(A) IN GENERAL.—As determined by a final cost allocation after completion of the construction of the Project, the Secretary shall be responsible to pay upfront or repay to the Secretary only that portion of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(B) SURVIVING CONTRACTS.—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(4) OPERATION; YIELD ALLOTMENT; DELIVERY.—

(A) IN GENERAL.—The Secretary, the District, or a third party (consistent with subsection (c)) approved by the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary, the Secretary of the Navy, and the District, shall acquire, hold, manage, operate, and maintain the Project and may utilize the Project to manufacture, produce, provide, and/or deliver—

(i) water, without charge and without obligation to the United States under a contract to be entered into by the Secretary of the Navy and the District or a third party; and

(ii) water, without charge and without obligation to the United States in an electronic medium pursuant to section 480 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) GROUNDWATER.—For purposes of calculating interest and determining the time when the Project has been completed and put into operation, the Secretary of the Navy shall be deemed to have the right to demand the use of the Project without charge and without obligation to the United States.

(5) CONTRACTS FOR DELIVERY OF EXCESS WATER.—When the Secretary of the Navy determines that the following conditions exist—

(A) the Project has completed applicable economic, environmental, and engineering feasibility studies.

(B) the agreement and water under clause (i) and the changes in points of diversion and storage under subparagraph (B)(ii) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) the agreement and water under clause (i) and the changes in points of diversion and storage under subparagraph (B)(ii) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(6) MODIFICATION OF RIGHTS AND OblIGATIONS.—

(A) DEPOSIT.—

(i) IN GENERAL.—Amounts paid to the United States under a contract entered into under paragraph (3) shall be deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(ii) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(B) EXCEPTION.—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited under a special account pursuant to this paragraph.

(C) IN-KIND CONSIDERATION.—In lieu of monetary consideration, the Secretary of the Navy and the District may enter into in-kind consideration agreements, or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of the Project or facilities of the Department of the Navy; and

(ii) provision of other services as the Secretary of the Navy determines appropriate.

(D) RELATED LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall apply to the requirements of this section and paragraph (5) of this subsection.

(E) LIMITATIONS.—Nothing in this section—

(i) shall be applicable to the right of the United States to acquire water as a result of the acquisition of the land comprising Camp Pendleton, satisfactory to the Secretary of the Navy, the Secretary of the Army, and the Secretary of the Navy, and

(ii) may be modified by an agreement between the parties.
(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;
(C) requires the division under this section of water between such the United States has those rights; or
(D) constitutes a recognition of, or an admission by the United States that, the District
is entitled to the use of all of the water to the use of which the United States is enti
tled according to the laws of the State of California either as a result of the acquisi
tion of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and
(2) shall not be administered or operated in any way that will impair or depletion the quantity of water to the use of which the United States would be entitled under the laws of the State of California had the Project not been built.
(a) REPORTS TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary of the Navy shall submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met, the manner in which the conditions were met.
(b) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to carry out this section $60,000,000, as adjusted to reflect the engineerine costs indices for the construction cost of the Project; and
such sums as are necessary to operate and maintain the Project.
(k) SUNSET.—The authority of the Sec
tary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.
SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.
(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by inserting after the item relating to section 1649 the following:
"Sec. 1650. Elsinore Valley Municipal Water District Projects, California."
(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9109(a)) is amended by inserting after the item relating to section 1650 the following:
"Sec. 1651. North Bay water reuse pro
jects described in subsection (a).
(1) the acquisition costs of land acquired for the project that is—
(B) used for planning, design, and construction of the water reclamation and reuse project facilities; and
(C) owned by an eligible entity and di
testly related to the project.
(C) LIMITATION.—The Secretary shall not provide funds for the operation and mainte
nance of the project authorized by this section.
(5) EFFECT.—Nothing in this section—
(A) affects or preempts—
(i) State water law; or
(ii) an interstate compact relating to the allocation of water; or
(B) confers on any non-Federal entity the ability to exercise any Federal right to—
(i) the water of a stream; or
(ii) any groundwater resource.
(6) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section $25,000,000, to remain available until expended.
(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9109(a)) is amended by inserting after the item relating to section 1650 the following:
"Sec. 1652. Prado Basin Natural Treatment System Project, California."
(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the follow
ing:
"SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.
(a) IN GENERAL.—The Secretary, in co
operation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tribu
aries into the Prado Basin.
(b) COST SHARING.—The Federal share of the cost of the project described in subsec
(a) shall not exceed 25 percent of the total cost of the project.
(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation of the project described in subsection (a).
(d) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to carry out this section $10,000,000.
(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this Act.
(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (38 U.S.C. 390h et seq.) (as amended by section 1110(b)(1)) is amended by inserting after the last item the following:
"1652. Prado Basin Natural Treatment Sys
tem Project."
(b) LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.
(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the follow
ing:
"SEC. 1653. LOWER CHINO DAIRY AREA DESAL
INATION DEMONSTRATION AND RECLAMATION PROJECT.
(a) IN GENERAL.—The Secretary, in co
operation with the Chino Basin
Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

(b) Cost Sharing.—The Federal share of the cost of the project described in subsection (a) shall not exceed—
(1) 25 percent of the total cost of the project; or
(2) $20,000,000.

(c) Limitation.—Funds provided by the Secretary shall not be used for operation or maintenance of the Project.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—
(1) an amount equal to 25 percent of the total cost of the Project; and
(2) $20,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) In General.—The Reclamation Water and Groundwater Study and Facilities Act (Public Law 102–575, 43 U.S.C. 390h et seq.) (as amended by section 911(b)(1)) is amended by adding at the end the following:

“(a) Authorization.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the Great project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

(b) Cost Share.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost.

(c) Limitation.—The Secretary shall not provide funds for the following:
(1) The operations and maintenance of the project described in subsection (a).
(2) The construction, operations, and maintenance of the visitor’s center related to the project described in subsection (a).

(d) Sunset of Authority.—The authority of the Secretary under this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) Definitions.—In this section:
(1) DISTRICT.—The term “District” means the Western Municipal Water District, Riverside County, California.

(2) Project.—
(A) In General.—The term “Project” means the Riverside-Corona Feeder Project.

(B) Inclusions.—The term “Project” includes—
(i) 20 groundwater wells;
(ii) groundwater treatment facilities;
(iii) water storage and pumping facilities; and
(iv) 23 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

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

(B) Planning, Design, and Construction of Riverside-Corona Feeder.—
(1) In General.—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) FEDERAL SHARE.—
(A) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—
(i) an amount equal to 25 percent of the total cost of the Project; and
(ii) $20,000,000.

(B) PROJECT COST.—The Federal share of the cost to complete the necessary planning studies associated with the Project—
(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and
(ii) shall be included as part of the limitation described in subparagraph (A).

(4) IN-KIND SERVICES.—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the Project.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section the lesser of—
(1) an amount equal to 25 percent of the total cost of the Project; and
(2) $20,000,000.

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) Cost Share.—The first section of Public Law 87–590 (76 Stat. 389) is amended in the second sentence of subsection (a) by inserting after “cost thereof,” the following: “or any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.”

(b) Rates.—Section 2(b) of Public Law 87–590 (76 Stat. 390) is amended—
(1) by striking “(b) Rates” and inserting the following:
“(b) Rates.—
(1) IN GENERAL.—Rates; and
(2) by adding at the end the following:
“(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.”

“(A) IN GENERAL.—Notwithstanding the reclamation laws, the district on the Yampa and Colorado rivers in the State of Colorado may enter into a repayment contract with the Secretary under this section and in connection with such contract shall be credited towards payment of the actual cost of Rueldi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

“(B) EFFECT.—Notwithstanding the Federal reclamation law (the Act of June 17, 1902 (30 Stat. 388, chapter 30), and Acts supplemental to and amendatory of that Act (30 Stat. 371 and 372 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

“(C) ARKANSAS VALLEY CONDUIT.—
“(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Arkansas Valley project excess capacity or exchange contracts using the Arkansas Valley project facilities shall be credited towards payment of the actual cost of the project plus interest in an amount determined in accordance with this section.

“(B) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, is authorized to participate in the design, planning, and construction of the project to reclaim and use reusable water from graded groundwaters, within and outside of the service area of the City of Oxnard, California.

“(C) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(D) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.”

(b) Conforming Amendments.—The table of sections in section 2 of Public Law 102–575 (as amended by section 914(b)) is amended by inserting after the last item the following:


“SEC. 1656. City of Corona Water Utility, California, Water Recycling and Reuse Project.”
"(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be subject to the requirement that the revenue derived therefrom shall be sufficient to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities: Provided, That such contracts shall provide for an amount of revenue derived from such contracts that shall be sufficient to reflect the estimated revenue derived from water contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87–590 (76 Stat. 393) is amended—

1. to read as follows:

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.—

"(a) IN GENERAL.—There is hereby authorized to be appropriated $5,000,000 for the construction of the Arkansas Valley Conduit, and, for such purpose, there is authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

"(b) APPROPRIATION FOR AUTHORITY TO CONVEY.—

"(1) AUTHORITY TO CONVEY.—The term "Authority" means the Secretary of the Interior.

"(2) CONVEYANCE OF MCGEE CREEK PROJECT PARCELS.—

"The term "McGee Creek Project Parcels" means a certain area of land consisting of—

(a) Tracts A and B, Albuquerque Biological Park; containing 49.2296 acres, more or less, situated within the City of Albuquerque, Bernalillo County, New Mexico, described by Tracts A and B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico, on February 11, 1994 in Book 94C, Page 44; containing 17.9612 acres, more or less.

(b) Tract A, Albuquerque Biological Park, the same as shown and described on the Plat of Tracts A and B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6589 acres, more or less.

(c) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park, containing 0.30 acres, more or less.

(d) Tract 322B of MRGCD Map 38, bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A-1-A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue, containing 0.25 acres, more or less.

(e) Tract 331A-1 of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 32B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park, containing 0.98 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms "Middle Rio Grande Conservancy District" and "MRGCD" mean a public corporation created under the laws of the State of New Mexico, created in 1955 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term "Middle Rio Grande Project" means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.—

"(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City.

"(b) Conveyance by Secretary.—The Secretary shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

SEC. 9203. TINGLEY BEACH.—

"(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

"(b) Conveyance by Secretary.—The Secretary shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

"(c) CLARIFICATION OF PROPERTY INTEREST.—

"(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

"(2) Conveyance by Secretary.—The Secretary shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

"(3) CLARIFICATION OF PROPERTY INTEREST.—

"(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

"(2) Conveyance by Secretary.—The Secretary shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

"(c) CLARIFICATION OF PROPERTY INTEREST.—

"(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

"(2) Conveyance by Secretary.—The Secretary shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

"(c) CLARIFICATION OF PROPERTY INTEREST.—

"(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.

"(2) Conveyance by Secretary.—The Secretary shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to the Albuquerque Biological Park, the Rio Grande Park, or the BioPark Parcels to the City: Provided, That the United States may have in and to these lands.
(a) DEFINITIONS. In this section:

(1) AGREEMENT.—The term “Agreement” means Agreement No. 07–LC–20–9387 between the United States and the District, entitled “Agreement No. 07–LC–20–9387 Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District”.

(2) DISTRICT.—The term “District” means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term “Goleta Water Distribution System” means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

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

(b) CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM, CALIFORNIA. —

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) DEFINITIONS. In this section:

(1) AGREEMENT.—The term “Agreement” means Agreement No. 07–LC–20–9387 between the United States and the District, entitled “Agreement No. 07–LC–20–9387 Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District”.

(2) DISTRICT.—The term “District” means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term “Goleta Water Distribution System” means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

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

(b) CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM, CALIFORNIA. —

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act 2001 (114 Stat. 2768A–222), as enacted into law by section 1a(4)(d) of the Consolidated Appropriations Act, 2001 (Public Law 106–554, as amended by Public Law 107–87), is further amended—

(i) in subsection (a)(3)(B), by inserting after clause (iii) the following:

“(iv) INTEREST ON FUNDS IN RESTORATION FUND.—After $85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

(1) SAN GABRIEL BASIN WATER QUALITY AUTHORITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

(2) CENTRAL BASIN MUNICIPAL WATER DISTRICT.—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.”;

(ii) in subsection (a), by adding at the end the following:

“(f) INTEREST ON FUNDS IN RESTORATION FUND.—No amounts appropriated above the cumulative amount of $85,000,000 to the Restoration Fund under subsection (d)(1) shall be considered to be non-Federal funds of the Treasurer in interest-bearing securities of the United States.”;

and

(iii) by amending subsection (d) to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $146,200,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $21,200,000 shall be used to carry out the Central Basin Water Quality Project.”.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subchapter:

(1) LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—The term “Lower Colorado River Multi-Species Conservation Program” or “LCR MSCP” means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in states providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

(a) IMPLEMENTATION.—The Secretary is authorized to manage and administer the LCR MSCP in accordance with the Program Documents.

(b) WATER ACCOUNTING.—The Secretary shall establish a water accounting system to ensure the provisions of the LCR MSCP are consistent with existing agreements and applicable law.

(c) STATE.—The term “State” means each of the States of Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(b) LOWER COLORADO RIVER.—The term “Lower Colorado River” means the segment of the Lower Colorado River within the planning area as provided in section 2(b) of the Implementing Agreement, a Program Document.

(c) PROGRAM DOCUMENTS.—The term “Program Documents” means the Lower Colorado River Multi-Species Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

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

(5) STATE.—The term “State” means each of the States of Arizona, California, and Nevada.

SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.
Subtitle F—Secure Water
SEC. 9501. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;
(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—
(A) increasing populations;
(B) economic growth;
(C) irrigated agriculture;
(D) energy production; and
(E) the protection of aquatic ecosystems;
(3) global climate change poses a significant threat to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;
(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, local, and tribal governments, by—
(A) nationwide data collection and monitoring activities;
(B) relevant research; and
(C) activities to increase the efficiency of the use of water in the United States;
(5) Federal agencies that conduct water management and related activities have a responsibility—
(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and
(B) to develop strategies to—
(i) mitigate the potential impacts of each major reclamation river basin, including—
(A) a change in snowpack;
(B) the rate of reservoir evaporation;
(C) changes in the proportion of precipitation changing to runoff;
(D) any increase in—
(i) to manage and efficiently use the water resources of the United States; and
(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;
(6) it is critical to continue and expand research and monitoring efforts—
(A) to improve the understanding of the variability in water resources; and
(B) to provide basic information necessary—
(i) to manage and efficiently use the water resources of the United States; and
(ii) to identify new supplies of water that are capable of being reclaimed; and
(7) the study of water use is vital—
(A) in understanding the impacts of human activity on water and ecological sources; and
(B) in the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 9502. DEFINITIONS.

In this section—

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.
(2) ADVISORY COMMITTEE.—The term “Advisory Committee” means the National Advisory Committee on Water Information established—
(A) under the Office of Management and Budget Circular 92-01; and
(B) to coordinate water data collection activities.
(3) ASSESSMENT PROGRAM.—The term “assessment program” means the water availability and use assessment program established by the Secretary under section 9508(a).
(4) CLIMATE DIVISION.—The term “climate division” means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are climatically homogeneous as possible, as determined by the Administrator.
(5) COMMISSIONER.—The term “Commissioner” means the Commissioner of Reclamation.
(6) DIRECTOR.—The term “Director” means the Director of the United States Geological Survey.
(7) ELIGIBLE APPLICANT.—The term “eligible applicant” means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.
(8) FEDERAL POWER MARKETING ADMINISTRATION.—The term “Federal Power Marketing Administration” means—
(A) the Bonneville Power Administration;
(B) the Southeastern Power Administration;
(C) the Southwestern Power Administration; and
(D) the Western Area Power Administration.
(9) HYDROLOGIC ACCOUNTING UNIT.—The term “hydrologic accounting unit” means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.
(10) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
(11) MAJOR AQUIFER SYSTEM.—The term “major aquifer system” means a groundwater system that is—
(A) identified as a significant groundwater system by the Director; and
(B) included in the groundwater Atlas of the United States, published by the United States Geological Survey.
(12) MAJOR RECLAMATION RIVER BASIN.—The terms “major reclamation river basin” includes—
(A) the Missouri River; (B) the Columbia River; (C) the Klamath River; (D) the Snake River; (E) the Truckee River.
(13) NON-FEDERAL PARTICIPANT.—The term “non-Federal participant” means—
(A) a State, regional, or local authority;
(B) an Indian tribe or tribal organization; or
(C) any other qualifying entity, such as a water conservation district, water conservancy district, water utility district, or association, or a nongovernmental organization.
(14) PANEL.—The term “panel” means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).
(15) PROGRAM.—The term “program” means the regional integrated sciences and assessments program—
(A) established by the Administrator; and
(B) that is comprised of regional programs that use advances in integrated climate sciences to assist decisionmaking processes.
(16) SECRETARY.—
(A) IN GENERAL.—Except as provided in subparagraph (B), the term “Secretary” means the Secretary of the Interior.
(B) EXCEPTIONS.—The term “Secretary” means—
(i) in the case of sections 9503, 9504, and 9506, the Secretary of the Interior (acting through the Commissioner); and
(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).
(A) to strengthen the understanding of water supply trends; and
(B) to assist in each assessment and analyses conducted by the Secretary under paragraphs (2) and (3).

(c) REPORTING.—Not later than 2 years after the date of enactment of this Act, and every 4 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—
(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;
(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;
(3) each mitigation and adaptation strategy contemplated by the Secretary to address each effect of global climate change described in paragraph (1);
(4) each coordination activity conducted by the Secretary with—
(A) the Director; (B) the Administrator; (C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or
(D) any appropriate State water resource agency; and
(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDIES.—
(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, or habitat restoration plans; and
(2) COST SHARING.—
(A) FEDERAL SHARE.—The Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contributes toward the completion of the study, or activity, as determined by the Secretary; and
(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) shall be in compliance with—
(i) the development of new water management, operating, or habitat restoration plans;
(ii) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;
(iii) flood control management, environmental, or habitat construction of any water supply, water resource project, or other infrastructure improvement to a facility or site that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraphs (1) shall be in compliance with—
(A) the conservation of water; (B) to increase water use efficiency; (C) to facilitate water markets; (D) to enhance management, including the increase of renewable energy in the production and delivery of water; (E) to accelerate the adoption and use of advanced water management technologies to increase water supply; (F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule; (G) to accelerate the recovery of threatened and endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or
(H) to carry out other activity—
(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change;
(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area; or
(iii) to otherwise increase the consumptive or nonconsumptive use of water resources located in each major reclamation river basin.

(b) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—
(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—
(A) to conserve water; (B) to increase water use efficiency; (C) to facilitate water markets; (D) to enhance management, including the use of renewable energy in the management and delivery of water; (E) to accelerate the adoption and use of advanced water management technologies to increase water supply; (F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule; (G) to accelerate the recovery of threatened and endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or
(H) to carry out other activity—
(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; (ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area; or
(iii) to otherwise increase the consumptive or nonconsumptive use of water resources located in each major reclamation river basin.

(c) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—
(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—
(A) to conserve water; (B) to increase water use efficiency; (C) to facilitate water markets; (D) to enhance management, including the use of renewable energy in the management and delivery of water; (E) to accelerate the adoption and use of advanced water management technologies to increase water supply; (F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule; (G) to accelerate the recovery of threatened and endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or
(H) to carry out other activity—
(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; (ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area; or
(iii) to otherwise increase the consumptive or nonconsumptive use of water resources located in each major reclamation river basin.

(b) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(c) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—
(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—
(A) to conserve water; (B) to increase water use efficiency; (C) to facilitate water markets; (D) to enhance management, including the use of renewable energy in the management and delivery of water; (E) to accelerate the adoption and use of advanced water management technologies to increase water supply; (F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule; (G) to accelerate the recovery of threatened and endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or
(H) to carry out other activity—
(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; (ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area; or
(iii) to otherwise increase the consumptive or nonconsumptive use of water resources located in each major reclamation river basin.

(d) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(e) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(f) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(g) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(h) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(i) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(j) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(k) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(l) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.

(m) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section for each of fiscal years 2009 through 2023, to remain available until expended.
paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) AVAILABILITY.—The agreements under this subsection shall remain available until expended.

(c) MUTUAL BENEFIT.—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that provided the grant or enters into the cooperative agreement.

(d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change on water supplies that are used to produce hydroelectric power at each Federal power project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.—

(1) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the programs of each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to present and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(c) DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Administration of the Federal Power Marketing Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that the Commissioner collects by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Chief of Engineers; and

(5) the Chief of the National Weather Service (acting through the Chief of the National Weather Service Agreement);

(6) the Chief of the National Weather Service (acting through the Chief of the National Weather Service Agreement);

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee on Water twice every 5 years thereafter, the Secretary of Energy determines to be necessary to improve the understanding of the effect of changes on water resources; and

(2) to identify water gaps in current water monitoring networks that must be addressed to improve the reliability of the Federal Government and the States with respect to each impact of global climate change on water resources;

(3) to establish data management and communication protocols and standards to increase the accessibility by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resources data;

(A) relating to each nationally significant watershed and aquatic area located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant watershed and aquatic area located in the United States; and

(5) to expand, and integrate each initiative of the panel with, to the maximum extent possible, any interagency initiative in existence as of the date of enactment of this Act, including—

(A) the national integrated drought information system of the National Oceanic and Atmospheric Administration;

(B) the advanced hydrologic prediction service of the National Weather Service;

(C) the National Water Information System of the United States Geological Survey; and

(D) the Hydrologic Information System of the Coastal and Estuarine Resources Program of the National Oceanic and Atmospheric Administration.

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project shall be no more than 50 percent of the total cost of such project.

(B) REPORT.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants or other agreements to carry out any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a).

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee and consistent with this section, shall proceed with implementation of the national...
streamflow information program, as reviewed by the National Research Council in 2004. 

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant water resources basins;

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to changes in climate; and

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State and local governmental agencies (including the national drought information system)—

(i) to enhance the comprehensive understanding of water resources established under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) NETWORK ENHANCEMENT.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program by a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) REQUIREMENTS OF SITES.—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) FEDERAL SHARE.—The Federal share of the national streamgaging network established pursuant to this subsection shall include 100 percent of the cost of carrying out the national streamgaging network.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) NETWORK ENHANCEMENT FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out the network enhancements described in paragraph (4) $10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) NATIONAL GROUNDWATER RESOURCES MONITORING.

(1) IN GENERAL.—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) PROGRAM ELEMENTS.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current state of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(D) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge and availability; and

(C) enhance the analysis and delivery of data.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(B) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) BRACKISH GROUNDWATER ASSESSMENT.

(1) IN GENERAL.—In conducting the subject of brackish groundwater resources located in the United States; and

(A) to identify and map the extent of each brackish groundwater resource designated as a brackish groundwater aquifer described in subparagraph (A), and other relevant information—

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to changes in climate; and

(C) in coordination with the Advisory Committees of Congress a report that includes—

(i) a description of each significant brackish groundwater aquifer that is located in the United States;

(ii) a data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A) (including the known level of total dissolved solids in each brackish aquifer).

(2) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this subsection $5,000,000 for the fiscal years 2009 through 2011, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING.

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with experience in water resources data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows; estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including validation of data entered into geographic information system databases); and

(D) measuring evaporation, evapotranspiration, and consumptive use.

(3) PARTNERSHIPS.—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between Federal and non-Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the “national water availability and use assessment program”—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;
(3) to assist in the determination of the quality of the water resources of the United States;
(4) to identify long-term trends in water availability;
(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and
(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;
(B) the incorporation of water use science principles and methodologies into the analysis of applied research and statistical estimation techniques in the assessment of water use;
(C) the maintenance of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and
(D) the application of the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—
(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);
(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—
(1) natural recharge;
(2) withdrawals;
(3) saltwater intrusion;
(4) mine dewatering;
(5) land drainage; and
(6) artificial recharge; and

(B) other relevant factors, as determined by the Secretary;
and

(ii) impaired surface water and groundwater supplies that are known, accessible, and useful for other water uses or demands;

(B) maintaining a national database of water availability data that—
(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and
(iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(2) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in conducting project facilities and technical assistance to transferred works operating entities.

(a) grants provided to a State water resource agency shall demonstrate to the Secretary that the water use and availability data under paragraph (1) shall be amount not more than $250,000.

(b) NONREIMBURSABLE.-—Inspections shall be nonreimbursable.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) $20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (c) $12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

(3) TEMPORARY DEFINITIONS.—

(a) CONSTRUCTION.—The term “construction” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(b) TRANSFERRED WORKS.—The term “transferred works” means a project facility, the transfer, operation, and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(c) TRANSFERRED WORKS OPERATING ENTITY.—The term “transferred works operating entity” means the organization which is contractually responsible for operation and maintenance of transferred works.

(d) EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—The term “extraordinary operation and maintenance work” means major, extraordinary maintenance to rehabilitation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor’s or the transferred works operating entity’s annual operation and maintenance budget for the facility, or greater than $100,000.

SEC. 9502. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) GUIDELINES AND INSPECTIONS.—

(1) DEVELOPMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail.

(b) CONDUCT OF INSPECTIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1).

(c) TEMPORARY DEFINITIONS.—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

SEC. 9510. EFFECT.

(a) IN GENERAL.—Nothing in this subtitle supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—In carrying out the provisions of this subtitle preempt or affects any—

(A) State water law; or

(B) interstate compact governing water use.

(2) IMPEMENTATION.—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

SEC. 9501. DEFINITIONS.

In this subtitle:

(a) INSPECTION.—The term “inspection” means an inspection of a project facility carried out by the Secretary.

(b) ASSESSMENT.—The Secretary shall assess and determine the condition of the project facility; and

(c) LIABILITY.—The Secretary shall, in the assessment of project facilities, select project facilities to inspect, the inspection of which may be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

SEC. 9502. GUIDELINES AND INSPECTION OF PROJECT FACILITIES.

(a) DEVELOPMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In assessing or inspecting project facilities, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(b) USE OF INSPECTION DATA.—The Secretary shall use the conduct of the inspections under subsection (a) to—

(1) detect and evaluate significant structural and other deficiencies; and

(2) maintain a database of information regarding the existing condition of all project facilities.
(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation and maintenance contracts, and structural modifications to those transferred works;
(2) determine an appropriate inspection frequency for project facilities which shall not exceed 6 years; and
(3) provide, upon request of transferred work operating entities, local governments, or States, technical information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public use development adjacent to project facilities.

(c) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—
(1) AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:
(A) Development of documented operating procedures for facility work.
(B) Development of emergency notification and response procedures for a project facility.
(C) Development of facility inspection criteria for a project facility.
(D) Development of a training program on operation and maintenance requirements and practices of a project facility for a transferred works operating entity’s workforce.
(E) Development of a public outreach plan on the operation and risks associated with a project facility.
(F) Development of any other plans or documentation which, in the judgment of the Secretary, are necessary to provide public safety and the sage operation of a project facility.

(2) COSTS.—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source.

(3) LOAN GUARANTEE.—The Secretary is authorized to advance the costs incurred by the transferred works operating entity or other non-Federal source, which is needed to carry out any extraordinary operation and maintenance work on a project facility.

(2) DETERMINATION OF INTEREST RATE.—The interest rate for any loan guarantee pursuant to subsection (b) shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining period of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest 1/8 of 1 percent on the unamortized balance of any portion of the loan.

(c) EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—
(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) REIMBURSEMENT.—The Secretary may advance funds for extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) FUNDING.—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a non-reimbursable basis sufficient to cover 35 percent of the cost of the extraor- dinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act. (33 U.S.C. 2001 et seq.)

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 9606. LOAN GUARANTEE FINANCE DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:
(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
(2) FEDERAL LOAN GUARANTEE.—The terms “Federal loan guarantee” and “loan guarantee” have the meaning given the term “loan guarantee” in section 201 of the Twenty-First Century Water Works Act (43 U.S.C. 2001 et seq.)
(3) DEMONSTRATION PROJECT AND PROJECT.—The terms “demonstration project” and “project” mean the giving the term “project” in section 202 of the Twenty-First Century Water Works Act (43 U.S.C. 2021).
(4) LOAN.—The term “loan” has the meaning given the term “loan” in section 202 of the Twenty-First Century Water Works Act (43 U.S.C. 2021).

(b) DEMONSTRATION PROGRAM.—
(1) IDENTIFICATION OF DEMONSTRATION PROJECTS.—Within 180 days of enactment of this Act, the Secretary shall identify no more than 3 projects as eligible for Federal loan guarantees. The identified projects shall include at least 1 project involving extraordinary operation and maintenance work.

(2) MEMORANDUM OF AGREEMENT.—Within 90 days of enactment of this Act, the Secretary shall complete the Interagency Coordination and Cooperation actions in section 209 of the Twenty-First Century Water Works Act (43 U.S.C. 2208).

(3) ELIGIBILITY OF PROJECTS.—Within 270 days of enactment of this Act, and in accordance with the agreement with the entities seeking to carry-out the projects identified under paragraph (2), the Secretary shall make available to lenders Federal loan guarantees equal to the full cost of projects identified in this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle, to remain available until expended.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

SEC. 10001. SHORT TITLE.

This part may be cited as the “San Joaquin River Restoration Settlement Act”.

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part:

(2) The term “Secretary” means the Secretary of the Interior.


SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:
(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund improvements to facilitate the transfer of project water to a point of use on the territory of the State of California without the approval of the State of California and the State’s agreement in 1 or more memorandum of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to re-circulation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary’s use of Central Valley Project water to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing Delta Central Valley Project contractors; and

(C) the Secretary’s performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project, authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memorandum of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to the terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCOMPLISHMENT OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are necessary to facilitate the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) any measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT OF RELATIONSHIP ON ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the Reclamation Act of 1902 (43 U.S.C. 395 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), are not necessary.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) TITLES TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) APPLICABLE LAW.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 822), to carry out the measures authorized in this section and section 10004.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Upon the Secretary’s determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to transfer or exchange such property or interests in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) RIGHT OF FIRST REFUSAL.—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property’s owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being transferred to the State of California.

(d) M ITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are necessary to facilitate the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) any measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expedite complete environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) EFFECT ON STATE LAW.—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) DEFINITION OF ENVIRONMENTAL REVIEW.—For purposes of this subsection, the term “environmental review” includes any consultation and planning necessary to comply with the section (a).

(2) PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) LIMITATION.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) NONREIMBURSABLE FUNDS.—The United States’ share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to paragraphs 11(c)(1) and 11(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project ratesetting policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project ratesetting policies.

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or a claim for relief to interpret or enforce the provisions of this part or the Settlement.
SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) IMPLEMENTATION COSTS.—

(1) IN GENERAL.—The costs of implementing the Settlement shall be covered by payments for in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (a) of section 10004, estimated to total not more than $400,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repayment of the Central Valley Project capital obligations is estimated to total $400,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(2); provided, however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) ALL PAYMENTS RECEIVED PERSUANT TO SUBPARAGRAPH (A) SHALL PROVIDE FOR RECOGNITION OF EITHER MONETARY OR IN-KIND CONTRIBUTIONS TOWARD THE STATE OF CALIFORNIA’S SHARE OF THE COST OF IMPLEMENTING THE FUND PROVIDED IN PARAGRAPH (A)(1).

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A), shall provide for recognition of either monetary or in-kind contributions toward the State of California’s share of the cost of implementing the fund provided in paragraph (A)(1).

(3) LIMITATION.— Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise be incurred by any Federal, State, or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funding provided in subsection (a), there are also authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to fund implementation improvements on a project-by-project basis with the State of California.

(2) USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.—The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors under section 3003 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Pub. L. 102-575; 106 Stat. 4727) for purposes of this part in an amount not to exceed $2,000,000 (October 2006 price levels) in any fiscal year.

(c) FUND.—

(1) IN GENERAL.—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restorative Capacity Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsection (b) and this part, in an amount not to exceed $2,000,000 (at October 2006 price levels) in any fiscal year.

(A) All payments received pursuant to section 3004(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Pub. L. 102-575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover maintenance and operation of facilities) of payments to Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to long-term water service contracts made by the Secretary under paragraph 21 of the Settlement.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10004.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for purposes for which funds are otherwise available.

(2) USE.—Any funds deposited into the Fund pursuant to paragraphs (A), (B), and (C) of this section are authorized for the purpose of implementing the Settlement and may be expended (i) the costs of undertaking any work required under paragraph 21 of the Settlement; (ii) the construction cost component of payments to Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to long-term water service contracts made by the Secretary under paragraph 21 of the Settlement; (iii) the costs of undertaking any work required under paragraph 21 of the Settlement; (iv) the funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of this section, except as otherwise provided in subsections (a) and (b) of section 10203, except that $88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2018, all funds in the Fund shall be available for expenditure without further appropriation.

(e) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this section shall be construed to require a Federal official to expend any Federal funds for the purpose of implementing the Settlement.
Frant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1194) on mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Frant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (b) of section 9 of the Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable to such contractor, shall be repaid in not more than 5 years after notification the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part, from 2020 through 2039, and the amounts of any proposed transfer or exchange with the United States from any Central Valley Project contractor pursuant to paragraphs 13 or 15 of the Settlement to the Secretary as of October 1, 2010.

(e) SATISFACTION OF CERTAIN PROVISIONS.

(1) GENERAL.—Upon release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which the Secretary is a party, the Secretary shall promptly make such notice publicly available.
(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a water supply offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph (b) of the Settlement. The Secretary shall, at a minimum, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection, to reduce, avoid, or mitigate impacts to water deliveries caused by the Inter Flows or Restoration Flows or to facilitate the Water Management Goal, as well as any transferred or exchanged under such agreements.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions, or changes under such agreements. Also, the volume of water transferred or exchanged pursuant to applicable State and Federal laws and shall include or receiving water pursuant to applicable terms of this subsection shall not be counted except as provided in paragraph 16(b) of the Settlement.

(b) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor referred to water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractor receiving water from the Central Valley Project, or a particular type of financing to make the payments required in paragraph (3)(a) or (4)(A).

(c) STATUTORY INTERPRETATION.—Nothing in this paragraph shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit contractors to receive water from the Central Valley Project.

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement will resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon, a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(j)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term “third party” means persons or entities diverting or receiving water pursuant to applicable Federal and State laws and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) AUTHORIZATION OF APPROPRIATIONS.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the re-introduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimis water supply reductions, additional water use on unwill ing third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section shall preclude the Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce;

(b) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—(1) IN GENERAL.—Not later than December 31, 2024, the Secretary shall report to Congress on the progress made on the re-introduction set forth in this section and the Secretary’s plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include:

(1) an assessment of the major challenges, if any, to successful reintroduction;

(2) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon surviving on the Sacramento River or its tributaries; and

(c) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduction, the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to modify the Endangered Species Act (16 U.S.C. 1533) solely for other anadromous fish species to be protected under the Act, and in the interest of the public interest, hereby reserves its right to the benefits of the Endangered Species Act (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon.

(2) EFFECT OF SUBSECTION.—Nothing in this section grants an exemption from section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533 et seq.) or the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those provisions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(3) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed:

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10012. STUDY TO DEVELOP WATER PLAN; REPORT

(a) PLAN.—(1) GRANT.—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(b) STUDY AREA.—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 18, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(c) USE OF PLAN.—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(d) REPORT.—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 to remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) The Secretary of the Interior (hereafter referred to as the "Secretary") is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woodlake Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be accountable to the Secretary and shall be a nonreimbursable Federal expenditure.
SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.

(a) AUTHORIZATION.—The Secretary is author- ized to make financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local water use projects that utilize or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further required to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, and the agency must provide, which such reports shall be publicly available.

(b) CRITERIA.—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply if a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided to the local agency under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency’s costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible for the local agency to project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the necessary rights and capacity to fund its share of the project’s construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment to the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project’s construction costs on an annual basis.

(c) GUIDELINES.—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider the equitable allocation of funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) COST SHARING.—The Federal financial assistance provided to local agencies under subsection (a) shall—

(1) not exceed 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) not exceed 50 percent of the costs associated with construction of any such project.

(e) PROJECT OWNERSHIP.—

(1) Time of, and operation of, projects funded under subsection (a) shall remain in one or more Non-Federal local agencies. Nothing in this part authorizes the Secretary to establish a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be planned, designed, or constructed by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and di- rected to use monies from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed $35,000,000.

(b) In addition, up to $15,000,000 shall be available pursuant to subsection (a), the Secretary is authorized to spend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan proposed by a non-Federal entity. All projects funded pursuant to this subsection shall also comply with all applicable Federal and State laws, including provisions of California water law.

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the “Northwest- ern New Mexico Rural Water Projects.”

SEC. 10302. DEFINITIONS.

In this subtitle—

(A) ADOPTED ADMISSION.—The term “Adopted Admission” means the general stream adjudication that is the subject of the civil action entitled “State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aasmont, et al.”, No. 66 CV 6639 MV/LCS (D.N.M.), No. 66 CV 6643 MV/LCS (D.N.M.), No. 66 CV 6644 MV/LCS (D.N.M.), No. 66 CV 6645 MV/LCS (D.N.M.), No. 66 CV 6646 MV/LCS (D.N.M.), No. 66 CV 6647 MV/LCS (D.N.M.), No. 66 CV 6648 MV/LCS (D.N.M.), No. 66 CV 6649 MV/LCS (D.N.M.), and No. 66 CV 6650 MV/LCS (D.N.M.).

(B) APPEALED ADMISSION.—The term “Appealed Admission” means the general stream adjudication that is the subject of the civil action entitled “State of New Mexico v. Arreloa et al.”, No. 76 CV 6859 VB/DEA (D.N.M.), No. 76 CV 6860 VB/DEA (D.N.M.), No. 76 CV 6861 VB/DEA (D.N.M.), No. 76 CV 6862 VB/DEA (D.N.M.), No. 76 CV 6863 VB/DEA (D.N.M.), No. 76 CV 6864 VB/DEA (D.N.M.), No. 76 CV 6865 VB/DEA (D.N.M.), No. 76 CV 6866 VB/DEA (D.N.M.), No. 76 CV 6867 VB/DEA (D.N.M.), and No. 76 CV 6868 VB/DEA (D.N.M.).

(C) APPEAL.—The term “Appeal” means a court proceeding or re-examination initiated by a party to an administrative decision or hearing.

(D) ATTORNEY.—The term “Attorney” means a person who is licensed to practice law.

(E) ADMISSION.—The term “Admission” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(F) ADMISSION DETERMINATION.—The term “Admission Determination” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(G) ARRANGE.—The term “Arrange” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(H) ARRANGED.—The term “Arranged” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(I) ARRANGED WATER.—The term “Arranged Water” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(J) ARTICULATE.—The term “Articulate” means to express an opinion or idea clearly.

(K) ASSOCIATION.—The term “Association” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(L) AUTHORIZED.—The term “Authorized” means to grant or permit the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(M) AUTHORIZED DETERMINATION.—The term “Authorized Determination” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(N) AUTHORIZED WATER.—The term “Authorized Water” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(O) AWARD.—The term “Award” means a court judgment or ruling.

(P) AWARDED.—The term “Awarded” means a court judgment or ruling.

(Q) AUCTION.—The term “Auction” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(R) AUCTIONED.—The term “Auctioned” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(S) AUCTIONED WATER.—The term “Auctioned Water” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(T) BASELINE.—The term “Baseline” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(U) BENEFICIARY.—The term “Beneficiary” means a person or entity who is entitled to receive water as a result of the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(V) BENEFICIARY DETERMINATION.—The term “Beneficiary Determination” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(W) BENEFICIARY WATER.—The term “Beneficiary Water” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(X) BENEFICIARY WATER DETERMINATION.—The term “Beneficiary Water Determination” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(Y) BENEFICIARY WATER DISTRIBUTION.—The term “Beneficiary Water Distribution” means the consultation and withdrawal of water from the Rio Grande. See section 101(11).

(Z) BENEFICIARIES.—The term “Beneficiaries” means a person or entity who is entitled to receive water as a result of the consultation and withdrawal of water from the Rio Grande. See section 101(11).
in Article II(f) of the Colorado River Compact.

SEC. 1003. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 1070(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Agreement, the Secretary shall comply with all laws of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 5001 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 1004. NO REALLOCATION OF COSTS.

(a) Effect of Act.—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.).

(b) Project Participants.—The term "Project Participants" means the City of New Mexico, as set forth in Appendix 1 of the Agreement.

(c) Stream Adjudication.—The term "Stream Adjudication" means the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the uses of water in the San Juan River water bank established under this section.

(b) Use of Power Revenues.—Notwithstanding any other provision of law, the Secretary shall use power revenues under the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.) to be used in New Mexico that year.

(c) Water Bank.—The top water bank authorized under paragraph (1) shall include provisions necessary to comply with subsection (c).

(d) Water Bank.—The top water bank authorized under this Agreement, the water diverted by the Navajo Indian Irrigation Project, or any other community ditch organization in the San Juan River basin shall be subject to reasonable scheduling requirements.

(e) Top Water Bank.—The term "Top Water Bank" means the area served by the Navajo Indian Irrigation Project facilities for purposes relating to agricultural production.

(f) Water Bank.—The top water bank is the area served by the Navajo Indian Irrigation Project facilities for purposes relating to agricultural production.

SEC. 1005. INTEREST RATE.

(a) Notwithstanding any other provision of law, the interest rate applicable to any re-payment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

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

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) Participating Projects.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620(2)), as it is amended by inserting "the Navajo-Gallup Water Supply Project," after "Fruitland Mesa."".

(b) The Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") is amended by—

(1) redesignating section 16 (43 U.S.C. 626o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 626n) the following:

"Sec. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Reservoir a top water bank.

(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 96).

(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

(A) Public Law 87–483 (76 Stat. 96); and

(B) New Mexico Native State Engineer File Nos. 2847, 2848, 2849, and 2917.

(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and re- fundation of any existing water right that is necessary to comply with subsection (c).

(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

(A) the storage of water shall be subject to approval under State law by the New Mexico State Engineer to ensure that immediate use of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

(B) water in the top water bank shall be subject to evaporation and other losses during storage;

(C) water in the top water bank be released for delivery to the owner or assigns of any existing water right in the area served by the owner, subject to reasonable scheduling requirements for making the release;

(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether major diversions shall occur for purposes of satisfying the flow recommendations of the San Juan River Basin and the Department of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87–483.

(a) Navajo Indian Irrigation Project.—Public Law 87–483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

"Sec. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land."

(b) Subject to paragraph (2), the average annual diversion from the Navajo Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

(1) 508,000 acre-feet per year; or

(2) The quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

(3) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

(4) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by the Navajo Indian Irrigation Project facilities for the following purposes:

(A) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 3022).

(B) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

Utah, and the "Navajo Tribe of Indians" and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) Navajo-Gallup Water Supply Project.—The term "Navajo-Gallup Water Supply Project" or "Project" means the Navajo-Gallup Water Supply Project authorized by section 2 of Public Law 87–483 (76 Stat. 96).

(19) Navajo Irrigation Project.—The term "Navajo Irrigation Project" means the Navajo Indian irrigation project authorized by section 2 of Public Law 87–483 (76 Stat. 96).

(20) Navajo Reservoir.—The term "Navajo Reservoir" means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.).

(21) Navajo Nation Municipal Pipeline; Pipeline.—The term "Navajo Nation Municipal Pipeline" or "Pipeline" means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in the City of Farmington, New Mexico, to La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Farmington) as authorized by section 15(b) of the Colorado-Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585, 102 Stat. 2973; 114 Stat. 2763A–285).

(22) Non-Native Irrigation Districts.—The term "Non-Native Irrigation Districts" means—

(A) the Hammond Conservancy District;

(B) the Lake Valley Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) Partial Final Decree.—The term "Partial Final Decree" means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(24) Project Participants.—The term "Project Participants" means the Nation, the City, the Nation, and the Jicarilla Apache Nation.

(25) San Juan River Basin Recovery Implementation Program.—The term "San Juan River Basin Recovery Implementation Program" means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 2001, except that, notwithstanding any other provision of law, the Secretary may create and operate a top water bank established under this section.

(26) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) Stream Adjudication.—The term "stream adjudication" means the general stream adjudication that is the subject of the Act of New Mexico v. United States, et al., No. 75–185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) Supplemental Partial Final Decree.—The term "Supplemental Partial Final Decree" means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) Trust Fund.—The term "Trust Fund" means the Navajo Nation Water Resources Development Trust Fund established by section 110604 of the Act.

(30) Upper Basin.—The term "Upper Basin" has the same meaning given the term "Upper Basin" as the term "Upper Basin" in the meaning given the term in Article II(f) of the Colorado River Compact.
The Navajo Indian Irrigation Project because
require repayment of, construction costs of
section (a)) shall be in accordance with the
section 10602 of the Northwestern New
to convey water supplies for—
the boundaries of the Navajo Nation, for any
side the area served by Navajo Indian Irriga-
section 10701(a)(2) of the Northwestern New
paragraph 9.2 of the agreement executed under
''(1) the agreement executed under section
''(i) any hydroelectric power generated
light of 135,000 acre-feet for the initial stage of the
aquifer storage for future recovery and use.
mands of contractors and subcontractors of
proportionate amounts to the diversion de-
determines and responds to a shortage in the
under subsection (b) may be diverted
extent of the project (as authorized in sub-
construction Act (43 U.S.C. 617 et seq.), including section 4(d) of
''(2) The Secretary shall not reallocate, or
require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for non-irrigation purposes under subsection (e).
''(b) the quantity of water anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or
under this section, the Secretary shall
shall be made available pursuant to this sec-
shall be used or marketed by the contractor to
under this subparagraph shall be in accordance with subsection (a) of this section.
require repayment of, construction costs of
shall not include as available storage any water
shall be made pursuant to paragraphs (2) and
begun before May 1, 1951. In addition, the
(2) Repayment of the costs of construc-
tion 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;
''(1) the agreement executed under section
the Secretary of the Interior may re-
''(1) the agreement executed under section
the Secretary shall not deliver, and contractors or the water supply shall not divert, any of the water supply for placement into aquifer stor-
age for future recovery and use.
''(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors or the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.
''(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.
''(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.
SEC. 10403. EFFECT ON FEDERAL WATER LAW.
SEC. 10501. REVISION OF EXISTING LAW.
(1) The Boulder Canyon Project Act (43 U.S.C. 617 et seq.);
(2) The Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);
(7) the Colorado River Compact of 1922, as approved by the Proclamation of June 25, 1929 (46 Stat. 3000);
(9) the Act of April 6, 1949 (63 Stat. 31, chapter 171);
(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237);

PART II—RECLAMATION WATER SETTLEMENTS FUND
SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.
(a) Establishment.—There is established in the Treasury of the United States a fund, to be known as the "Reclamation Water Settlements Fund", consisting of—
"(1) such amounts as are deposited to the Fund under subsection (b); and
"(2) any interest earned on investment of amounts in the Fund under subsection (d); and
(b) Deposits to Fund.—
"(1) In General.—For each of fiscal years 2019 through 2028, the Secretary of the Treasury shall deposit in the fund $120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 398, chapter 1093).
"(3) The Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 617 et seq.);
"(2) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);
"(1) any hydroelectric power generated under this paragraph shall be used or marketed by the contractor to
(3) the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 617 et seq.);
"(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;
"(2) the contract executed under section 10604(a)(3)(B) of that Act; and
Sec. 304(b), (c), and (f) of the Water Quality Act of 1977 (33 U.S.C. 1254(b), (c), and (f)); and
"(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—
"(f) The Secretary of the Interior may re-
"(g) The Secretary of the Interior may re-
"(1) the agreement executed under section
"''(2) The Secretary shall not reallocate, or
require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for non-irrigation purposes under subsection (e).
"(2) The Secretary shall not reallocate, or
require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for non-irrigation purposes under subsection (e).

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"(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.
"(B) Notwithstanding any other provision of law—
"(i) any hydroelectric power generated under this paragraph shall be used or marketed by the contractor to
(3) the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 617 et seq.);
"(2) the contract executed under section 10604(a)(3)(B) of that Act; and
Sec. 304(b), (c), and (f) of the Water Quality Act of 1977 (33 U.S.C. 1254(b), (c), and (f)); and

PART II—RECLAMATION WATER SETTLEMENTS FUND
SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.
(a) Establishment.—There is established in the Treasury of the United States a fund, to be known as the "Reclamation Water Settlements Fund", consisting of—
"(1) such amounts as are deposited to the Fund under subsection (b); and
"(2) any interest earned on investment of amounts in the Fund under subsection (d); and
(b) Deposits to Fund.—
"(1) In General.—For each of fiscal years 2019 through 2028, the Secretary of the Treasury shall deposit in the fund $120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 398, chapter 1093).
"(3) Availability of amounts.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—
"(A) without further appropriation; and
"(B) in addition to amounts appropriated pursuant to any other authorization contained in any other provision of law.
(c) Expenditures From Fund.—
(1) Expenditures.—Subject to subparagraph (B), for each of fiscal years 2019 through 2033, the Secretary may expend from the Fund an amount not to exceed $120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).
"(2) Additional expenditures.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—
"(A) water supply infrastructure; or
"(B) a project—
"(i) to rehabilitate a water delivery system to conserve water; or
"(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.
(3) Use for Completion of Project and Other Settlements.—
"(A) Priorities.—
"(1) In General.—
"(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);
"(2) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);
"(7) the Colorado River Compact of 1922, as approved by the Proclamation of June 25, 1929 (46 Stat. 3000);
(II) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—

(i) NAVajo-GALLUP WATER SUPPLY PROJECT.—

(1) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2019, if, in the judgment of the Secretary on an annual basis the deadline described in section 10601(b)(1) is not likely to be met, because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $500,000,000 for the period of fiscal years 2019 through 2028.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts described in clauses (ii) through (iv).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is necessary to implement an Indian water rights settlement agreement entered into by the State of New Mexico with the Nation, the City, or the San Juan River Project.

(ii) ARIZONA SETTLEMENT.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is necessary to implement the Indian water rights settlement agreement entered into by the State of Arizona with the Nation, the City, or the San Juan River Project.

(ii) MONTANA SETTLEMENTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is necessary to implement an Indian water rights settlement agreement entered into by the State of Montana with the Nation, the City, or the Jicarilla Apache Nation.

(C) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (II).

(D) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is necessary to implement an Indian water rights settlement agreement entered into by the State of New Mexico with the Nation, the City, or the San Juan River Project.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the Fund to reflect any deficiencies or excesses of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2033—

(1) the Fund shall terminate; and

(2) the unexpended balance of the Fund shall be transferred to the appropriate fund of the Treasury.

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.
(1) completes an environmental impact statement for the Project; and
(ii) has issued a record of decision that provides for a preferred alternative; and
(iii) has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than $50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.  

(2) EXCEPTION.—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and the construction of Project facilities if all other conditions for construction have been satisfied.

(3) EFFECT OF INDIAN SELF-DETERMINATION AND ENDANGERED SPECIES ACT.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or repayment of the Project.

(e) Power.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project facilities in Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) CONVEYANCE OF TITLE TO PROJECT FACILITIES.—(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized by subsection (b) (including interests in land) to the City and the Nation.

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(1) conditions acceptable to the Secretary that the Secretary determines are necessary;

(2) to ensure the continued availability of water for the Project; and

(3) conditions acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project operations agreement or section of a Project facility; and

(ii) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants that sets forth—

(aa) the allocation and payment of annual operation, maintenance, and replacement costs of Project facilities; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to meet standards set by the Secretary and, if applicable, the Administrator of the Environmental Protection Agency; and

(cc) the conditions of the Contract executed under section 10604(a)(2)(B).

(2) EFFECT OF CONVEYANCE.—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance provided by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to, facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by its employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 60 days before the date of a proposed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (f) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) on repayment of the cost of conveying the water without impairing the construction repayment requirement or compliance with section 10607; and

(B) the unallocated or non-Project water beneficiaries—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of the Project facilities under section (f)(2) shall be treated as actual payments for purposes of subparagraph (f)(2)(A), and any water contracted for delivery under project (f)(2)(A) or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirement or compliance with section 10607, the terms of the Project, or the delivery requirements for the Project Participants.

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) STORAGE.—(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(5) STATE APPROVAL.—Delivery of water under paragraph (1) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River, at any point, an amount of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,800 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(A) IN GENERAL.—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) DELIVERY CAPACITY ALLOCATION TO THE CITY.—The Project may deliver at the point of diversion from the San Juan River not more than 7,600 acre-feet of water in any 1 year in which the City has secured rights for the use of the City.

(C) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For the purpose of delivering water to the Navajo Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the point of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—Subject to paragraph (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation.

(3) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each
delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) the delivery capacity of the Project Participant is available without impairing any water delivery to any other Project Participant;

(B) the Project Participant benefiting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs related to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to account for, and offset the diversion of water apportioned to the State of Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the recovery statement and the provisions of this Act that shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(B); and

(C) Consequences of Exceeding Delivery Capacity Allocation Quantity Limit—

(1) the Secretary shall be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact and to the upper basin by Article II(B) of the Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the mainstream for the Central Arizona Project, as served under existing contracts with the United States by diversions from the Little Colorado River Basin, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(B) of this Act. This clause shall not affect, in any manner, the total amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

(2) No Precedent.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper and Lower Basin.

(2) E F F E C T.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(3) EFFECT.—Nothing in paragraph (1) shall—

(a) authorize the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Nation water users in States other than the State of New Mexico; or

(b) authorize the Secretary to allow uses of water in the State of New Mexico other than as authorized under subsection (d).

(4) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project in the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(5) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—Pursuant to paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

(B) PROJECT PARTICIPANT PAYMENTS.—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604, except as provided in section 10604(f).

(C) EFFECT.—Nothing in subsection (a) shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper and Lower Basin.

(6) UNIQUE SITUATION.—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include among others—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation’s location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico; and

(4) the location of the Navajo Nation’s capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable, and reliable municipal water supply for the Na-
(6) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(2) CONSENSUS.—Congress notes the consensus of the Governors’ Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the need for authorization for the Project under this section.

(3) EFFICIENT USE.—The diversions and uses authorized for the Project under this Section shall be efficient and effective uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle, that amendment is approved, ratified, and confirmed).

(C) NONREIMBURSABILITY OF ALLOCATED COSTS.—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the navigation of any facility of the Navajo Indian Irrigation Project that might otherwise be allocable to the Nation.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—Participants under this section shall require the Secretary to perform a final cost allocation when construction of the Project is completed and to the limitations set forth in paragraph (3). (5) SHAR E OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—On the date on which the Secretary determines that the construction costs of the Project can be made to the Nation, the Secretary shall be required to repay pursuant to the Contract entered into under paragraph (1), based on the ability of the City to pay.

(B) MINIMUM PERCENTAGE.—Withstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(C) ANY COSTS RELATING TO THE CONSTRUCTION OF THE Project.—Any construction costs of the Project allocable to the City shall be nonreimbursable.

(6) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) WATER DELIVERY SUBCONTRACT.—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City’s portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed.

(A) The Nation, as authorized by the Contract.

(B) The Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Nation Tribe, authorized by the Jicarilla Apache Tribe Water Right Settlement Act (Public Law 102–441; 106 Stat. 2237).

(C) An acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, if through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(D) JICARRILLA APACHE NATION CONTRACT.—

(1) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation.

(A) To repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10605; and

(B) consistent with section 10605(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the City to satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of Jicarilla Apache Nation contract pursuant to subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) REPLACEMENT OBLIGATION.—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary in the Project completion and to the limitations set forth in paragraph (3). (3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall not be obligated to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) CAPITAL COST ALLOCATIONS.—

(1) IN GENERAL.—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) FINAL COST ALLOCATION.—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) REPAYMENT OBLIGATION.—The Secretary shall determine the repayment obligation of the Project Participants based on the final allocation identified in this Subtitle and the nonreimbursable capital costs of the Project consistent with this subtitle.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water from the construction of the Project can be made to the Nation, the Secretary may waive, for a period of not
more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the provision to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived under subsection (1) shall be paid by the United States and shall be nonreimbursable.

(4) VETERAN CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not affect the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority granted in this section shall terminate after any title to the facilities is transferred to the Nation under section 10602(b).

SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas-La Plata Project water for municipal and industrial purposes.

(b) COMPENSATION.—The Secretary shall—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington; and the Nation to convey title to such portion of the Pipeline that is located within the corporate boundaries of the City of Farmington;

(b) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance under this subsection; and

(b) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 71 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(b) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of this section, the Secretary, in consultation with the Nation, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—In accordance with the conjunctive groundwater development plan established under subsection (a), the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of water in the Little Colorado River Basin in the States of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the conjunctive groundwater development plan established under subsection (a), the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of water in the Little Colorado River Basin in the States of New Mexico.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and industrial purposes.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under sections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated under sections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(g) OPERATION, MAINTENANCE, AND REPLACEMENT.—

(1) IN GENERAL.—The Secretary is authorized to pay operation and maintenance costs for the wells and related facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(2) SUBSEQUENT ASSUMPTION BY NATION.—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(h) LIMITATION.—No conveyance of title to a well or the pipeline facility to which the well is connected shall be made unless the Secretary determines that the well or pipeline facility is necessary for the construction, operation, and maintenance of the well or related pipeline facility.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT Obligation.—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to improve, expand, or reconstitute irrigation diversion and ditch facilities to improve water use efficiency.

(b) COST-SHARING.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall not be more than 50 percent, and shall be nonreimbursable.
SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations for Navajo-Gallup Water Supply Project.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project $870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(b) Water Quantities.—The quantities of water referred to in subparagraph (A) are as follows:

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<th>B</th>
<th>Diver-</th>
<th>Deplec-</th>
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<tbody>
<tr>
<td>Navajo Indian Irrigation Project</td>
<td>508,000</td>
<td>270,000</td>
</tr>
<tr>
<td>Navajo-Gallup Water Supply Project</td>
<td>22,650</td>
<td>20,780</td>
</tr>
<tr>
<td>Animas-La Plata Project</td>
<td>4,680</td>
<td>2,940</td>
</tr>
<tr>
<td>Total</td>
<td>535,330</td>
<td>285,120</td>
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(C) Maximum Quantity.—A diversion of water to the Nation under the Contract for a purpose described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) Terms, Conditions, and Limitations.—

The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of this subtitle, and any other applicable law.

(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use between the Nation or a subcontractor of the Nation.

(3) RIGHTS OF THE NATION.—The Nation may, under the Contract—

(A) use tail water, wastewater, or return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 1633(b)) to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph (1), and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) Subcontracts.—

(1) IN GENERAL.—

(A) Subcontracts between Nation and Third Parties.—The Nation may enter into a subcontract for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) Approval Required.—A subcontract entered into under subparagraph (A) shall require approval by the Secretary in accordance with this subsection and the Contract.

(C) Submit.—The Nation shall submit to the Secretary for approval any subcontract entered into under this subsection.
paragraph 3.0 of the Agreement, and any paragraph 4.0 of the Agreement, and the Supplement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

G. No Liability.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

II. ALIENATION

A. Permanent Alienation.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

B. Maximum Term.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

III. Nonintercourse Act Compliance.—This subsection—

A. provides congressional authorization for the subcontracting rights of the Nation; and

B. is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

IV. Forfeiture.—The nonuse of a water right decreed to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

V. Nullification.—

A. Deadlines.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) Agreement.—Not later than December 31, 2019, the Secretary shall execute the Agreement.

(ii) Contract.—Not later than December 31, 2024, the court in the State of New Mexico (on or off land that is not substantially met, the Nation may petition (the Trust Fund pursuant to subparagraph (d), and the Secretary shall invest amounts in the Trust Fund in accordance with the Act of June 24, 1938 (25 U.S.C. 4001 et seq.).

The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 601 et seq.).

Beginning on October 1, 2018, the Secretary shall invest amounts in the Trust Fund in accordance with—

(a) the Act of April 11, 1890 (25 U.S.C. 161); and

(b) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with—

(a) the Act of April 11, 1890 (25 U.S.C. 161); and

(b) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with—

(a) the Act of April 11, 1890 (25 U.S.C. 161); and

(b) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with—

(a) the Act of April 11, 1890 (25 U.S.C. 161); and

(b) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and
(3) the American Indian Trust Fund Management Act of 1994 (25 U.S.C. 4001 et seq.).

(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval by the Secretary of a tribal management plan, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund for purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(B) REQUIREMENTS.—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with that plan.

(3) NO LIABILITY.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under subsection (f).

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) ANNUAL REPORT.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall be used—

(i) to the extent that the Nation may have against the United States.

(ii) as damages sustained, or could have asserted, in the San Juan River adjudication or in any other court proceeding.

(iii) to the United States as trustee for the Nation, has asserted or could have asserted for any damage, loss, or injury to water rights or claims of interference, diversion, or taking of water in the San Juan Basin in the State of New Mexico or the Nation that the damage, loss, or injury is unanticipated, unexpected, or unknown—

(A) accruing at any time before or on the effective date of the waiver and release under subsection (d); and

(B) may or may not be more numerous or more serious than is understood or expected; and

(iv) to the extent that the Nation does not withdraw the amounts in the Trust Fund for purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(b) WAIVERS AND RELEASES.—

(1) $6,000,000 for each of fiscal years 2009 through 2013; and

(2) $6,000,000 for each of fiscal years 2014 through 2018.

SEC. 10703. WAIVERS AND RELEASES.

(a) CLAIMS BY THE NATION AGAINST THE UNITED STATES.—The Nation, on behalf of itself and its members (other than members in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims for action that the Nation or the members of the Nation (other than members in the capacity of the members as allottees), shall execute a waiver and release of—

(2) all claims for any damage, loss, or injury to water rights; claims of interference, diversion, or taking of water, or failure to protect, acquire, or develop municipal water or water rights for land within the San Juan River Basin in the State of New Mexico that, re- garded by the Secretary to be damage, loss, or injury is unanticipated, unexpected, or unknown—

(A) accruing at any time before or on the effective date of the waiver and release under subsection (d); and

(B) may or may not be more numerous or more serious than is understood or expected; and

(3) all claims arising out of, resulting from, or relating in any manner to the negotiation, execution, or adoption of the Agreement, the Contract, or this subtitle (including any modifications of the Agreement, the Contract, or this subtitle) that the Nation may have against the United States or any agencies or employees of the United States.

(b) WAIVERS AND RELEASES.—

(1) IN GENERAL.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(2) EFFECTIVE DATE.—The waivers and releases described in subsection (a) shall be of no effect; and

(b) section 10701(e)(2)(B) shall apply.

(b) CLAims BY THE NATION AGAINST THE United States.—The Nation, on behalf of itself and its members (other than members in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims for action that the Nation or the members of the Nation (other than members in the capacity of the members as allottees), shall execute a waiver and release of—

(2) all claims for any damage, loss, or injury to water rights; claims of interference, diversion, or taking of water, or failure to protect, acquire, or develop municipal water or water rights for land within the San Juan River Basin in the State of New Mexico that, re- garded by the Secretary to be damage, loss, or injury is unanticipated, unexpected, or unknown—

(A) accruing at any time before or on the effective date of the waiver and release under subsection (d); and

(B) may or may not be more numerous or more serious than is understood or expected; and

(3) all claims arising out of, resulting from, or relating in any manner to the negotiation, execution, or adoption of the Agreement, the Contract, or this subtitle (including any modifications of the Agreement, the Contract, or this subtitle) that the Nation may have against the United States or any agencies or employees of the United States.

(c) RESERVATION OF CLAIMS.—Notwithstanding subsections (a) and (b), the Nation and the members of the Nation (including members in the capacity of the members as allottees) and the United States, as trustee for the Nation and allottees, shall retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13 and 13.9 of the Agreement;

(2) all claims for enforcement of the Agree- ment, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equi- table remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the effective date of waivers and releases described in subsection (d);

(4) all claims relating to activities affect- ing the quality of water not related to the exercise of water rights, the Nation member on a per capita basis.

(d) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under sub-
(A) by striking (1) by striking “and” after the semicolon at the end; and
(B) in paragraph (2), by striking the period after the end and inserting “; and”;
and
(a) by adding at the end the following:
“(ii) the needs of land management agencies of the Department of the Interior.”;
(G) GEOLOGIC MAPPING ADVISORY COMMITTEE.—
(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—
(A) in paragraph (2)—
(i) by inserting “the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,” after “Administrator of the Environmental Protection Agency or a designee;”;
(ii) by inserting “and” after “Energy or a designee;” and
(iii) by striking “, and the Assistant to the President for Science and Technology or a designee;”;
and
(B) in paragraph (3)—
(i) by striking “Not later than” and all that follows through “consultation” and inserting “; and”;
(ii) by striking “Chief Geologist, as Chairman,” and inserting “Associate Director for Geology, as Chair,” and
(iii) by striking the representative from the private sector and inserting “2 representatives from the private sector”;
(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—
(A) in paragraph (2)—
(i) by striking “Chief, Geology and” after “the”;
(ii) by redesignating paragraph (3) as paragraph (4); and
(iii) by inserting paragraph after paragraph (2) the following:
“(B) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and”;
(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking “10-member” and inserting “11-member”.
(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATASETS.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—
(1) in paragraph (1), by striking “geologic map” and inserting “geologic-map”; and
(2) in paragraph (2), by striking subparagraph (A) and inserting the following:
“(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;”;
(h) BUDGET REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking “Not later than” and all that follows through “biennially” and inserting “not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2008 and biennially”;
(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—
(1) by striking subsection (a) and inserting the following:
“(a) IN GENERAL.—There is authorized to be appropriated for this Act $64,000,000 for each of fiscal years 2007 through 2016;”;
and
(2) by striking subsection (b) and inserting the following:
“(B) maintain stable distributions to trust fund beneficiaries.
(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 12, including any proceeds from the land, in accordance with this section.
(c) MANAGEMENT.—Notwithstanding section 12, the State of North Dakota shall manage the land granted under this Act, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).
(d) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the ‘‘First Morrill Act’’; 14 Stat. 518) is amended by adding at the end the following:
“(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.
(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota, with reserve fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the ‘trust fund’)
“(1) deposit all proceeds earned by a trust fund into the trust fund;
“(2) deduct the costs of administering a trust fund from each trust fund; and
“(3) manage each trust fund;
“(a) preserve the purchasing power of the trust fund; and
“(b) maintain stable distributions to trust fund beneficiaries.
(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 12, including any proceeds from the land, in accordance with this section.
(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.
(e) CONSENT OF GOVERNOR.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3257 of the 59th Legislature of the State of North Dakota entitled ‘‘A concurrent resolution for the amendment of articles 1 and 2 of the Constitution of the State of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a certain date as an effective date’’ and approved by the voters of the State of North Dakota on November 7, 2006.

SEC. 12001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.
(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 17, 1907, 36 Stat. 766, chapter 180, is amended by adding at the end the following:
“SEC. 26. NORTH DAKOTA TRUST FUNDS.
(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the ‘trust fund’)
“(1) deposit all proceeds earned by a trust fund into the trust fund;
“(2) deduct the costs of administering a trust fund from the trust fund; and
“(3) manage each trust fund to—
“(A) preserve the purchasing power of the trust fund; and
“(B) maintain stable distributions to trust fund beneficiaries.
(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 12, including any proceeds from the land, in accordance with this section.
“SEC. 12002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION MITIGATION ACT OF 2000.
(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Act of November 7, 2006 (16 U.S.C. 777 note; Public Law 109–502) is amended by striking “$5,000,000” and inserting “$32,500,000”.
(b) COST SHARING.—Section 3 of the Act is amended—
(1) by striking “The value” and inserting the following:
“(1) IN GENERAL.—The value; and
“(2) by adding at the end the following:
“(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the cost of the project.”
(c) REPORT.—Section 9 of the Act is amended—
(D) MANAGEMENT AND LAND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).
2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by inserting “any” before “amounts are made”;

(2) by striking after “Secretary shall” the following: “, after partnering with local governmental entities and the States in the Pacific Ocean drainage area,”

COREgüNMENT OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777b note; Public Law 106-502) is amended—

(1) in subsection (a), by striking “2001 through 2005” and inserting “2009 through 2013”;

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) ADMINISTRATIVE EXPENSES.—

(A) DEFINITION OF ADMINISTRATIVE EXPENSES.—In this paragraph, the term “administrative expense” means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

(1) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

(2) the review, processing, and provision of applications for funding under the Program.

(B) LIMITATION.—

(i) in general.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i) shall be divided evenly among all States provided assistance under the Program; and

(iv) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

(aa) arranging meetings to promote the Program among applicants; (bb) assisting applicants with the preparation of applications for funding under the Program; and

(cc) visiting construction sites to provide technical assistance, if requested by the applicant.

SEC. 12003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

(a) ADMINISTRATION.—Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 726d) is amended by adding at the end the following:

“(h) ADMINISTRATION.—

(1) PERSONNEL APPOINTMENTS.—

(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of compensation appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

(C) APPLICABILITY OF SECTION 591.—Section 5914 of title 5, United States Code, shall be applied to personnel appointed by the Federal Coordinator under paragraph (1)(A).

(3) TEMPORARY SERVICES.—

(A) IN GENERAL.—The Federal Coordinator may provide temporary and intermittent services in accordance with section 3106(b) of title 5, United States Code.

(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

(4) FEES, CHARGES, AND COMMISSIONS.—

(A) IN GENERAL.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as described in this Act.

(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charge deposits, require payments of deposits, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

(5) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this Act.

(6) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charge deposits, require payments of deposits, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

(7) SECRETARY OF ENERGY.—

(A) Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

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

(C) the Environmental Protection Act of 1970 (42 U.S.C. 4370a et seq.); and

(8) MAXIMUM LEVEL OF COMPENSATION.—

(A) IN GENERAL.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charge deposits, require payments of deposits, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as described in this Act.

(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charge deposits, require payments of deposits, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

(9) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this Act.

(10) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charge deposits, require payments of deposits, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).
concerned in carrying out the conveyance.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary concerned to carry out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated; and

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of hazardous substances, contaminants, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party.

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incur if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of hazardous material, substances, or constituents; and

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officials, agents, employees, contractors, lessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel under paragraphs (1), (2), or (3) of subsection (b).

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—(A) If the Institute does not undertake all remediation or response measures as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(B) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(9) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary, (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(10) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as "Parcel B" on the map, including any improvements to the parcel.

(2) REMOVAL OF IMPROVEMENTS.—In conformance with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 12096. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTTLEGARDEN.

Chapter 1355 of title 36, United States Code, is amended by adding at the end the following:

"§135514. Authorization of appropriations

(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses $500,000 for each of fiscal years 2009 through 2020.

(b) LIMITATION.—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds.

SA 5664. Mr. WHITEHOUSE (for Mr. NINETY) proposed an amendment to the bill S. 1492, to improve the quality of federal and state data regarding the availability and quality of broadband service and to promote deployment of affordable broadband services to all parts of the Nation; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE I—BROADBAND DATA IMPROVEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Broadband Data Improvement Act".

SEC. 102 FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public services, communication infrastructure, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary State efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 103 IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by striking "regularly" in subsection (b) and inserting "annually";

(2) by redesigning subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

"(1) the population;"
(including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the data rate benchmark, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services utilized by such providers, the number of communities in which such technologies are deployed, the profile of various communities within the United States. The Commission shall include in the study for this subsection—

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES.—The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services utilized by such providers, the number of communities in which such technologies are deployed, the profile of various communities within the United States, the quality and availability of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(b) report.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, in the case of such study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 105. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—Subject to appropriations, the Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) report.—Not later than two years after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses; and

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 106. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to encourage citizens and businesses in a State to have access to affordable and reliable broadband service; and

(2) to achieve improved technology literacy, business, and educational entrepreneurship, and broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and maintain an environment ripe for broadband services and information technology investment.

SEC. 107. ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(b) ELIGIBILITY.—An entity under subsection (b) shall be eligible to receive a grant under this section if the entity—

(1) submits an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require.

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and

(3) agree to comply with confidentiality requirements in subsection (b)(2) of this section.

(c) PEER REVIEW; NONDISCLOSURE.—In general.—The regulations required under paragraph (1) shall require that any technical and scientific peer review groups established by the Secretary—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(d) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the types of broadband connections made available to individuals and businesses within the State, and, at a minimum, the number of broadband service providers utilizing the Commission to reflect different speed tiers, to promote greater consistency of data among States with other countries.

SEC. 108. IMPROVING CENSUS DATA ON BROADBAND CAPABILITY.

(a) IN GENERAL.—Subject to appropriations, the Secretary shall conduct a study to consider and evaluate the type of technology used to provide broadband service capability, applications and services used, and factors affecting speed that may be outside the control of broadband providers.

(b) report.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce including—

(1) a study of the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of a broadband provider;

(3) to compare, using comparable metrics and standards, the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitute broadband offerings in evaluating deployment and penetration.

SEC. 109. BROADBAND CAPABILITY SURVEYS CONDUCTED BY THE BUREAU OF THE CENSUS.

(A) a survey of the cost of broadband speeds available to small businesses; and

(B) report.—Not later than two years after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, in the case of such study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 110. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.
organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and (B) which shall— (i) benchmark technology use across relevant community sectors; (ii) set goals for improved technology use within each sector; and (iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation; (6) to work collaboratively with broadband service providers, information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy; (7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average; (8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services; (9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and (10) to create within each State a geographic inventory map of broadband service, including the state benchmarks for broadband service utilized by the Commission to reflect different speed tiers, which shall— (A) identify gaps in such service through a method of geographic information system mapping of service availability based on the geographic boundaries of where service is available or unavailable among residential or business customers; and (B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability. (f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant if the entity has previously received any grants related to any geographic inventory maps created by grant recipients under subsection (e)(10). (g) REPORTING; BROADBAND INVENTORY MAP.—The Secretary of Commerce shall— (1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and (2) create a web page on the Department of Commerce website that aggregates relevant information made available to the public by grant recipients, including, where appropriate to any geographic inventory maps created by grant recipients under subsection (e)(10). (h) ACCESS TO AGGREGATE DATA.— (1) In general.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Commission’s submissions of broadband service providers. (2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, the Commission shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure under any law, otherwise may agree to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this title and shall not otherwise limit or affect the rules governing public disclosure of Commission-collected by any Federal or State entity under any other Federal or State law or regulation. (i) DEFINITIONS.—In this section: (1) COMMISSION means the Federal Communications Commission. (2) ELIGIBLE ENTITY.—The term “eligible entity” means— (A) an entity that is either— (i) an agency or instrumentality of a State, or a municipality or other subdivision (or any agency or instrumentality of a municipality or other subdivision) of a State; (ii) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; or (iii) an independent agency or commission in which an office of a State is a member on behalf of the State; and (B) is the single eligible entity in the State that has been designated by the State to receive a grant to fund the activities described in this section. (k) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any agency or business entity established or affected by this title any regulatory jurisdiction or oversight authority over providers of broadband services or information technology. TITLE II—PROTECTING CHILDREN SEC. 201. SHORT TITLE; TABLE OF CONTENTS. (a) SHORT TITLE.—This title may be cited as the “Protecting Children in the 21st Century Act.” (b) TABLE OF CONTENTS.—The table of contents for this title is as follows: Sec. 201. Short title: table of contents. SUBTITLE A—PROMOTING A SAFE INTERNET FOR CHILDREN Sec. 211. Internet safety. Sec. 212. Public awareness campaign. Sec. 213. Annual reports. Sec. 214. Online safety and technology working group. Sec. 215. Promoting online safety in schools. SUBTITLE B—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT Sec. 221. Child pornography prevention; forfeitures related to child pornography. Sec. 222. Child pornography enforcement. Sec. 223. Child pornography prevention; forfeiture related to child pornography. SEC. 211. INTERNET SAFETY. For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents identify inappropriate material that is inappropriate for minors. SEC. 212. PUBLIC AWARENESS CAMPAIGN. The Federal Trade Commission shall carry out a nationwide program to increase public awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, and other appropriate entities to include— (1) identifying, promoting, and encouraging best practices for Internet safety; (2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources; (3) facilitating access to, and the exchange of, information regarding Internet safety to educate the public about current issues; and (4) facilitating access to Internet safety education and public awareness efforts through partnerships with appropriate governmental bodies, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities. SEC. 214. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP. (a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate— (1) the status of industry efforts to promote online safety that reflect real efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children; (2) the status of industry efforts to promote online safety among providers of electronic communication services and remote computing services by reporting apparent child pornography under section 10302 of title 47, United States Code, including amendments made by this Act and any such requirements under any such Act made with respect to the content of such reports and any obstacles to such reporting; (3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and (4) the development of technologies to help parents shield their children from inappropriate material on the Internet. (b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that— (1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and (2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies. (c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group. SEC. 215. PROMOTING ONLINE SAFETY IN SCHOOLS. Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(B)) is amended— (1) by striking “and” after the semicolon in clause (i); (2) by striking “minors,” in clause (i) and inserting “minors;” and (3) by adding at the end the following:
"(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

SEC. 216. DEFINITIONS.

In this title:
(1) in section 500(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—
   (A) by striking "or" after the semicolon in subparagraph (D) and inserting "1464, or 2252"
   (B) by striking "or" after the semicolon in subparagraph (D) and inserting "1464, or 2252"
   (C) by inserting "or" after the semicolon in subparagraph (D) and inserting "1464, or 2252"

SA 5667. Mr. WHITEHOUSE (for Mr. INOUYE) proposed an amendment to the bill S. 1582, to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydrographic Services Improvement Act Amendment of 2008."

SEC. 2. DEFINITIONS.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended to read as follows:

SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.

Section 305 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c) is amended—

SEC. 4. HYDROGRAPHIC SERVICES REVIEW PANEL.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c(c)(1)(A)) is amended to read as follows:

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended to read as follows:

There are authorized to be appropriated to the Administrator the following:
SEC. 3. FINDINGS AND PURPOSE.
(a) FINDINGS.—Section 202(a) (33 U.S.C. 1121(a)) is amended—
(1) by striking subparagraphs (D) and (E) of paragraph (2), inserting the following:
(4) To carry out geodetic functions under this title—
(A) $32,640,000 for fiscal year 2009;
(B) $33,280,000 for fiscal year 2010;
(C) $34,560,000 for fiscal year 2012.
(6) To acquire a replacement hydrographic survey vessel capable of staying at sea continuously for at least 30 days $75,000,000.
(b) TECHNICAL CORRECTION.—Section 204(c)(2) (33 U.S.C. 1123(c)(2)) is amended by striking “Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the” and inserting “The”.
(c) FUNCTIONS OF DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.—Section 203 (33 U.S.C. 1129(d)) is amended—
(1) in paragraph (2)(A), by striking “long range”; and
(3) by striking “activities;” and inserting “activities;”.
(d) Technical assistance to, or repeal of, a section or other provision of this Act by the National Oceanic and Atmospheric Administration shall be considered to be made to a section or other provision of this Act by the National Sea Grant College Program Amendments Act of 1998, Pub. L. 105–386, (33 U.S.C. 1126) (as so redesignated) by striking “The”.

SEC. 4. DEFINITIONS.
(a) I N GENERAL.—Section 203 (33 U.S.C. 1122) is amended—
(1) by striking “(c) Restriction on Use of Funds.—
(2) by striking “(a)” and inserting “(a)”.
(b) TECHNICAL CORRECTION.—Section 204(c)(2) (33 U.S.C. 1123(c)(2)) is amended by striking “Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the” and inserting “The”.
(c) FUNCTIONS OF DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.—Section 203 (33 U.S.C. 1129(d)) is amended—
(1) in paragraph (2)(A), by striking “long range”; and
(3) by striking “activities;” and inserting “activities;”.
(d) Technical assistance to, or repeal of, a section or other provision of this Act by the National Oceanic and Atmospheric Administration shall be considered to be made to a section or other provision of this Act by the National Sea Grant College Program Amendments Act of 1998, Pub. L. 105–386, (33 U.S.C. 1126) (as so redesignated) by striking “The”.

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM
(a) PROGRAM ELEMENTS.—Section 204(b) (33 U.S.C. 1129(b)) is amended by striking paragraph (1) to read as follows:
(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;
(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record to the such sea grant review panel is deemed to be a reference to the National Sea Grant Advisory Board.

(4) CONFORMING AMENDMENTS.—

(a) Section 209 (33 U.S.C. 1128) is amended by striking so much as precedes subsection (b) and inserting the following:

"SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

"(a) Establishment.—There shall be an independent committee to be known as the National Sea Grant Advisory Board."

(b) Section 209(9) (33 U.S.C. 1122(9)) is amended to read as follows:

"The term 'Board' means the National Sea Grant Advisory Board established under section 209.";

(c) Other Provisions.—The following provisions are each amended by striking "panel" wherever such word appears and inserting "Board":

(i) Section 204 (33 U.S.C. 1123).
(ii) Section 207 (33 U.S.C. 1126).
(iii) Section 209 (33 U.S.C. 1128).
(d) Duties.—Section 209(b) (33 U.S.C. 1128(b)) is amended to read as follows:

"(b) Duties.—

"(1) In general.—The Board shall advise the Secretary and the Director concerning—

"(A) strategies for utilizing the sea grant college program to address the Nation's highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;

"(B) the designation of sea grant colleges and sea grant institutes; and

"(C) such other matters as the Secretary refers to the Board for review and advice.

"(2) Biennial report.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information as appropriate, with administrative services and assistance as it may reasonably require to carry out its duties under this title.

"(c) Membership, Terms, and Powers.—Section 209(c)(1) (33 U.S.C. 1128(c)(1)) is amended—

"(1) by inserting "coastal management," after "resource management," and;

"(2) by inserting "management," after "development.,"

"(d) Expansion of Term.—Section 206(c)(3) (33 U.S.C. 128(c)(3)) is amended by striking the second sentence and inserting the following: "The Director may extend the term of any member of the Board once by up to 1 year."

"(e) Establishment of Subcommittees.—Section 209(c) (33 U.S.C. 1128(c)) is amended by adding at the end the following:"

"(6) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

"(1) by striking subsection (a)(1) and inserting the following:"

"(1) In general.—There are authorized to be appropriated to the Secretary to carry out this title:

"(A) $72,000,000 for fiscal year 2009;

"(B) $74,000,000 for fiscal year 2010;

"(C) $79,380,000 for fiscal year 2011;

"(D) $83,350,000 for fiscal year 2012;

"(E) $87,320,000 for fiscal year 2013; and

"(F) $91,280,000 for fiscal year 2014."

"(2) in subsection (a)(2)—

"(A) by striking "fiscal years 2003 through 2006" and inserting "fiscal years 2009 through 2013";

"(B) by striking "biology and control of zebra mussels and other important aquatic" in subparagraph "(a)" and inserting "biology, prevention, and control of aquatic"; and

"(C) by striking "blooms, including Proisteria piscicida; and in subparagraph (C) and inserting "blooms and; and"

"(3) in subsection (c)(1) by striking "rating under section 204(b)(3)(A)" and inserting "performance assessments"; and

"(4) by striking "and in connection with subsection (c)(2) and inserting the following:

"(2) regional or national strategic investments authorized under section 204(b)(4);"

"SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

SA 5669. Mr. WHITEHOUSE (for Mr. KYL) proposed an amendment to the bill S. 2913, to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; as follows:

On page 19, line 21, strike all through page 20, line 12.

On page 20, line 13, strike "(2)" and insert "(1)".

On page 21, line 10, strike "(3)" and insert "(2)".

On page 21, line 16, strike "(4)" and insert "(3)".

On page 22, line 15, strike "and" at the end.

On page 22, strike lines 16 through 20.

On page 23, line 21, strike "(vi)" and insert "(v)".

On page 25, line 1, strike all through page 27, line 7 and insert the following:

"(1) In general.—A search qualifies under paragraph (1) if the infringer, a person acting on behalf of the infringer, or any person jointly and severally liable with the infringer for infringement, undertakes a diligent effort that is reasonable under the circumstances to locate the owner of the infringed copyright prior to, and at a time reasonably proximate to, the infringement.

"(ii) Use of resources for charge.—A search charging through the Internet and relevant to identifying and locating copyright owners, provided there is sufficient identifying information on which to construct a search; and

"(A) a search of the records of the Copyright Office that are available to the public through the Internet and relevant to identifying and locating copyright owners, provided there is sufficient identifying information on which to construct a search; and

"(B) a search of reasonably available sources of copyright authorship and ownership information and, where appropriate, a search of the Copyright Office records not available to the public through the Internet; and

"(ii) shall include any actions that are reasonably likely to be useful in identifying and locating the copyright owner of the copyrighted work, including actions based on facts known at the start of the search and facts uncovered during the search, and including a review, as appropriate, of Copyright Office records not available to the public through the Internet that are reasonably likely to be useful in identifying and locating the copyright owner of the copyrighted work, including actions based on facts known at the start of the search and facts uncovered during the search, and including a record search of the United States to such sea grant college program; and

"(3) A search qualifying under paragraph (1) is deemed to be a reference to materials, resources, databases, and technology tools that are relevant to a search. The Register may maintain and make available more than one statement of Recommended Practices in a category or subcategory, as appropriate.

"(II) Consideration of relevant materials.—In maintaining and making available statements of Recommended Practices in a category or subcategory, as appropriate.

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"(II) Consideration of relevant materials.—In maintaining and making available statements of Recommended Practices in a category or subcategory, as appropriate.
consult with the Small Business Administration Office of Advocacy regarding those impacts. The Register shall consider the Office of Advocacy’s comments and respond to any concerns. (1)

SEC. 2. HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM.

(a) In General.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

SEC. 3024. HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ‘Board’ means the Hazardous Waste Electronic Manifest System Board established under subsection (ii).

(2) FUND.—The term ‘Fund’ means the Hazardous Waste Electronic Manifest System Fund established by subsection (d).

(3) PERSON.—The term ‘person’ includes an individual, corporation (including a Government corporation), company, association, firm, partnership, society, joint stock company, trust, municipality, commission, Federal agency, State, political subdivision of a State, or interstate body.

(4) SYSTEM.—The term ‘system’ means the hazardous waste electronic manifest system established under subsection (b).

(5) USER.—The term ‘user’ means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person that—

(A) is required to use a manifest to comply with any Federal or State requirement to track the shipment, transportation, and receipt of hazardous waste or other material that is shipped from the site of generation to an off-site facility for treatment, storage, disposal, or recycling; and

(B) has agreed to participate in the system to complete and transmit an electronic manifest format or

(‘‘(i) submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with such regulations as the Administrator may promulgate to require such a submission.

(b) Establishment.—Not later than 3 years after the date of enactment of this section, the Administrator shall establish a hazardous waste electronic manifest system that may be used by any user.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Administrator may impose on users such reasonable service fees as the Administrator determines to be necessary to develop, operate, maintain, and upgrade the system, including any costs incurred in collecting and processing data from any paper manifest submitted to the system after the date on which the system enters operation. The Register shall consider the Office of the Administrator of system-related services; and

(2) deposit the fees in the Fund for use in accordance with this subsection.

(3) FEE STRUCTURE.—

(A) In general.—The Administrator, in consultation with information technology vendors, shall determine through the contract award process described in subsection (b) the structure of fees necessary to recover the full cost to the Administrator of providing system-related services, including fees relating to—

(i) materials and supplies;

(ii) contracting and consulting;

(iii) overhead;

(iv) information technology (including costs of hardware, software, and related services);

(v) information management;

(vi) collection of service fees;

(vii) investment of any unused service fees;

(viii) reporting and accounting;

(ix) employment of direct and indirect Government personnel dedicated to establishing and maintaining the system; and

(x) project management.

(B) ADJUSTMENTS.—

(1) IN GENERAL.—The Administrator shall increase or decrease amount of a service fee determined under the fee structure described in subparagraph (A) to the extent that will—

(I) result in the collection of an aggregate amount for deposit in the Fund that is sufficient to cover current and projected system-related costs (including any necessary system upgrades); and

(II) minimize, to the maximum extent practicable, the accumulation of unused amounts in the Fund.

(B) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in—

(i) interest-bearing obligations of the United States; or

(ii) obligations, participations, or other instruments that are lawful investments for public retirement, trust, or endowment funds, as determined by the Secretary of the Treasury.

(C) FACILITY DEVELOPMENT FUND.—For the purpose of providing loan guarantees under subsection (b)(2)(B), obligations may be acquired—

(1) on original issue at the issue price; or

(2) by purchase of outstanding obligations at the market price.

(D) CREDIT TO FUND.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(E) ACCOUNTING.—Proper amounts transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(F) ACCOUNTING.—Proper amounts subsequently transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) TRANSFERS TO FUND.—There are appropriated to the Fund an amount equal to the amount collected as fees and received by the Administrator under subsection (c).

(3) EXPENDITURES FROM FUND.—The Administrator shall carry out all necessary measures to ensure that amounts in the Fund are used only to carry out the goals of establishing, operating, maintaining, upgrading, managing, supporting, and overseeing the system.

(4) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest amounts of the Fund as is not in the judgment of the Secretary of the Treasury and the Administrator, required to meet current withdrawals.

(B) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in—

(i) interest-bearing obligations of the United States; or

(ii) obligations, participations, or other instruments that are lawful investments for public retirement, trust, or endowment funds, as determined by the Secretary of the Treasury.

(C) ACQUISITION OF OBLIGATIONS.—For the purpose of providing loan guarantees under subsection (b)(2), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(D) CREDIT OF FUND.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(E) ACCOUNTING.—Proper amounts transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(F) ACCOUNTING.—Proper amounts subsequently transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(G) ACCOUNTING.—Proper amounts transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.
by the report, as reflected by financial statements provided in accordance with—

(1) the Chief Financial Officers Act of 1990 (Public Law 101-516; 104 Stat. 2388) and amendments made by that Act; and

(2) the Government Management Reform Act of 1994 (Public Law 103-356; 108 Stat. 3410) and amendments made by that Act; and

(II) an accounting describing actual expenditures from the Fund for the period covered by the report for costs described in subsection (c)(1).

(II) FUNCTIONS.—The annual audit required in accordance with sections 3515(c) and 3521 of title 31, United States Code, of the financial statements of activities carried out using amounts from the Fund shall include an analysis of—

(I) fees collected and disbursed under this section;

(II) the reasonableness of the fee structure in place as of the date of the audit to meet current and projected costs of the system;

(III) the level of use of the system by users; and

(IV) the success to date of the system in operating on a self-sustaining basis and improving the efficiency of tracking waste shipments and transmitting waste shipment data.

(iii) FEDERAL RESPONSIBILITY.—The Inspector General of the Environmental Protection Agency shall—

(I) conduct the annual audit described in clause (ii); and

(II) submit to the Administrator a report that contains findings and recommendations of the Inspector General resulting from the audit.

(c) CONTRACTS.—

(1) AUTHORITY TO ENTER INTO CONTRACTS FUNDED BY SERVICE FEES.—The Administrator may enter into 1 or more information technology contracts with entities determined to be appropriate by the Administrator (referred to in this subsection as ‘‘contractors’’) under which—

(A) the contractor agrees to award a contract for the provision of system-related services; and

(B) the contractor agrees to assume the initial risk of the information technology investment, and to obtain reimbursement for investment costs, operating costs, and other fees, by receiving payment as agreed-upon shares or fractions of service fees by the Administrator under subsection (c).

(2) TERM OF CONTRACT.—A contract awarded under this subsection shall have a term of not more than 10 years.

(3) ACHIEVEMENT OF GOALS.—The Administrator shall ensure, to the maximum extent practicable, that a contract awarded under this subsection—

(A) is performance-based; and

(B) identifies objective outcomes; and

(C) contains performance standards that may be used to measure achievement and goals to evaluate the success of a contractor in performing under the contract and the right of the contractor to payment for services under the contract, taking into consideration that a primary measure of successful performance shall be the development of a hazardous waste electronic manifest system that—

(i) meets the needs of the user community (including States that rely on data contained in manifests); and

(ii) attract sufficient user participation and service fee revenues to ensure the viability of the system.

(4) PAYMENT STRUCTURE.—Each contract awarded under this subsection shall include a provision that specifies—

(A) the service fee structure of the contractor that shall form the basis for payments to the contractor;

(B) the fixed-share ratio of monthly service fee revenues from which the Administrator shall reimburse the contractor for system-related development, operation, and maintenance costs and provide an additional profit or fee commensurate with the risk undertaken by the contractor in performing in accordance with the contract;

(C) the amount of additional transactional fees attributable to

(i) the ancillary costs of the Administrator in implementing and managing the system, including the costs of integrating the applications of the contractor with the central data exchange architecture of the Environmental Protection Agency;

(ii) the direct and indirect personnel costs incurred by the Administrator to employ personnel dedicated to the implementation and management of the system; and

(iii) expenses incurred in procuring any independent third-party services to assist staff of the Administrator in the preparation of financial statements and reports and the conduct of regular user group and governance meetings necessary for the oversight of the system.

(5) CANCELLATION AND TERMINATION.—

(A) IN GENERAL.—If the Administrator determines that services are not made available for the continuation in a subsequent fiscal year of a contract entered into under this subsection, the Administrator shall cancel or terminate the contract.

(B) COSTS.—The costs of cancellation or termination under subparagraph (A) may be paid using—

(i) appropriations available for performance of the contract;

(ii) unobligated appropriations available for acquisition of the information technology procured under the contract; or

(iii) funds subsequently appropriated for payment of costs of the cancellation or termination.

(C) NEGOTIATION OF AMOUNTS.—The amount payable in the event of cancellation or termination of a contract entered into under this subsection shall be negotiated with the contractor at the time at which the contract is awarded.

(D) CONTRACTS TO ENTER INTO CONTRACTS.—The Administrator may enter into a contract under this subsection for any fiscal year, regardless of whether funds are made specifically available for the full costs of cancellation or termination of the contract, if—

(I) funds are available at the time at which the contract is awarded to make payments with respect to a contingent liability in an amount equal to at least 100 percent of the estimated costs of a cancellation or termination during the first fiscal year of the contract, as determined by the Administrator; or

(II) funds described in clause (i) are not available as described in that clause, but the contractor—

(i) is informed of the amount of any unfunded contingent liability; and

(ii) agrees to perform the contract despite the unfunded contingent liability.

(6) NO EFFECT ON OWNERSHIP.—Regardless of whether the Administrator enters into a contract under this subsection, the system shall be owned by the Federal Government.

(1) HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM GOVERNING BOARD.—

(3) REQUIREMENT OF COMPLIANCE WITH RESPECT TO CERTAIN STATES.—In any case in which the State in which waste is generated, or the State in which waste will be transported to a designated facility, requires that the waste be tracked through a hazardous waste manifest, the designated facility that receives the waste shall, regardless of the State in which the facility is located—

(I) complete the facility portion of the applicable manifest;

(ii) sign and date the facility certification; and

(iii) submit to the system a final copy of the manifest for data processing purposes.
effect on the market availability of ele-
mental mercury and switching to affordable
mercury alternatives in the developing
world.

SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MER-
cury.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

'(f) MERCURY.—
(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY BY FED-
ERAL AGENCIES.—Except as provided in para-
graph (b), no Federal agency shall sell, transfer, or distribute any elemental mercury.
(2) INAPPLICABILITY OF SUBSECTION (a).—Paragraph (1) shall not apply to:
(A) a transfer between Federal agencies of elemental mercury for the sole purpose of fa-
cilitating storage of mercury to carry out this Act; or
(B) a conveyance, sale, distribution, or transfer of coal.
(3) REPORT TO CONGRESS ON MERCURY COM-
 pounds.—
(A) The Secretary of Energy shall publish and submit to Congress a report on mercuric chloride, mercuric chlo-
ride or calomel, mercuric oxide, and other mercury compounds, if any, that may cur-
rently be used in significant quantities in products or processes. Such report shall in-
clude an analysis of:
(i) the sources and amounts of each of the mercury compounds currently used in the United States or manufactured in the United States annually;
(ii) the purposes for which each of these compounds are used domestically, the amount of these compounds currently con-
sumed annually for each purpose, and the es-
timated amounts to be consumed annually in
2014, 2015, and 2016;
(iii) the potential for these compounds to be processed into elemental mercury after export from the United States; and
(iv) other relevant information that Congress should consider in determining wheth-
er to extend the export prohibition to in-
clude the or more of any of these mercury com-
 pounds.
(B) Nothing in this subsection shall be construed to prohibit the export of coal.

SEC. 4. PROHIBITION ON EXPORT OF ELEMENTAL MER-
cury.
Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—
(1) in subsection (a) by striking "section (b)" and inserting "sections (b) and (c)"; and
(2) by adding at the end the following:
(C) PROHIBITION ON EXPORT OF ELEMENTAL MER-
cury.—
(1) PROHIBITION.—Effective January 1, 2013, the export of elemental mercury from the United States is prohibited.
(2) INAPPLICABILITY OF SUBSECTION (a).—
Subsection (a) shall not apply to this sub-
section.

SEC. 5. LONG-TERM STORAGE.
(a) DESIGNATION OF FACILITY.
(1) GENERAL.—Any person residing in the United States may petition the Administrator for an exemption from the prohibition in paragraph (1), and the Administrator may grant by rule, after notice and opportunity for comment, an ex-
emption for a specified use at an identified foreign facility if the Administrator finds that—
(i) nonmercury alternatives for the speci-
fied use are not available in the country where the facility is located;
(ii) there is no other source of elemental mercury available from domestic supplies (not including new mercury mines) in the country where the elemental mercury will be used;
(iii) the country where the elemental mercury will be used certifies its support for the exemption;
(iv) the export will be conducted in such a manner as to ensure the elemental mercury will be used at the identified facility as described in the petition, and not otherwise diverted for other uses for any reason;
(v) the elemental mercury will be in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts;
(vi) the elemental mercury will be han-
dled and managed in a manner that will pro-
tect human health and the environment, taking into account local, regional, and global human health and environmental im-
 pact ;
and
(vii) the export of elemental mercury for the specified use is consistent with inter-
national obligations of the United States in-
tended to reduce global mercury supply, use, and pol-
 lution
(1) by adding at the end the following:
(B) Each exemption issued by the Admin-
istrator pursuant to this paragraph shall contain such terms and conditions as are necessary to minimize the export of ele-
mental mercury and ensure that the condi-
tions for granting the exemption will be fully met, and shall contain such other terms and conditions as the Administrator may prescribe. No exemption granted pursuant to this paragraph shall exceed three years in duration and no such exemption shall exceed 10 metric tons of elemental mer-
cury.
(C) The Administrator may by order sus-
pend or cancel an exemption under this para-
graph in the case of a violation described in subpara-
graph (D).
(D) A violation of this subsection or the terms and conditions of an exemption, or the submission of false information in connec-
tion therewith, shall be considered a prob-
hibited act under paragraph 15, and shall be subject to penalties under section 16, injunctive rel-
ief under section 17, and citizen suits under section 20.

SEC. 6. REORGANIZATION OF THE ADMINISTRATION.
(a) IN GENERAL.—Nothing in this subsection affects, replaces, or amends prior law relating to the mercury marketing.

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. 6901) is amended by inserting at the end of the items relating to subtitle C the following:

"Sec. 3024. Hazardous waste electronic manifest system."

SA 5673. Mr. WHITEHOUSE (for Mrs. BOXER) proposed an amendment to the bill S. 906, to prohibit the sale, dis-
tribution, transfer, and export of ele-
mental mercury, and for other pur-
poses.

In lieu of the matter proposed to be in-
serted, insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the "Mercury Ex-
port Ban Act of 2008."

SEC. 2. FINDINGS.
Congress finds that—
(1) mercury is highly toxic to humans, eco-
systems, and fish; and
(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk.
(3) as many as 630,000 children born annually in the United States are at risk of neu-
rological problems related to mercury;
(4) the most significant source of mercury exposure to people in the United States is inges-
tion of mercury-contaminated fish;
(5) Environmental Protection Agency reports that, as of 2004—
(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;
(B) in 21 States the freshwater advisories are statewide; and
(C) in 12 States the coastal advisories are statewide;
(6) the long-term solution to mercury pol-
lution is to minimize global mercury use and releases to eventually achieve reduced con-
tamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;
(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);
(8) the free trade of elemental mercury on the world market results in relatively low prices and in ready supply, encourages the continu-
ued use of elemental mercury outside of the United States, often involving highly disper-
sive activities such as artisanal gold mining;
(9) the intentional use of mercury is declin-
ing in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where re-
leases from the products are extremely like-
ly due to the limited pollution control and waste management infrastructures in those countries;
(10) the member countries of the European Union collectively are the largest source of elemental mercury exports globally;
(11) the European Commission has pro-
posed to the European Parliament and to the Council of the European Union a regulation to ban exports of elemental mercury from the European Union by 2011;
(12) the United States is a net exporter of elemental mercury, and according to the United States Geological Survey, exported 506 metric tons of elemental mercury more than the United States imported during the period 2000 through 2004;
(13) banning exports of elemental mercury from the United States will have a notable

"(i) nonmercury alternatives for the speci-
fied use are not available in the country where the facility is located;
(ii) there is no other source of elemental mercury available from domestic supplies (not including new mercury mines) in the country where the elemental mercury will be used;
(iii) the country where the elemental mercury will be used certifies its support for the exemption;
(iv) the export will be conducted in such a manner as to ensure the elemental mercury will be used at the identified facility as described in the petition, and not otherwise diverted for other uses for any reason;
(v) the elemental mercury will be in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts;
(vi) the elemental mercury will be han-
dled and managed in a manner that will pro-
tect human health and the environment, taking into account local, regional, and global human health and environmental im-
pacts; and
(vii) the export of elemental mercury for the specified use is consistent with inter-
national obligations of the United States in-
tended to reduce global mercury supply, use, and pol-
 lution

"(1) by adding at the end the following:
(B) Each exemption issued by the Admin-
istrator pursuant to this paragraph shall contain such terms and conditions as are necessary to minimize the export of ele-
mental mercury and ensure that the condi-
tions for granting the exemption will be fully met, and shall contain such other terms and conditions as the Administrator may prescribe. No exemption granted pursuant to this paragraph shall exceed three years in duration and no such exemption shall exceed 10 metric tons of elemental mer-
cury.
(C) The Administrator may by order sus-
pend or cancel an exemption under this para-
graph in the case of a violation described in subpara-
graph (D).
(D) A violation of this subsection or the terms and conditions of an exemption, or the submission of false information in connec-
tion therewith, shall be considered a prob-
hibited act under paragraph 15, and shall be subject to penalties under section 16, injunctive rel-
ief under section 17, and citizen suits under section 20.

"5. CONSISTENCY WITH TRADE OBLIGA-
tions.—Nothing in this subsection affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

"6. EXCLUSION OF COAL.—Nothing in this sub-
section shall be construed to prohibit the ex-
port of coal."

SEC. 5. LONG-TERM STORAGE.
(a) DESIGNATION OF FACILITY.
(1) IN GENERAL.—On or before January 1, 2010, the Secretary of Energy (referred to in this section as the "Secretary") shall des-
ignate a facility or facilities of the Depart-
ment of Energy, which shall not include the Y-12 National Security Complex or any other portion or facility of the Oak Ridge Reserva-
tion of the Department of Energy, for the purpose of designating, identifying, and managing the long-term stor-
age of elemental mercury generated within the United States.
(2) OPERATION OF FACILITY.—Not later than January 1, 2013, the facility designated in paragraph (1) shall be operational and shall accept custody, for the purpose of long-term management and storage under the program prescribed in subsection (a), and with other interested persons, the Secretary shall consult and any other person, the Secretary shall consult and agree upon such management and storage, including facility operation and maintenance, security, monitoring, reporting, personnel, administration, inspections, training, maintenance, closure, and other costs required for compliance with applicable law. Such costs shall not include costs associated with land acquisition or permitting of a facility under the Solid Waste Disposal Act or other applicable law. Building design and building construction costs shall only be included to the extent that such costs are needed to provide building design and building construction costs shall only be included to the extent that such costs are needed to provide for the operation of a new building or buildings.

(c) REPORT.—Not later than 60 days after the end of each Federal fiscal year, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on all of the costs incurred in the previous fiscal year associated with the long-term management and storage of elemental mercury. Such report shall set forth separately all costs associated with activities taken under this section.

(d) MANAGEMENT STANDARDS FOR A FACILITY.—

(D) FIRE DETECTION AND SUPPRESSION SYSTEMS.—The Secretary shall—

(1) IN GENERAL.—(A) Except as provided in subparagraph (A) referred to in paragraph (2), the Secretary shall hold harmless, defend, and indemnify in full any person who delivers elemental mercury to a designated facility under the program established under subsection (a) from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or in any manner predicated upon, the release or threatened release, subparagraph (A) contributed to any such facility under the program established under section 3005(c) or the Solid Waste Disposal Act. Such costs shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)), and shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)) if—

(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary to the Secretary that it will ship the mercury to the designated facility when the Secretary is able to accept the mercury; or

(ii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will not sell, or otherwise place into commerce, the mercury to which subparagraph (A) referred to in paragraph (2), the Secretary shall hold harmless, defend, and indemnify in full any person who delivers elemental mercury to a designated facility under the program established under subsection (a) from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or in any manner predicated upon, the release or threatened release of elemental mercury as a result of acts or omissions occurring after such mercury is delivered to a designated facility described in subsection (a).

(2) CONDITIONS.—(A) No indemnification may be afforded under this subsection unless the person seeking indemnification—

(f) TERMS, CONDITIONS, AND PROCEDURES.—

B. Furnishes the Secretary with the records and personal of the person for purposes of defending or settling the claim or action.

C. AUTHORITY OF SECRETARY.—(A) In any case in which the Secretary determines that the Department of Energy may be required to make indemnification payments to a person under this subsection for any claim, loss, or damage covered by this subsection; and

D. PROVIDES, UPON REQUEST BY THE SECRETARY, TO THE RECORDS AND PERSONNEL OF THE PERSON FOR PURPOSES OF DEFENDING OR SETTLING THE CLAIM OR ACTION.

SEC. 6. REPORT TO CONGRESS.

At least 3 years after the effective date of the prohibition on export of elemental mercury under section 3004(j) of the Toxic Substances Control Act (15 U.S.C. 2611(c)), as added by section 4 of this Act, but not later than January 1, 2017, the Administrator of the Environmental Protection Agency shall transmit to the Congress of the United States a report on the global supply and trade of elemental mercury, including but not limited to the amount of elemental mercury globally that originates from primary mining, where such primary mining is conducted, and whether additional primary mining has occurred as a consequence of this Act.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Collin Peterson and Alicia Marie Johnson be granted the privilege of the floor for today’s debate.

The acting President pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that during...
It is the understanding of the United States of America that nothing in Protocol V would preclude future arrangements in connection with the settlement of armed conflicts, or assistance connected thereto, to allocate responsibilities under Article 3 in a manner that respects the essential spirit and purpose of Protocol V.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of Articles 7 and 8, this Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

TREATY DOC. 109–13 INTERNATIONAL CONVENTION ON CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to two declarations.

The Senate advises and consents to the ratification of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, adopted on October 5, 2001 (Treaty Doc. 110–13), subject to the declaration of section 2 and the declaration of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares that, pursuant to Article 162(2)(a)(8) of the Convention, amendments to Annex I of the Convention shall enter into force for the United States of America only after notification to the Secretary-General of its acceptance with respect to such amendments.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is not self-executing.
The amendment is as follows:

In the amendment, strike “2” and insert “1”.

Mr. WHITEHOUSE. I ask unanimous consent that no motion to refer be in order during the pendency of the message.

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

Mr. WHITEHOUSE. I ask unanimous consent that the cloture vote occur at 10 a.m. Saturday, September 27.

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

NOAA LAND TRANSFER

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5350 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5350) to authorize the Secretary of Commerce, through the Under Secretary and Administrator of the National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, for other purposes.

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

Mr. WHITEHOUSE. I ask unanimous consent that the Senate receive the bill as amended, be read a third time and the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 5663) was agreed to, as follows:

(Purpose: provide authority to NOAA to enter a no cost land lease for a NOAA facility.)

Notwithstanding any other provision of law, the Secretary of Commerce, through the Under Secretary and Administrator of the National Oceanic and Atmospheric Administration (NOAA), is authorized to enter into a land lease with Mobile County, Alabama for a period of not less than 40 years, on such terms and conditions as NOAA deems appropriate, for purposes of construction of a Gulf of Mexico Disaster Response Center facility, provided that the lease is at no cost to the government. NOAA may enter into agreements with state, local, or county governments for purposes of joint use, operations and occupancy of such facility.

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

The bill (H.R. 5350), as amended, was read the third time, and passed.

PECHANGA BAND OF LUISENO MISSION INDIANS LAND TRANSFER ACT OF 2007

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1081, H.R. 2963.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2963) to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held by it in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

(Omit the part within boldface brackets and insert the part printed in italic)

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 “Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2007.”

SEC. 2. TRANSFER OF LAND IN TRUST FOR PECHANGA BAND OF LUISENO MIS- SION INDIANS.

(a) TRANSFER AND ADMINISTRATION.— (1) TRANSFER.—Effective on the date of the enactment of this Act and subject to valid existing rights, all right, title, and interest of the United States in and to the Federal Fish and Wildlife Service Multiple Species Habitat Conservation Plan expires which shall be sold by the Bureau of Land Management to the United States Fish and Wildlife Service of consideration in an amount equal to the fair market value to the San Diego Gas & Electric Company not later than 30 days after the completion of the cadastral survey described in subsection (c) and the appraisal described in subsection (d).

(2) ADMINISTRATION.—The land transferred under paragraph (1) shall be part of the Pechanga Indian Reservation and administered in accordance with—

(A) the laws and regulations generally applicable to property held in trust by the United States; and

(B) a memorandum of understanding entered into between the United States Fish and Wildlife Service of the Bureau of Land Management, and the United States Fish and Wildlife Service on November 11, 2005, which shall remain in effect until the date on which the lands are conveyed to the tribe.

(c) SURVEY.—Not later than 180 days after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete a survey of the lands transferred and to be the under subsection (a) for the purpose of establishing the boundaries of the lands.

(d) APPRAISAL OF UTILITY CORRIDOR.— (1) IN GENERAL.—The Secretary shall convey to the San Diego Gas & Electric Company all right, title, and interest of the United States in and to the utility corridor upon—

(A) the completion of the survey required under subsection (c);

(B) the receipt by the Secretary of all rents and other fees that may be due to the United States for use of the utility corridor, if any; and

(C) the receipt of payment by United States from the San Diego Gas & Electric Company of consideration in an amount equal to the fair market value of the utility corridor, as determined by an appraisal conducted under paragraph (2).

(2) APPRAISAL.— (A) IN GENERAL.—Not later than 90 days after the date on which the survey of the utility corridor is completed under subsection (c), the Secretary shall complete an appraisal of the utility corridor.

(B) APPLICABLE LAW.—The appraisal under subparagraph (A) shall be conducted in accordance with—

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) COSTS.—The San Diego Gas & Electric Company shall pay the costs of carrying out the conveyance of the utility corridor under paragraph (1), including any associated survey and appraisal costs.

Disposition of Proceeds.—The Secretary shall deposit any amounts received under paragraph (1)(C) of this section in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

(e) MAP ON FILE.—The map referred to in subsection (b) shall be on file in the appropriate offices of the Bureau of Land Management.

(f) LEGAL DESCRIPTIONS.— (1) LEGAL DESCRIPTIONS.— (1) PUBLICATION.—On approval of the survey completed under subsection (c) by the duly elected tribal council of the Pechanga Band of Luiseno Indians, the Secretary of the Interior shall publish in the Federal Register—
The bill (H.R. 2963), as amended, was read the third time, and passed.

**NUCLEAR FORENSICS AND ATTRIBUTION ACT**

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1086, H.R. 2631.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2631) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 2631

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

**SECTION 1. FINDINGS AND DECLARATIONS**

Congress finds the following:

(1) The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of the weapon, there could be little forensic evidence except the radioactive material in the bomb itself.

(2) Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, pre-detonation forensics is a relatively undeveloped field. The post-detonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.

(3) A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators. Furthermore, the threat of effective attribution could contribute to homeland security at nuclear storage facilities, preventing the unverting transfer of nuclear or radiological materials.

(4) In order to identify special nuclear material and other radiological material, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.

(5) The ability to analyze and characterize samples against known signatures of nuclear and radiological material is a relatively undeveloped field. The field associated with a nuclear or radiological device may affect traditional forensics techniques in unknown and unexpected ways. Nuclear forensics may provide the most useful tools for analysis and characterization of samples.

(6) It is the sense of Congress that the President should—

(a) pursue bilateral and multilateral international agreements to establish, or seek to establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining:

(A) the source of any confiscated nuclear or radiological material or weapon; and

(B) the source of any detonated weapon or the nuclear or radiological material used in such a weapon; and

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

**SECTION 2. SENSE OF CONGRESS ON INTERNATIONAL AGREEMENTS FOR FORENSICS CO-OPERATION**

It is the sense of the Congress that the President should—

(a) pursue bilateral and multilateral international agreements to establish, or seek to establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining:

(A) the source of any confiscated nuclear or radiological material or weapon; and

(B) the source of any detonated weapon and the nuclear or radiological material used in such a weapon;

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

**SECTION 3. RESPONSIBILITIES OF DOMESTIC NUCLEAR DETECTION OFFICE**

(a) ADDITIONAL RESPONSIBILITIES.—Section 1902 of the Homeland Security Act of 2002 (6 U.S.C. 399a) is amended by—

(1) by striking “(a) Mission” in paragraph (9), by striking “and” at the end of paragraph (9), and by redesigning paragraph (10) as paragraph (14); and

(2) by inserting after paragraph (9) the following:

“(10) develop and implement, with the approval of the Secretary, and in consultation with the Attorney General, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Director of National Intelligence, and the heads of appropriate departments and agencies, a ‘National Strategy and Five-Year Implementation Plan for Improving the Nuclear Forensics and Attribution Capabilities of the United States Government’ and the methods, capabilities, and capacity for nuclear materials forensics and attribution, including—

(A) an investment plan to support nuclear materials forensics and attribution;

(B) the allocation of roles and responsibilities for pre-detonation, detonation, and post-detonation activities; and

(C) the attribution of nuclear or radiological material to its source when such material is intercepted by the United States, foreign governments or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion;
BROADBAND DATA IMPROVEMENT ACT

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 441, S. 1492.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

This Act may be cited as the ''Broadband Data Improvement Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(a) to calculate the average price per megabyte of broadband offering; and

(b) to reflect the average actual speed of broadband offerings compared to advertised potential speeds;

(3) to compare the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Federal Communications Commission, in consultation with the Federal Highway Administration, the Federal Aviation Administration, the National Telecommunications and Information Administration, and any other appropriate Federal agency, shall submit to the Congress a report that includes such information as the Commission determines to be necessary to evaluate the deployment and penetration of broadband in the United States with other countries.

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"(II) establish, within the Domestic Nuclear Detection Office, the National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, and coordination for all Federal nuclear forensics and attribution activities—"

"(A) to ensure an enduring national technical nuclear forensics capability that is capable of meeting the collective response of the United States to nuclear terrorism or other nuclear attacks; and"

"(B) to coordinate and implement the national technical nuclear forensics plan and 5-year plan to improve national forensics and attribution capabilities for all Federal nuclear and radiological forensics capabilities;"

"(II) establish a National Nuclear Forensics Expertise Development Program, which—"

"(A) is devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochronological science specialties directly relevant to technical nuclear forensics, including radiocarbon chemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry; and"

"(B) shall—"

"(i) be available for undergraduate study student scholarships, with a duration of up to 4 years per student, which shall include, if possible, at least 1 summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's undergraduate career;"

"(ii) make available for graduate study student fellowships, with a duration of up to 5 years per student, which shall—"

"(I) include, if possible, at least 2 summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's graduate career; and"

"(II) require each recipient to commit to serve for 2 years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;"

"(iii) make available to faculty awards, with a duration of 3 to 5 years each, to ensure faculty and their graduate students have a sustained funding stream; and"

"(iv) place a particular emphasis on reinvigorating technical nuclear forensics programs; and"

"(B) JOINT INTERAGENCY ANNUAL REPORTING REQUIREMENT TO CONGRESS AND THE PRESIDENT.—"

"(1) IN GENERAL.—Section 1907(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 596(a)(1)) is amended—"

"(I) by striking ''regularly'' in subsection (b) and inserting ''annually'';"

"(2) by redesigning subsection (c) as subsection (e); and"

"(3) by inserting after subsection (b) the following:

"(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected using 5-digit postal zip code plus 4-digit location.

"(d) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall, using 5-digit postal zip code plus 4-digit location information, compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 nt)) and to the extent that available and practicable, determine, for each such unserved area—"

"(I) the population;

"(II) the population density; and

"(III) the average per capita income;

"(2) by inserting after ''(b)(I)'','' after ''(b)(II)'', and ''after ''(b)(III)'' the following:

"(e) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 154 note) is amended by inserting at the end the following:

"(1) A REPORT TO CONGRESS.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07-38 which shall, at a minimum—"

"(2) to require filing by the Commission of Form 477 reporting requirements to reflect the average actual speed of broadband offerings and the Federal Communications Commission; and

"(3) to determine the date of compliance.

"(2) IMPROVING FCC BROADBAND DATA.—With-
Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates in all regions of the Nation.

SEC. 5. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESS.

(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 6. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under this section shall be to—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and emphasize availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require; and

(2) evaluate matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant.

(d) GRANT APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) provide a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—An award granted to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify the speeds of broadband connections available to small businesses; and

(A) areas in each State that have low levels of broadband service deployment; and

(B) the rate at which the potential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hyperlinks to any public and private sector maps created by grant recipients under subsection (e)(10).

(h) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a non-profit organization that is selected by a State to work in partnership with Federal, State, and local agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(2) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization—

(A) described in section 501(a)(1) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which is inure to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widespread deployment and adoption of broadband services and information technology; and

(D) the board of directors of which is not composed of a majority of individuals who are employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency.

SEC. 7. FISCAL MATTERS AND APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create the jobs and growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and to provide support to the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residential and business sectors.

SEC. 3. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING FCC BROADBAND DATA.—With-
(3) revise its Form 477 reporting requirements as necessary to enable the Commission to identify actual numbers of broadband connections subscribed to by residential and business customers, such as required by subsection 157 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking “regularly” in subsection (b) and inserting “annually”;
(2) by redesignating subsection (c) as subsection (b);
(3) by inserting after subsection (b) the following:

(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall—

(1) collect data through Form 477 reporting requirements;

(2) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required under paragraph (1), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c) of the Telecommunications Act of 1996 (47 U.S.C. 157 n)) and to the extent that data from the Census Bureau is available, determine, for each unserved area—

(1) the population density; and
(2) the average per capita income.

(4) by inserting “an evolving level of” after “technology, as” in paragraph (1) of subsection (e), redesignated.

(d) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households located in the United States and on the lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service, if so, whether persons subscribe to dial-up or broadband Internet service at that address.

SEC. 4. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) In General.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;
(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds; and to consider factors affecting speed that may be outside the control of a broadband provider;
(3) to compare, using comparable metrics and standards, availability and quality of broadband offerings in other industrialized nations, including countries identified by the Organization for Economic Cooperation and Development, and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) Report.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representa-

tives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparability to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 5. STUDY OF SPEED AND PRICE ON SMALL BUSINESSES.

(a) In General.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(1) to achieve at least one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepren-

eurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, which shall consider—

(1) a survey of broadband speeds available to small businesses;
(2) a survey of the cost of broadband speeds available to small businesses;
(3) a survey of the type of broadband technology used by small businesses; and
(4) any policies that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

(b) Review.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce on the results of the study, including—

(1) an analysis of the results of the study; and
(2) recommendations for any policies that may improve the availability and quality of broadband service to small businesses.

(c) Measurement and Analysis.—In determining under subsection (b) if the Commission determines subsection (a)(3) if the Commission determines that a compliance by that entity with the requirements is cost prohibitive, as defined by the Commission.

(d) SEC. 6. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) Purposes.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;
(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and business;
(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and
(4) to establish and sustain an environment that promotes broadband services and information technology investment.

(b) Establishment of State Broadband Data and Development Grant Programs.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and deployment of broadband in each State, to award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and deployment of broadband in each State, to award grants to eligible entities for the development and deployment of broadband in each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(3) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce at such time, in such manner, and containing such information as the Secretary may require,
(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant, and
(3) agree to the confidentiality requirements in subsection (b)(2) of this section.

(c) Peer Review.—NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation prescribe technical and scientific peer review of applications made for grants under this section.

(2) Review Procedures.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant under review;

(B) provide the results of any review by such group to the Secretary of Commerce.

(d) Certification.—The Secretary shall enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by the recipient of the grant in connection with projects funded by any such grant.

(3) Use of Funds.—A grant awarded to an eligible entity may be used—

(1) to provide a competitive assessment of broadband service deployment in each State;
(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment; (B) the rate at which residential and business users adopt broadband service and other related information technology services; and (C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connection, and to reflect the average actual speed of broadband services at comparable rates in all regions of the Nation;

(5) to distinguish between complementary and substitutable broadband services at comparable rates in all regions of the Nation.

SEC. 7. DATA AND DEVELOPMENT GRANT PROGRAM.—

(a) Purposes.—The purposes of any grant under subsection (b) are—

(1) to provide a baseline assessment of areas in each State that have low levels of broadband service deployment; (2) to compare, using comparable metrics and standards, availability and quality of broadband services at comparable rates in all regions of the Nation.

(b) Competitive Basis.—Any grant under subsection (b) shall be awarded on a competitive basis.

(3) to establish and sustain an environment that promotes broadband services and information technology investment.

(c) Eligibility.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce at such time, in such manner, and containing such information as the Secretary may require, for grants under this section.

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant, and

(3) agree to the confidentiality requirements in subsection (b)(2) of this section.

(d) Peer Review.—NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation prescribe technical and scientific peer review of applications made for grants under this section.

(2) Review Procedures.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant under review;

(B) provide the results of any review by such group to the Secretary of Commerce.

(d) Certification.—The Secretary shall enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by the recipient of the grant in connection with projects funded by any such grant.

(3) Use OF FUNDS.—A grant awarded to an eligible entity may be used—

(1) to provide a competitive assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment; (B) the rate at which residential and business users adopt broadband service and other related information technology services; and (C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connection, and to reflect the average actual speed of broadband services at comparable rates in all regions of the Nation;

(5) to distinguish between complementary and substitutable broadband services at comparable rates in all regions of the Nation.

SEC. 8. ESTABLISHMENT OF STATE BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) Purposes.—The purposes of any grant under subsection (b) are—

(1) to provide a baseline assessment of areas in each State that have low levels of broadband service deployment; (2) to compare, using comparable metrics and standards, availability and quality of broadband services at comparable rates in all regions of the Nation.

(b) Competitive Basis.—Any grant under subsection (b) shall be awarded on a competitive basis.

(3) to establish and sustain an environment that promotes broadband services and information technology investment.

(c) Eligibility.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce at such time, in such manner, and containing such information as the Secretary may require,
(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant, and
(3) agree to the confidentiality requirements in subsection (b)(2) of this section.

(d) Peer Review.—NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation prescribe technical and scientific peer review of applications made for grants under this section.

(2) Review Procedures.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant under review;

(B) provide the results of any review by such group to the Secretary of Commerce.

(d) Certification.—The Secretary shall enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by the recipient of the grant in connection with projects funded by any such grant.

(3) Use OF FUNDS.—A grant awarded to an eligible entity may be used—

(1) to provide a competitive assessment of broadband service deployment in each State;
level among residential or business customers; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with Internet access.

(1) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hyper-text links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, confidential, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this Act and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means the Federal Communications Commission.

(3) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widespread deployment and adoption of broadband services and information technology;

(D) that has a board of directors a majority of which is not composed of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency; and

(E) that has a board of directors which does not include any member that is employed either by a broadband service provider or by any other company in which a broadband service provider owns a controlling or attributable interest.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated out of this section $40,000,000 for each of fiscal years 2008 through 2012.

(k) NO REGULATORY AUTHORITY.—Nothing in this subsection is intended to create or confer upon any public or private entity established or affected by this Act any regulatory jurisdiction or over-sight authority over providers of broadband services or information technology.

Mr. WHITEHOUSE. I ask unanimous consent that an Inouye amendment which is at the desk be considered; that an Inouye second-degree amendment be considered and agreed to; the Inouye amendment, as amended, be agreed to; the committee substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 5664) is printed in today’s RECORD under “Text of Amendments.”

The amendment (No. 5665 to amendment No. 5664) was agreed to, as follows:

(Purpose: To make technical and minor changes to the substitute amendment)

On page 19, line 19, strike “102” and insert “103”.

On page 20, beginning on line 16, strike “amendments made by this Act with respect to the content of such reports and”.

On page 23, line 7, beginning with “amend—”, strike through line 18 and insert “amended by striking ‘or 1464’ in subparagraph (D) and inserting ‘1464, or 2252’ ”.

The amendment (No. 5666), as amended, was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1492), as amended, was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1492

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

TITLE I—BROADBAND DATA IMPROVEMENT

SEC. 101. SHORT TITLE. This title may be cited as the “Broadband Data Improvement Act.”

SEC. 102. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary State efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

(a) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by striking “regularly” in subsection (b) and inserting “annually”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

“(1) the population;

“(2) the population density; and

“(3) the average per capita income.”;

(b) INTERNATIONAL COMPARISON.—

(1) IN GENERAL.—As part of the assessment and report required by section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note), the Federal Communications Commission shall include information comparing the extent of broadband service capability with the data, (including data on the price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers.

(2) CONTENTS.—The Commission shall choose communities for the comparison under subsection (d) for that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the description size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection—

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES.—The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, the regulatory model under which broadband service capability is provided, the types of applications and services used, business and residential use of such services, and other media available to consumers.

(c) CONSUMER SURVEY OF BROADBAND SERVICE CAPABILITY.—

(1) IN GENERAL.—For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commission shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine—

(A) the types of technology used to provide the broadband service capability to which consumers subscribe; and

(B) amounts consumers pay per month for such capability;

(C) the actual data transmission speeds of such capability; and

(D) the types of applications and services consumers most frequently use in conjunction with such capability;
SEC. 105. STUDY ON THE IMPACT OF BROADBAND SERVICES ON BUSINESS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate the availability and quality of broadband offerings in the United States and shall make publicly available the results of surveys conducted under this subsection at least once every 3 years.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the Senate Committee of Representatives Committee on Small Business on the results of the study, including:

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology utilized by small businesses;

(4) any policy recommendations that may improve small businesses access to comparable broadband services at reasonable rates across all regions of the Nation.

SEC. 104. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of broadband providers;

(3) to compare, using comparable metrics and standards, the availability and quality of broadband offerings in the United States with other countries;

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall establish the American Community Survey conducted by the Bureau of the Census to elicit information from residents within such areas, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

(2) PROVISIONAL INFORMATION.—Nothing in this title shall reduce or remove any obligation the Comptroller General has to protect proprietary information, or shall this title be construed to prevent the Commission to make publicly available any proprietary information.

SEC. 105. STUDY ON THE IMPACT OF BROADBAND SERVICES ON SMALL BUSINESSES.

(a) IN GENERAL.—Subject to appropriations, the Small Business Administration Office of Advocacy shall conduct a study to evaluate the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for online application development and demand creation.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;

(2) to agree to comply with confidentiality requirements in subsection (h)(2) of this section.

(d) PRIOR REFERENCE; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce;

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) available supply and demand for online application development and demand creation;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) whether the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, to promote greater consistency of data among the States.

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average;

(7) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(8) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(9) to create within each State a geographic inventory map of broadband service availability, that defines benchmarks for broadband service utilization by the Commission to reflect different speed tiers, which shall be shared.—

(1) to identify gaps in such service through a method of geographic information system mapping of service availability based on the geographic boundaries of where service is available or unavailable among residential or business customers; and

(2) to provide a baseline assessment of state-wide broadband deployment in terms of households with high-speed availability by

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section for activities described in subsection (d) within such State if such organization obtained prior
grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING: BROADBAND INVENTORY MAPS.—The Commission shall:

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) establish a system on the Department of Commerce website that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hyperlinks to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) In General.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure, except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted to the Commission or a broadband provider to carry out the provisions of this title and shall not otherwise limit or affect the rules governing public disclosure of information collected by any entity under any other Federal or State law or regulation.

(i) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ‘‘Commission’’ means the Federal Communications Commission.

(2) ELIGIBLE ENTITY.—The term ‘‘eligible entity’’ means—

(A) an entity that is either:

(i) an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State;

(ii) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; or

(iii) an independent agency or commission in which an office of a State is a member on behalf of the State; and

(B) the single eligible entity in the State that has been designated by the State to receive a grant under this section.

(j) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this title any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

TITLE II—PROTECTING CHILDREN

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the ‘‘Protecting Children in the 21st Century Act’’.

(b) Table of Contents.—The table of contents for this title is as follows:

Sec. 201. Short title; table of contents.

SUBTITLE A—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 211. Internet safety.

Sec. 212. Public awareness campaign.

Sec. 213. Annual reports.

Sec. 214. Online safety and technology working group.

Sec. 215. Promoting online safety in schools.

SUBTITLE B—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 221. Child pornography prevention; forfeitures related to child pornography violations.
SECTION 1. LEASES OF RESTRICTED LAND.
Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence—
(1) by inserting of land held in trust for the Cow Creek Band of Umpqua Indians of Oregon, land held in trust for the Coquille Tribe of Oregon, and land held in trust for the Confederated Tribes of the Siletz Reservation, Oregon, after "Devils Lake Sioux Reservation"; and
(2) by inserting "and except leases of land held in trust for the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, which may be for a term not to exceed 50 years," before "and except".

Amend the title so as to read: "A bill to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Indians of Oregon, the Coquille Tribe of Oregon, and the Confederated Tribes of the Siletz Reservation, Oregon, to obtain 50-year lease authority for trust land, and to authorize the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, to obtain 50-year lease authority for trust land."

Mr. WHITEHOUSE. I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; the title amendment be agreed to; the motion to reconsider be laid on the table; and without intervening action or debate; and that any statements relating to this measure be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3192), as amended, was ordered to be engrossed for a third reading, and passed.

The Title was amended so as to read: "A bill to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Indians of Oregon, the Coquille Tribe of Oregon, and the Confederated Tribes of the Siletz Reservation, Oregon, to obtain 50-year lease authority for trust land, and to authorize the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, to obtain 50-year lease authority for trust land."

PRESIDENTIAL HISTORICAL RECORDS PRESERVATION ACT OF 2008

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1088, S. 3477.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:
A bill (S. 3477) to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

(1) IN GENERAL.—The Archivist, with the recommendation of the Commission, shall may make grants, on a competitive basis and in accordance with this subsection, to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any former President who does not have a Presidential archival repository currently managed by the Federal Government pursuant to section 2112 (commonly known as the 'Presidential Libraries Act of 1955').

(2) ELIGIBLE ENTITY.—For purposes of this subsection, an eligible entity is an eligible entity may
(A) an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code;
(B) a State or local government of the United States;
(C) an educational institution, or private nonprofit organization, that involve the transfer of funds from the National Historical Publications and Records Commission to State and local governments, tribal governments, other public entities, educational institutions, or private nonprofit organizations for the public purpose of carrying out section 2120 of title 44, United States Code.

(3) USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) shall be used to promote the historical preservation of, and public access to, historical records and documents relating to any former President covered under paragraph (1).

(4) PROHIBITION ON USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) may not be used for the maintenance, operating costs, or construction of any facility to house the historical records and collections of historical sources.

(5) APPLICABLE LAW.—The Archivist may enter into a cooperative agreement with an eligible entity to promote the historical preservation of, and public access to, historical records and collections of historical sources.

(6) USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) may be used on a competitive basis to promote the historical preservation of, and public access to, historical records and documents relating to any former President covered under paragraph (1).
of each cooperative agreement entered into as authorized by paragraph (1) during the preceding fiscal year.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Each table of sections for chapter 21 of title 44, United States Code, is amended by adding after the item relating to section 2119 the following:

"2120. Online access of founding fathers documents."

**SEC. 5. ADVISORY COMMITTEE.**

(a) **ESTABLISHMENT.—**The Archivist of the United States may establish an advisory committee to—

(1) review the progress of the Founding Fathers editorial projects funded by the National Historical Publications and Records Commission;

(2) develop, in consultation with the various Founding Fathers editorial projects, appropriate completion goals for the projects described in paragraph (1);

(3) annually review such goals and report to the Archivist on the progress of the various projects in meeting the goals; and

(4) recommend to the Archivist measures that would aid or encourage the projects in meeting such goals.

(b) **REPORTS TO THE ADVISORY COMMITTEE.—**Each report described in subsection (a)(1) shall provide annually to the advisory committee established under subsection (a) a report on the progress of the project toward accomplishing the funding goals and assistance needed to achieve such goals, including the following:

(1) The proportion of total project funding for the funding year in which the report is submitted from—

(A) Federal, State, and local government sources;

(B) the host institution for the project;

(C) private or public foundations; and

(D) individuals.

(2) Information on all activities carried out using nongovernmental funding.

(3) Any and all information related to performance goals for the funding year in which the report is submitted.

(c) **COMPOSITION; MEETINGS; REPORT; SUNSET; ACTION.—**The advisory committee established under subsection (a) shall—

(1) be comprised of 3 nationally recognized historians appointed for not more than 2 consecutive 4-year terms;

(2) meet at least once every year or more often to consider the reports submitted under subsection (b) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, that provide for or more alternative models for presidential archival depositories that—

(A) reduce the financial burden on the Federal Government;

(B) improve the preservation of presidential records; and

(C) reduce the delay in public access to all presidential records.

Mr. WHITHOUSE. I ask unanimous consent that the committee amendments be agreed to; the Lieberman amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed, with amendments, to the Senate, with such statements related thereto be printed in the Record.

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

The committee amendments were agreed to.

The amendment (No. 5666) was agreed to, as follows:

(Purpose: To authorize the establishment of national databases)

At the end, add the following:

**SEC. 7. ESTABLISHMENT OF NATIONAL DATABASE FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.**

(a) **IN GENERAL.—**The Archivist of the United States may preserve relevant records and establish, as part of the National Archives and Records Administration, an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including the Refugees, Freedmen, and Abandoned Land Records, Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Imprisonment Records, Slave Payroll Records, Slave Manifest, and others, contained within the agencies and departments of the Federal Government to assist African Americans and others in conducting genealogical and historical research.

(b) **MAINTENANCE.—**Any database established under this section shall be maintained by the National Archives and Records Administration or an entity within the National Archives and Records Administration designated by the Archivist of the United States.

**SEC. 8. GRANTS FOR ESTABLISHMENT OF STATE AND LOCAL DATABASES FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.**

(a) **IN GENERAL.—**The Executive Director of the National Historical Publications and Records Commission of the National Archives and Records Administration may make grants to States, colleges and universities, museums, libraries, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

(b) **MAINTENANCE.—**Any database established using a grant under this section shall be maintained by appropriate agencies or institutions designated by the Executive Director of the National Historical Publications and Records Commission.

The bill (S. 3477), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3477

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 "Presidential Historical Records Preservation Act of 2008".

**SEC. 2. GRANT PROGRAM.**

Section 2501 of title 44, United States Code, is amended by—

(1) redesignating subsection (f) as subsection (g); and

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

"(f) GRANTS FOR PRESIDENTIAL CENTERS OF HISTORICAL EXCELLENCE.—"

"(1) IN GENERAL.—The Archivist, with the recommendation of the Commission, may make grants, on a competitive basis and in accordance with this subsection, to eligible entities that are not Presidents who have a Presidential archival depository currently managed and maintained by the Federal Government pursuant to section 2112 (commonly known as the "Presidential Libraries Act of 1955").

"(2) ELIGIBLE ENTITY.—For purposes of this subsection, an eligible entity is—

(A) an organization established under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; or

(B) a State or local government of the United States.

"(3) USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) shall be used to promote the historical preservation of, and public access to, historical records and documents relating to any former President who does not have a Presidential archival depository currently managed and maintained by the Federal Government.

"(4) PROHIBITION ON USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) may not be used for the maintenance, operating costs, or construction of any facility to house the historical records or historical documents relating to any former President covered under paragraph (1).

"(5) APPLICATION.—"

"(A) IN GENERAL.—An eligible entity seeking a grant under this subsection shall submit a grant application to the Commission at such time, in such manner, and containing or accompanied by such information as the
Commission may require, including a description of the activities for which a grant under this subsection is sought.

(2) Approval of Application.—The Commission shall not approve or recommend a grant application submitted under subparagraph (A) unless an eligible entity establishes that such entity—

(i) possesses, with respect to any former President covered under paragraph (1), historical works and collections of historical sources that the Commission considers appropriate for public access; space for preservation of, and public access to, such historical works and collections of historical sources;

(ii) has appropriate facilities and space for preservation of, and public access to, such historical works and collections of historical sources at no charge to the public;

(iii) has educational programs that make the use of such documents part of the mission of such entity;

(iv) has raised funds from non-Federal sources in support of the efforts of the entity to promote the historical preservation of, and public access to, such historical works and collections of historical sources in an amount equal to the amount of the grant the entity seeks under this subsection;

(v) coordinate with any relevant Federal program or activity, including programs and activities relating to Presidential archival depositories;

(vi) shall coordinate with any relevant non-Federal program or activity, including programs and activities conducted by State and local governments and private education entities; and

(vii) has a workable plan for preserving and providing public access to such historical works and collections of historical sources.

SEC. 3. TERM LIMITS FOR COMMISSION MEMBERS; RECUSAL.

(a) TERM LIMITS.—

(1) IN GENERAL.—Section 2501(b)(1) of title 44, United States Code, is amended—

(A) by inserting “not more than 2” after “subsection (a)” shall be appointed for; and

(B) by striking “(A),” by striking “2” and inserting “not more than 4 terms.”

(2) EFFECTIVE DATE.—The restrictions on the terms of members of the National Historical Publications and Records Commission provided in the amendments made by paragraph (1) shall apply to members serving on or after the date of enactment of this Act.

(b) RECUSAL.—

(1) IN GENERAL.—Section 2501 of title 44, United States Code, is amended by adding at the end the following:

“(d) RECUSAL.—Members of the Commission shall recuse themselves from voting on any matter that poses, or could potentially pose, a conflict of interest, including a matter that could benefit them or an entity they represent.

(2) EFFECTIVE DATE.—The requirement of recusal provided in the amendment made by paragraph (1) shall apply to members serving on or after the date of enactment of this Act.

SEC. 4. ONLINE ACCESS OF FOUNDERING FATHERS DOCUMENTS; TRANSFER OF FUNDS.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after section 2119 the following:

“§ 2120. Online access of founding fathers documents

The Archivist may enter into a cooperative agreement to provide online access to the published volumes of the papers of—

1. George Washington;
2. Alexander Hamilton;
3. Thomas Jefferson;
4. Benjamin Franklin;
5. John Adams;
6. James Madison; and
7. other prominent historical figures, as determined appropriate by the Archivist of the United States.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Archivist of the United States, as chairperson of the National Historical Publications and Records Commission, may enter into cooperative agreements pursuant to section 6305 of title 31, United States Code, that will provide for the transfer of funds from the National Historical Publications and Records Commission to the United States, State and local governments, tribal governments, other public entities, educational institutions, or private nonprofit organizations for the public purpose of carrying out section 2120 of title 44, United States Code.

(2) REPORT.—Not later than December 31st of each year, the Archivist of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives a report on the provisions, amount, and duration of each cooperative agreement entered into as authorized by paragraph (1) during the preceding fiscal year.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 44, United States Code, is amended by adding after the item relating to section 2119 the following:

“§2120. Online access of founding fathers documents.”

SEC. 5. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Archivist of the United States may establish an advisory committee to—

(1) review the progress of the Founding Fathers editorial projects funded by the National Historical Publications and Records Commission;

(2) develop, in consultation with the various Founding Fathers editorial projects, appropriate completion goals for the projects described in paragraph (1);

(3) annually review such goals and report to the Archivist on the progress of the various projects in meeting the goals; and

(4) recommend to the Archivist measures that would aid or encourage the projects in meeting such goals.

(b) REPORTS TO THE ADVISORY COMMITTEE.—Each of the projects described in subsection (a)(1) shall provide annually to the advisory committee established under subsection (a) a report on the progress of the project toward accomplishing the completion goals and any assistance needed to achieve such goals, including the following:

(1) The proportion of total project funding for the funding year in which the report is submitted from—

(A) Federal, State, and local government sources;

(B) the host institution for the project;

(C) private or public foundations; and

(D) individual contributions;

(2) Information on all activities carried out using nongovernmental funding.

(3) Any and all information related to performance goals for the funding year in which the report is submitted.

(c) COMPOSITION; MEETINGS; REPORT; SUN- set; ACTION.—The advisory committee established under subsection (a) shall—

(1) be comprised of 3 nationally recognized historians appointed for not more than 2 consecutive terms;

(2) meet not less frequently than once a year;

(3) provide a report on the information obtained under subsection (b) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives not later than 1 year after the date of enactment of this Act and annually thereafter;

(4) terminate on the date 8 years after the date of enactment of this Act; and

(5) recommend legislative or executive action that would facilitate completion of the performance goals for the Founding Fathers editorial projects.

SEC. 6. CAPITAL IMPROVEMENT PLAN FOR PRESIDENTIAL ARCHIVAL DEPOSITORIES; REPORT.

(a) IN GENERAL.—

(1) PROVISION OF PLAN.—The Archivist of the United States shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a 18-year capital improvement plan, in accordance with paragraph (2), for all Presidential archival depositories (as defined in section 2101 of title 44, United States Code), which shall include—

(A) a prioritization of all capital projects at Presidential archival depositories that cost more than $1,000,000;

(B) a report on the progress under the capital improvement plan described in paragraph (1) at the same time as the first Budget of the United States Government after the date of enactment of this Act is submitted to Congress;

(C) the basis upon which each cost estimate was developed; and

(2) PROVIDED TO CONGRESS.—The capital improvement plan shall be provided to the committees, as described in paragraph (1), at the same time as the first Budget of the United States Government after the date of enactment of this Act is submitted to Congress.

(3) REPORT; AND EXPLANATION OF COSTS.—In the annual Budget of the United States Government that accompanies the budget report to the Congress, the Archivist of the United States shall provide a report to the Senate Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, that provides 1 or more alternative models for presidential archival repositories that—

(1) reduce the financial burden on the Federal Government;

(2) improve the preservation of presidential records; and

(3) reduce the delay in public access to all presidential records.

SEC. 7. ESTABLISHMENT OF NATIONAL DATABASE FOR RECORDS OF SERVITUDE, EMANICATION, AND POST-CIVIL WAR RECONSTRUCTION.

(a) IN GENERAL.—The Archivist of the United States may preserve relevant records as established, as described in the National Archives and Records Administration, an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including the Refugees, Freedman, and Abandoned Land Records, Southern
HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 467, S. 1582.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1582) to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(6) In addition to commerce, hydrographic data and services support other national needs for the Great Lakes and coastal waters, the territorial sea, the Exclusive Economic Zone, and the continental shelf of the United States, including—
(A) emergency response;
(B) homeland security;
(C) marine resource conservation;
(D) coastal resiliency to sea-level rise, coastal inundation, and other hazards;
(E) ocean and coastal science advancement; and
(F) improved and integrated ocean and coastal mapping and observations for an integrated ocean observing system.

(7) The National Oceanic and Atmospheric Administration, in cooperation with other agencies, serves as the Nation’s leading civil authority for establishing and maintaining national standards and datums for hydrographic data and services.

(8) The Director of the National Oceanic and Atmospheric Administration’s Office of Coast Survey serves as the National Hydrographer and the primary United States representative to the international hydrographic community, including the International Hydrographic Organization.

(9) The Hydrographic Services Improvement Act, and for other purposes.

SEC. 5. FINDINGS AND PURPOSES.

The Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.) is amended—

(1) by amending paragraph (3) to read as follows:

The term ‘Hydrographic Services Improvement Act’—

SEC. 3. DEFINITIONS.

(2) by striking paragraph (4)(A) and inserting the following:

The term ‘Hydrographic Services Improvement Act of 1998’—

SEC. 3. DEFINITIONS.

"(a) FINDINGS.—The Congress finds the following:

(1) By 2007, the Nation celebrates the 200th anniversary of its oldest scientific agency, the Survey of the Coast, which was authorized by Congress and created by President Thomas Jefferson in 1807 to conduct surveys of the coast and provide nautical charts for safe passage through the Nation’s ports and along its coast.

(2) These mission requirements and capabilities, which today are located in the National Oceanic and Atmospheric Administration, evolved to include—
(A) research, development, operations, products, and services associated with hydrographic, geodetic, shoreline, and baseline surveys;
(B) cartography, mapping, and charting;
(C) tides, currents, and water level observations;
(D) maintenance of a national spatial reference system; and
(E) associated products and services.

(3) To maintain Federal expertise and capability in hydrographic data and services to support a safe and efficient marine transportation system for the enhancement and promotion of international trade and interstate commerce vital to the Nation’s economic prosperity and for myriad other commercial and recreational activities.

(4) The Nation’s marine transportation system is becoming increasingly congested, the volume of international maritime commerce and related technology is growing within the next 20 years, and nearly half of the cargo transiting United States waters is oil, refined petroleum products, or other hazardous substances.

(5) In addition to commerce, hydrographic data and services support other national needs for the Great Lakes and coastal waters, the territorial sea, the Exclusive Economic Zone, and the continental shelf of the United States, including—
(A) emergency response;
(B) homeland security;
(C) marine resource conservation;
(D) coastal resiliency to sea-level rise, coastal inundation, and other hazards;
(E) ocean and coastal science advancement; and
(F) improved and integrated ocean and coastal mapping and observations for an integrated ocean observing system.

(6) The National Oceanic and Atmospheric Administration, in cooperation with other agencies, serves as the Nation’s leading civil authority for establishing and maintaining national standards and datums for hydrographic data and services.

(7) The Director of the National Oceanic and Atmospheric Administration’s Office of Coast Survey serves as the National Hydrographer and the primary United States representative to the international hydrographic community, including the International Hydrographic Organization.

(8) The Hydrographic Services Improvement Act, and for other purposes.

SEC. 2. FINDINGS AND PURPOSES.

The Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.) is amend—

SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds the following:

(1) In 2007, the Nation celebrates the 200th anniversary of its oldest scientific agency, the Survey of the Coast, which was author-
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(3) by striking subsection (b) and inserting the following:

“(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administrator, the National Ocean and Atmo-
spheric Administration, the US Coast Guard, and the National Oceanic and Atmospheric Administration, may acquire, purchase, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe and efficient navigation, obtain and analyze hydrographic data, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations.

“(1) The Administrator may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and related services;

“(2) the Administrator shall design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency;

“(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Administrator may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;

“(4) where appropriate, the Administrator may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining Mission Assignments as defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741).

“(5) the Administrator may create, support, and maintain such joint centers, and enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act; and

“(6) notwithstanding paragraph (5), the Administrator shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 1101 et seq.).

SEC. 5. QUALITY ASSURANCE PROGRAM.

Subsection (b) of section 305 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892b), as redesignated by section 2, is amended to read as follows:

“(c) QUALITY ASSURANCE PROGRAM.—The Co-directors of the National Hydrographic Institute Center for Coastal and Ocean Mapping/ Joint Hydrographic Center may establish uniform standards for more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in 1 or more of the disciplines and fields relating to hydrographic data and hydrographic services, marine transportation, port administration, vessel piloting, coastal and fishery management, and other disciplines determined appropriate by the Administrator;”.

(3) by striking “Secretary” in subsections (c)(1)(C), (c)(3), and (e) and inserting “Administrator.”;

(4) by striking subsection (d) and inserting the following:

“(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, such as travel and per diem, incurred in the performance of such duties.

SEC. 7. AUTHORIZED COMMISSION OFFICERS.

Section 215 of the National Ocean and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3065) is amended to read as follows:

“(b) NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.—

“(1) In any fiscal year, the number of authorized commissioned officers in the NOAA Corps shall not exceed 428.

“(2) FISCAL YEAR STRENGTH.—The number of commissioned officers in the NOAA Corps shall be based on organizational needs and available appropriated funding.

“(c) CERTAIN OFFICERS.—Officers serving under section 228 and officers recalled from retired status shall not be counted in determining authorized strength under subsection (a) and shall not count against that strength.

[SEC. 7. AUTHORIZATION OF APPROPRIATIONS.]

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 307 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a), as redesignated by section 2, is amended to read as follows:

“(a) The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Co-directors of the National Ocean and Atmospheric Administration, the US Coast Guard, and the National Oceanic and Atmospheric Administration shall serve as nonvoting members of the panel.

“(b) The panel shall be reimbursed for actual and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data; and

“(c) related activities.

“(5) COAST AND GEODETIC SURVEY ACT.—The terms ‘Coast and Geodetic Survey Act’, ‘Secretary’, and ‘Co-directors’ as used in providing hydrographic services, promote safe, efficient and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act.”.

(2) by striking “data,” in subsection (a)(1) and inserting “data, and provide hydrographic services;” and

(3) by striking subsection (b) and inserting the following:

“(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administrator under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations, the Administrator—

“(1) may acquire, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

“(2) shall, subject to the availability of appropriations, design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency; and

“(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;

“(4) where appropriate, may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining Mission Assignments as defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741).

“(5) may create, support, and maintain such joint centers with other Federal agencies and other entities as the Administrator deems appropriate or necessary to carry out the provisions of this Act.

“(6) notwithstanding the existence of such joint centers, shall award contracts for the acquisition of hydrographic data in accordance with subchapter VI of title 10 of the United States Code.”.

SEC. 4. HYDROGRAPHIC SERVICES REVIEW PANEL.

Section 305(c)(1) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c), as redesignated by section 2, is amended to read as follows:

“(A) the management, maintenance, interpretation of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current observations; or

“(B) is used in providing hydrographic services.

“(4) HYDROGRAPHIC SERVICES.—The term ‘hydrographic services’ means—

“(A) the management, maintenance, interpretation of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data; and

“(4) related activities.

“(5) COAST AND GEODETIC SURVEY ACT.—The terms ‘Coast and Geodetic Survey Act’, ‘Secretary’, and ‘Co-directors’ as used in providing hydrographic services, promote safe, efficient and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act.”.

(2) by striking “data,” in subsection (a)(1) and inserting “data, and provide hydrographic services;” and

(3) by striking subsection (b) and inserting the following:

“(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administrator under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations, the Administrator—

“(1) may acquire, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

“(2) shall, subject to the availability of appropriations, design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency; and

“(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;

“(4) where appropriate, may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining Mission Assignments as defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741).

“(5) may create, support, and maintain such joint centers with other Federal agencies and other entities as the Administrator deems appropriate or necessary to carry out the provisions of this Act.

“(6) notwithstanding the existence of such joint centers, shall award contracts for the acquisition of hydrographic data in accordance with subchapter VI of title 10 of the United States Code.”.
the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in 1 or more of the disciplines and fields relating to hydrographic service and hydrographic services, marine transportation, port administration, vessel pilotage, coastal and fishery management, and other disciplines as determined appropriate by the Administrator.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.
Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 822d) is amended to read as follows:

“SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) To carry out nautical mapping and charting functions under sections 304 and 305, except for conducting hydrographic surveys—

(A) $55,000,000 for fiscal year 2009;
(B) $56,000,000 for fiscal year 2010;
(C) $57,000,000 for fiscal year 2011; and
(D) $58,000,000 for fiscal year 2012.

(2) To contract for hydrographic surveys under sections 304 and 305, including the leasing or time chartering of vessels—

(A) $32,130,000 for fiscal year 2009;
(B) $32,760,000 for fiscal year 2010;
(C) $33,390,000 for fiscal year 2011; and
(D) $34,020,000 for fiscal year 2012.

(3) To operate hydrographic survey vessels owned by the United States and operated by the Administration—

(A) $25,900,000 for fiscal year 2009;
(B) $26,400,000 for fiscal year 2010;
(C) $26,900,000 for fiscal year 2011; and
(D) $27,600,000 for fiscal year 2012.

(4) To carry out geodetic functions under this title—

(A) $12,640,000 for fiscal year 2009;
(B) $13,290,000 for fiscal year 2010;
(C) $13,920,000 for fiscal year 2011; and
(D) $14,560,000 for fiscal year 2012.

(5) To carry out tide and current measurement functions under this title—

(A) $27,000,000 for fiscal year 2009;
(B) $27,500,000 for fiscal year 2010;
(C) $28,000,000 for fiscal year 2011; and
(D) $29,500,000 for fiscal year 2012.

(6) To acquire a replacement hydrographic survey vessel capable of staying at sea continuously for at least 30 days $75,000,000.

SEC. 6. AUTHORIZED NOAA CORPS STRENGTH.
Section 215 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3005) is amended to read as follows:

“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

There are authorized to be commissioned officers for the National Oceanic and Atmospheric Administration Commissioned Corps of the National Oceanic and Atmospheric Administration—

(A) $55,000,000 for fiscal year 2009;
(B) $56,000,000 for fiscal year 2010;
(C) $57,000,000 for fiscal year 2011; and
(D) $58,000,000 for fiscal year 2012.

(2) To contract for hydrographic surveys under section 306, including the leasing or time chartering of vessels—

(A) $32,130,000 for fiscal year 2009;
(B) $32,760,000 for fiscal year 2010;
(C) $33,390,000 for fiscal year 2011; and
(D) $34,020,000 for fiscal year 2012.

SEC. 3. TERMINOLOGY.—Subsections (a) and (b) of section 202 (15 U.S.C. 1121(a) and (b)) are amended by inserting “management,” after “development,” each place it appears.

SEC. 4. DEFINITIONS.
(a) IN GENERAL.—Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (4) by inserting “management,” after “development,”;

(b) PURPOSE.—Section 202(c) (33 U.S.C. 1121(c)) is amended by striking “to promote education, training, and advisory service activities” and inserting “to promote integrated research, education, training, and extension services and advisory service activities”;

(c) TERMINOLOGY.—Subsections (a) and (b) of section 202 (15 U.S.C. 1121(a) and (b)) are amended by inserting “management,” after “development,” each place it appears.

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.
(a) PROGRAM ELEMENTS.—Section 209(b) (33 U.S.C. 1122(b)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;”;

(2) by amending paragraph (2) to read as follows:

“(2) administration of the national sea grant college program and this title by the national sea grant office and the administration;”;

(3) by amending paragraph (4) to read as follows:

“(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.”;

(b) TECHNICAL CORRECTION.—Section 209(c) (33 U.S.C. 1122(c)) is amended by striking “Within 6 months of the date of amendment, reauthorization, or extension of the National Sea Grant College Program Reauthorization Act of 1998, the” and inserting “The”.

(c) FUNCTIONS OF DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.—Section 209(d) (33 U.S.C. 1122(d)) is amended—

(1) in paragraph (2)(A), by striking “long range”;

(2) in paragraph (3)(A)—

(A) by striking “(A) (i)” and inserting “(A) (i)”;

(3) by striking clause (ii); and

(4) by redesignating clauses (ii) through (iv) as clauses (ii) through (v), respectively, and by inserting after clause (i) the following:

“(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);”;

(B) in clause (iii) (as so redesignated) by striking “endorse” and inserting “encourage” and inserting “endorse”;

(C) in clause (iv) (as so redesignated) by striking “endorse” and inserting “encourage” and inserting “endorse”;

(D) in clause (v) (as so redesignated) by striking “endorse” and inserting “endorse”;

(E) by striking clause (v) (as so redesignated) the following:

“(e) cooperation with Minority Serving Institutions to enhance collaborative research opportunities and increase
the number of such students graduating in NOAA science areas; and”;

SEC. 6. PROGRAM OR PROJECT GRANTS AND CONTRACTS.

Section 203 (33 U.S.C. 1124) is amended—
(1) by striking “(c)(4)(F)”; and (3)(B) by striking “advisory services” and inserting “extension services”.

SEC. 7. EXTENSION SERVICES BY SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(a) (33 U.S.C. 1126(a)) is amended in each of paragraphs (2)(B) and (3)(B) by striking “advisory services” and inserting “extension services”.

SEC. 8. FELLOWSHIPS.

Section 206(a) (33 U.S.C. 1127) is amended—
(1) by striking “Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, as such provisions were in effect before the third year after the enactment of this Act” and inserting “(B) in subsection (c)(2)(D),” and (5)(E) by adding “(c) and inserting “Every 2 years,”; and
(2) by adding at the end the following:

“(c) On Use of Funds.—Amounts available for fellowships under this section, including amounts accepted under subsection (c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.”

SEC. 9. NATIONAL SEA GRANT ADVISORY BOARD.

(a) R EDESIGNATION OF SEA GRANT REVIEW PANEL AS BOARD.—
(1) R EDESIGNATION.—The sea grant review panel established under section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128), as in effect before the date of the enactment of this Act, is redesignated as the National Sea Grant Advisory Board.

(b) MEMBERSHIP NOT AFFECTED.—An individual serving as a member of the sea grant review panel immediately before date of the enactment of this Act, is deemed to be a reference to the National Sea Grant Advisory Board.

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such sea grant review panel shall be used only for award of such fellowships and administrative costs of implementing this section.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—
(1) by striking subsections (a)(1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—
(A) $75,600,000 for fiscal year 2010;
(B) $87,300,000 for fiscal year 2011;
(C) $91,900,000 for fiscal year 2012;
(D) $93,350,000 for fiscal year 2013; and
(E) $91,900,000 for fiscal year 2014.”;
(2) in subsection (a)(2)—
(A) by striking “fiscal years 2003 through 2008—” and inserting “fiscal years 2009 through 2014—”;
(B) by striking “biological and control of zebra mussels and other important aquatic” in subparagraph (A) and inserting “biologically and control of aquatic”;
(C) by inserting “blooms, including Pfiesteria piscicida; and” in subparagraph (C) and inserting “blooms; and” in subparagraph (C); and
(3) in subsection (c)(1) by striking “rating under section 204(d)(3)(A)” and inserting “performance assessments” and (4) by striking subsection (c)(2) and inserting the following:

“(2) regional or national strategic investments authorized under section 204(b)(4);”.

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

The bill (H.R. 5618), as amended, was read the third time, and passed.

AUGUST 26, 2008
CONGRESSIONAL RECORD—SENATE
S9865
AIR CARRIAGE OF INTERNATIONAL MAIL ACT
Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 3356 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3356) to amend section 5042 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

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

The bill (S. 3356) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3356

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 “Air Carriage of International Mail Act.”

SEC. 2. AIR CARRIAGE OF INTERNATIONAL MAIL.

(a) CONTRACTING AUTHORITY.—Section 5042 of title 39, United States Code, is amended by adding subsections (b) and (c) and inserting the following:

“(b) INTERNATIONAL MAIL.—

“(1) IN GENERAL.—“(A) Except as otherwise provided in this subsection, the Postal Service may contract for the transportation of mail by aircraft between any of the points in foreign air transportation only with certified air carriers. A contract may be awarded to a certificated air carrier to transport mail by air between any of the points in foreign air transportation that the Secretary of Transportation has authorized the carrier to serve either directly or through a code-share relationship with one or more foreign air carriers.

“(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 such carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service’s requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service and any Post Office Service contracts, and for other purposes.

“(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service’s requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service and any Post Office Service contracts, and for other purposes.

“(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service’s requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service and any Post Office Service contracts, and for other purposes.
(C) For purposes of this subsection, the Postal Service shall use a methodology for determining fair and reasonable prices with the Service designated region or regions developed in consultation with, and with the concurrence of, certificated air carriers representing at least 51 percent of available ton miles in the markets of interest.

(D) For purposes of this subsection, ceiling prices pursuant to the methodology used under subparagraph (C) shall be presumed to be fair and reasonable if they do not exceed the ceiling prices derived from—

(i) a price based on market rate data furnished by the International Air Transport Association or a subsidiary unit thereof; or

(ii) if such data are not available from those sources, such other neutral, regularly updated set of weighted average market rates as the Postal Service, with the concurrence of certificated air carriers representing at least 51 percent of available ton miles in the markets of interest, may designate.

(E) If, for purposes of subparagraph (D)(i), fair and reasonable prices cannot be attained from the most recently available market rate data described in this subparagraph shall continue to apply for the relevant market or markets.

(2) CONTRACT PROCESS.—The Postal Service shall contract for foreign air transportation as set forth in paragraph (1) through an open procurement process that will provide—

(A) potential offerors with timely notice of business opportunities in sufficient detail to allow them to make a proposal;

(B) requirements, proposed terms and conditions, and evaluation criteria to potential offerors; and

(C) an opportunity for unsuccessful offerors to receive prompt feedback upon request.

(3) EMERGENCY OR UNANTICIPATED CONDITIONS; INADEQUATE LIFT SPACE.—The Postal Service may enter into contracts to transport mail by air in foreign air transportation with a certificated air carrier or a foreign air carrier proceeding with the requirement of paragraphs (b)(1) and (2) if—

(A) emergency or unanticipated conditions exist that make it impractical for the Postal Service to comply with such requirements; or

(B) its demand for lift exceeds the space available to it under existing contracts and—

(i) there is insufficient time available to seek additional lift using procedures that comply with those requirements without compromising the Postal Service’s service commitments to its own customers; and

(ii) the Postal Service first offers any certificated air carrier holding a contract to carry mail between the relevant points the opportunity to carry such excess volumes under the terms of its existing contract.

(4) GOOD FAITH EFFORT REQUIRED.—The Postal Service and potential offerors shall put a good-faith effort into resolving disputes concerning the award of contracts made under subsection (b).

(a) Statements on Places and Schedules.—Every air carrier shall file with the United States Postal Service a statement showing—

(1) the places between which the carrier is authorized to transport mail in Alaska;

(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

(3) for each schedule, the places served by the carrier and the time of departure at, and departure from, each such place.

(b) by striking “subsection (b)(2)” each place it appears in paragraphs (c)(1) and (d) and inserting “subsection (b)(7)”;

(c) by striking subsections (e) and (f);

(4) Section 41903 is amended by striking “in foreign air transportation” each place it appears.

(5) Section 41904 is amended—

(A) by striking “to or in foreign countries” in the section heading;

(B) by striking “or in a foreign country” and inserting “between two points outside the United States”; and

(C) by inserting after “transportation,” the following: “Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation; or

undertakings by the United States Postal Service to foreign air carriers or foreign air carriers without the concurrence of certificated air carriers to transport mail by air in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 41907.

(B) by striking “at rates not to exceed those so fixed and determined for scheduled United States air carriers.”

(C) by striking “schedules” each place it appears and inserting “certified”;

(D) by striking the last sentence in each such subsection.

(11) Section 5402(a) of title 39, United States Code, is amended—

(A) by striking “foreign air carrier” and inserting “certificated air carrier” after “intestate air transportation”;

(B) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24) and inserting after paragraph (6) the following:

(7) the term ‘certificated air carrier’ means an air carrier that holds a certificate of public convenience and necessity issued under subsection (a); and

(C) by redesignating paragraphs (9) through (24), as redesignated, as paragraphs (10) through (25), respectively, and inserting after paragraph (8) the following:

(“(9) the term ‘code-share relationship’ means a relationship pursuant to which any certificated air carrier or foreign air carrier’s designation code is used to identify a flight operated by another air carrier or foreign air carrier.”; and

(4) by striking “subsection (b)(1)” each place it appears in subsections (c)(1) and (d) and inserting “subsection (b)(2)”; and

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

AUTHORIZING THE PRODUCTION OF RECORDS

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of S. Res. 686 and S. Res. 687, which were submitted earlier today.

The PRESIDENT. Without objection, the Senate will proceed to the measures en bloc. Thereupon, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Mr. President, the office of Senator CHRISTOPHER S. BOND has received a U.S. request from the U.S. Department of Justice for records regarding a former employee that may be relevant to its investigation into improper activities by lobbyists. The Justice Department has advised that its request arises from its belief that Senator BOND himself was an innocent victim of potentially improper conduct by lobbyists. The Justice Department seeks to comply with this request. Accordingly, in keeping with Senate rules and practice, this resolution would authorize the office of Senator BOND to produce documents for use in this investigation.
agreed to en bloc, and the motions to reconsider be laid upon the table.

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

The resolutions (S. Res. 686 and 687) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. Res. 686

Whereas, the United States Department of Justice is conducting an investigation into improper activities by lobbyists and related matters;

Whereas, the Office of Senator Christopher S. Bond has received a request for records from the Department of Justice for use in the investigation of a former employee;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate; Now, therefore, be it

Resolved, That the Office of Senator Christopher S. Bond is authorized to provide to the United States Department of Justice records requested for use in legal and investigative proceedings, except where a privilege should be asserted.

S. Res. 687

Whereas, in the case of People of the State of Michigan v. Sereal Leonard Gravlin (Case No. 08–007750), pending in the Sixth Judicial Circuit Court (Oakland County, Michigan), the prosecuting attorney has subpoenaed testimony from Ruth Gallop, an employee in the office of Senator Debbie Stabenow;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 220(b)(1) and 228(c)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Ruth Gallop and any other employee of the Senator from whom evidence may be required are authorized to testify in the case of People of the State of Michigan v. Sereal Leonard Gravlin; except concerning matters for which a privilege should be asserted.

S. 688

Whereas, in the case of United States v. Max Obuszewski, et al., except concerning matters, 1,500 additional copies of the manual shall be bound, of which—

(A) 500 paperbound copies shall be for the use of the Senate; and

(B) 1,000 copies shall be bound (550 paperbound; 250 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 110th Congress;

(2) the manual shall be printed as a Senate document; and

(3) in addition to the usual number of documents, 500 additional copies of the manual shall be bound, of which—

(A) 500 paperbound copies shall be for the use of the Senate; and

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the motions to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 688) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 688

Whereas, in the case of United States v. Max Obuszewski, et al., Case No. 2008-CMD-5824, pending in the Superior Court for the District of Columbia, the prosecution has subpoenaed testimony from Justin Beller, an employee in the Office of the Senate Sergeant at Arms;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Justin Beller is authorized to testify in the case of United States v. Max Obuszewski, et al., except concerning matters for which a privilege should be asserted.

SHAWN BENTLEY ORPHAN WORKS ACT OF 2008

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 738, S. 2913.

The PRESIDING OFFICER. The Senate proceeded to consider the bill by title.

The legislative clerk read as follows:

A bill (S. 2913) to provide a limitation on judicial remedies in copyright infringement cases involving orphan works.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Shawn Bentley Orphan Works Act of 2008”.

S. 2. LIMITATION ON REMEDIES IN CASES INVOLVING ORPHAN WORKS.

(a) LIMITATION ON REMEDIES.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

"§ 514. Limitation on remedies in cases involving orphan works"

"(a) DEFINITIONS.—In this section, the following definitions shall apply:

"(17) MATERIALS.—The term 'materials' includes—

"(C) technology tools and expert assistance; and"

"(D) electronic databases, including databases that are available to the public through the Internet, that allow for searches of copyrighted works and for the copyright owners of works,
(2) NOTICE OF CLAIM OF INFRINGEMENT.—The term ‘notice of claim of infringement’ means, with respect to a work of copyright infringement, a written notice sent from the owner of the infringed copyright or a person acting on the owner’s behalf to the infringer or a person acting on the infringer’s behalf, that includes at a minimum—

(A) the name of the owner of the infringed copyright;

(B) the title of the infringed work, any alternative titles of the infringed work known to the owner of the infringed copyright, or if the work has not been subject to any description in detail sufficient to identify that work;

(C) an address and telephone number at which the owner of the infringed copyright or a person acting on behalf of the owner may be contacted; and

(D) information reasonably sufficient to permit the infringer to locate the infringer’s material in which the infringed work resides.

(3) OWNER OF THE INFRINGED COPYRIGHT.—The owner of the infringed copyright is the owner of any particular exclusive right under section 106 that is applicable to the infringed copyright, or any person or entity with the authority to grant or license such right on an exclusive or nonexclusive basis.

(4) REASONABLE COMPENSATION.—The term ‘reasonable compensation’ means, with respect to a claim of infringement, the amount on which a willing buyer and willing seller in the positions and with the ability to deal with the owner of the infringed copyright would have agreed with respect to the infringing use of the work immediately before the infringement began.

(5) APPLICABILITY OF THE ELIGIBILITY.—

(A) CONDITIONS.—

(i) In General.—Notwithstanding sections 502 through 504, a subject to subparagraph (B), in an action brought under this title for infringement of copyright in a work, the remedies for infringement shall be limited in accordance with subsection (c) if the infringer—

(I) proves by a preponderance of the evidence that before the infringement began, the infringer, a person acting on behalf of the infringer, or any person jointly and severally liable with the infringer for the infringement—

(aa) performed and documented a qualifying search, in good faith, to locate and identify the owner of the infringed copyright, and

(bb) was unable to locate and identify an owner of the infringed copyright;

(ii) provided attribution, in a manner that is reasonable and appropriate under the facts relevant to the claim, the infringer promptly ceased the infringement.

(B) EXCEPTION.—In a case in which the infringer has prepared or commenced preparation of the infringing work in substantial part after the fact that constitutes infringement was discovered, the court may determine that the infringer has failed to meet the requirements of section 1201 and impose a monetary penalty.

(6) DAMAGES.—The fact that a particular copy or phonorecord of a new derivative work was made by the infringer is not conclusive evidence that the infringer was not entitled to a statutory license for the new derivative work.

(7) LIMITATIONS.—The limitations on injunctive relief under subparagraphs (A) and (B) shall not be available to an infringer if the infringer asserts in the action that neither the infringer nor any representative of the infringer acting in an official capacity is subject to suit in the courts of the United States for an award of damages for the infringement, unless the court finds that the infringer—

(i) has complied with the requirements of subsection (b); and

(ii) has made an enforceable promise to pay reasonable compensation to the owner of the exclusive right under the infringed copyright.

(D) RULE OF CONSTRUCTION.—Nothing in subparagraph (C) shall be construed to authorize or require, and no action taken under such subparagraph shall be deemed to constitute, either the award of damages by the court against an infringer or an award by the United States.

(E) RIGHTS AND PRIVILEGES NOT WAIVED.—No action taken by an infringer under subparagraph (B) shall be deemed to constitute a right or privilege that, as a matter of law, protects the infringer from being subject to suit in the courts of the United States for an award of damages.

(8) PRESERVATION OF OTHER RIGHTS, LIMITATIONS, AND DEFENSES.—This section does not affect any right, or any limitation or defense to copyright infringement, including fair use, copyright for derivative works and compilations.

(9) Exceptions.—Notwithstanding section 103(a), an infringer who qualifies for the limitation on remedies afforded by this section shall not be deprived of protection in a compilation or derivative work on the basis that such compilation or derivative work employs preexisting material.
that has been used unlawfully under this section.

‘(f) EXCLUSION FOR FIXATIONS IN OR ON USEFUL ARTICLES.—The limitations on remedies under subsection (a) shall not be available to an infringer for infringements resulting from fixation of a pictorial, graphic, or sculptural work in or on a useful article that is offered for sale or otherwise made available to the public.’

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding at the end thereof the following:

‘§ 514. Limitation on remedies in cases involving orphan works.’.

(c) EFFECTIVE DATE.—(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the later of—

(i) January 1, 2009; or

(ii) 30 days after the date on which the Copyright Office publishes notice in the Federal Register that it has certified under section 801 of title 17, United States Code, that there exist and are available at least 2 separate and independent searchable, electronic databases, that allow for searches of copyrighted works that are pictorial, graphic, and sculptural works, and are available to the public; or

(B) January 1, 2013; and

(ii) 30 days after the date on which the Copyright Office publishes notice in the Federal Register that there exist and are available under this section, including such administrative, regulatory, or legislative recommendations that the Comptroller General considers appropriate.

(2) DEFINITION.—In this subsection, the term ‘pictorial, graphic, and sculptural works’ has the meaning given to the term in section 101 of title 17, United States Code.

SEC. 3. DATABASES OF PICTORIAL, GRAPHIC, AND SCULTURAL WORKS.

The Register of Copyrights shall undertake a process to certify that there exist and are available databases that facilitate a user’s search for pictorial, graphic, and sculptural works that are subject to copyright protection under title 17, United States Code. The Register shall only certify that databases are available under this section if such databases are determined to be effective and not prohibitively expensive and include the capacity to be searched using 1 or more mechanisms that allow for the search and identification of a work by both text and image and have sufficient information regarding the works to enable a potential user of a work to identify or locate the copyright owner or authorized representatives.

SEC. 4. REPORT TO CONGRESS.

Not later than December 12, 2014, the Register of Copyrights shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the implementation and effects of the amendments made by section 2, including any recommendations for legislative changes that the Register considers appropriate.

SEC. 5. STUDY ON REMEDIES FOR SMALL COPYRIGHT CLAIMS.

(a) IN GENERAL.—The Register of Copyrights shall conduct a study examining the following:

(3) the feasibility of making deposits, particularly visual arts deposits, electronically searchable by the public for the purpose of locating copyright owners; and

(4) the impact any change in the deposit requirement would have on the collection of the Library of Congress.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the study conducted under this section, including such administrative, regulatory, or legislative recommendations that the Comptroller General considers appropriate.

Mr. LEAHY. Mr. President, in January 2005, Senator HATCH and I wrote to the Register of Copyrights out of a concern that the length of copyright terms was having an unintended consequence of creating a class of ‘orphan works’—works that may be protected by copyright, but whose owners cannot be identified or located. Creative works are collecting dust because those who would like to bring them to light are respectful of the copyright laws and will not use those works if they cannot locate the owners. This unfortunate situation is keeping creative and cultural works from the public, and does not advance the purpose of the copyright laws.

Today, the Senate completes work on legislation I introduced along with Senator HATCH to remedy this situation. The Shawn Bentley Orphan Works Act of 2008 is designed to enable use of works whose copyright status and ownership is uncertain without the user facing prohibitive statutory damages. The act does not dramatically restructure current copyright law—it does not impose new registration requirements, nor does it provide for a transfer of copyright ownership or rights. The bill simply provides for a limitation on remedies in discrete, limited circumstances in which, among other things, the owner of the work is not known or the work is unknown. This unfortunate situation is keeping creative and cultural works from the public, and does not advance the purpose of the copyright laws.

At its core, the bill seeks to unite users and copyright owners, and to ensure that copyright owners are compensated for the use of their works. It does not create new orphan works and it does not create a license to infringe. By providing an incentive to search, in the form of a limitation on remedies, more users will find more owners; more works otherwise hidden will be used; and more copyright owners will receive compensation. The Shawn Bentley Orphan Works Act will thus allow the public to enjoy works that are currently left unseen and unused. I hope the House can take up this measure, and send it to the President for signature.

Mr. HATCH. Mr. President, I rise today to express my continued support for the Shawn Bentley Orphan Works Act of 2008, S. 2913, which I introduced with Senate Judiciary Committee chairman PATRICK LEAHY. This legislation represents years of hard work and collaboration by the Senate, industry stakeholders, and U.S. Copyright Office officials. Passing S. 2913 is long overdue.

I want to thank Chairman LEAHY for naming S. 2913 as the Shawn Bentley Orphan Works Act of 2008. It honors my long-time staffer and former colleague, Shawn Bentley. As many of you may remember, Shawn worked for the Judiciary Committee for a decade and worked on several important pieces of landmark intellectual property legislation. In fact, he initiated what we have now introduced as an orphan works bill. Many in this body were greatly saddened by Shawn’s untimely death at 41. He was a one-of-a-kind individual. I believe this bill is a fitting way to acknowledge his continuing contributions to intellectual property law.

Countless artistic creations around the country are effectively locked away in a proverbial attic and unavailable for the general public to enjoy because the owner of the work for the work is unknown. These are generally referred to as orphan works.

Unfortunately, it is not always easy to identify an owner of a copyrighted work, and in many cases, information about the copyright holder is not publicly known. To make matters worse, many are discouraged from using these works for fear of being sued should the owner eventually step forward.

Many libraries, museums, State and local historical societies, and archives across the country that have significant amounts of orphan works, which are not currently available publicly.

Think of the new educational opportunities that will be opened to students, scholars, and the public alike when these works become accessible. The potential for learning, scholarship, and enjoyment of the works of previous generations are unlimited.

Without doubt, passage of S. 2913 addresses the orphan works problem.
Yesterday, Marybeth Peters, Register of the Copyrights, wrote the following about the importance of orphan works legislation:

The legislation is sensible: it would ease the orphan problem by reducing, but not eliminating, the exposure of good faith users. But the conditions designed to protect copyright owners. A user must take all reasonable steps, employ all reasonable technology, and execute the applicable search practices, as specified by the Copyright Office by authors, associations, and other experts.

The user must meet other hurdles, including a search, an orphanal use to the extent such best practices incorporate the expertise of persons with specialized knowledge and an assessment of the reasonableness and hard work on this initiative.

In my view, a solution to the orphan works problem is achievable and the exposure of good faith users. This framework would facilitate objective market values for the work and the use. This framework would facilitate objective market values for the work and the use. This framework would facilitate objective market values for the work and the use.

Ms. Peters continues by stating:

Some critics believe that the legislation is unfair because it will deprive copyright owners of injunctive relief, statutory damages, and actual damages. I do not agree.

Let me repeat, The Register of Copyrights does not believe the legislation is unfair, or that it will deprive copyright owners of injunctive relief, statutory damages, and actual damages. I do not agree.

With 43 years of experience working in the Copyright Office, 14 of them as the Register, I trust that Ms. Peters knows a few things about copyright law. I want to take this opportunity to thank her and her staff and the many other stakeholders for their tremendous assistance in creating this important legislation.

I also want to thank my counsel Matt Sandgren and Aaron Cooper, Senator LEAHY’s counsel, for their perseverance and hard work on this initiative.

In my view, a solution to the orphan works problem is achievable and the pending legislation is both fair and responsible. I urge my colleagues to pass S. 2913 without further delay.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Kyl amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read the third time and passed; the motions to reconsider be laid aside; and that any statements be printed in the RECORD.

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

The amendment (No. 5699) was agreed to, as follows:

(Purpose: To modify provisions relating to diligent efforts, guide searches, recommended practices, imitations on injunctive relief, and for other purposes)

On page 19, line 21, strike all through page 20, line 12.
On page 20, line 13, strike “(ii)” and insert “(i)”. On page 21, line 10, strike “(ii)” and insert “(i)”. On page 21, line 16, strike “(iii)” and insert “(ii)”.
On page 22, line 15, insert “(iv)” and “(v)”.
On page 23, line 16 through 20.
On page 23, line 21, strike “(iv)” and “(v)”.
On page 25, line 1, strike all through page 27, lines 17 and insert the following:

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(1) In general.—A search qualifies under paragraph (1)(A)(i)(I) if the infringer, a person acting on behalf of the infringer, or any person jointly and severally liable with the infringer for the infringement, undertakes a diligent effort that is reasonable under the circumstances to locate the owner of the infringed copyright prior to, and at a time reasonably proximate to, the infringement.

(2) Diligent effort.—For purposes of clause (1), a diligent effort—

(I) requires, at a minimum—

(aa) a search of the records of the Copyright Office that are available to the public through the Internet and relevant to identifying and locating copyright owners, provided there is sufficient identifying information on which to construct a search;

(bb) a search of reasonably available sources of copyright authorship and ownership information and, where appropriate, licensor information;

(cc) use of appropriate technology tools, printed publications, and where reasonable, internal or external expert assistance; and

(dd) use of appropriate databases, including databases that are available to the public through the Internet; and

(ii) shall include any actions that are reasonable and appropriate under the facts relevant to the search, including actions based on facts known at the start of the search and facts uncovered during the search, and including a review, as appropriate, of Copyright Office records relevant to the public through the Internet that are reasonably likely to be useful in identifying and locating the copyright owner.

(3) Consideration of recommended practices.—A qualifying search under this subsection shall ordinarily be based on the applicable section of the Copyright Act (section 514) and the best practices made available by the Copyright Office.

(4) Consultation with the Small Business Administration.—In determining whether or not an owner or determined by the court.

On page 31, line 23, insert “commercial” after “other”.

On page 33, line 17, insert “Prior to certifying that databases are available under this section, the Register shall determine, to the extent practicable, their impact on copyright owners that are small businesses and consult with the Small Business Administration Office of Advocacy regarding those impacts. The Register shall consider the Office of Advocacy’s comments and respond to any concerns.” after the period.

The committee amendment in the nature of a substitute, as amended, was agreed to.

as follows:

S. 2913

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 “Shawn Bentley Orphan Works Act of 2008”.

SEC. 2. LIMITATION ON REMEDIES IN CASES INVOLVING ORPHAN WORKS.

(a) LIMITATION ON REMEDIES IN CASES INVOLVING ORPHAN WORKS.

(1) DEFINITIONS.—In this section, the following definitions shall apply:
‘(1) NOTICE OF CLAIM OF INFRINGEMENT.—
The term ‘notice of claim of infringement’ means, with respect to a claim of copyright infringement, a written notice sent from the owner of the infringed copyright or a person acting on the owner’s behalf to the infringer or a person acting on the infringer’s behalf, that includes at a minimum—

(A) the name of the owner of the infringed copyright;

(B) the title of the infringed work, any alternative titles of the infringed work known to the owner of the infringed copyright, or a description of the work if the work has no title, a description in detail sufficient to identify that work;

(C) an address and telephone number at which the owner of the infringed copyright or a person acting on behalf of the owner may be contacted; and

(D) information reasonably sufficient to permit the infringer to locate the infringer’s material in which the infringed work resides.

‘(2) OWNER OF THE INFRINGED COPYRIGHT.—
The owner of the infringed copyright is the owner of any particular exclusive right under section 106 that is applicable to the infringement, or any person or entity with the authority to grant or license such right on an exclusive or nonexclusive basis.

‘(3) REASONABLE COMPENSATION.—The term ‘reasonable compensation’ means, with respect to a claim of infringement, the amount on which a willing buyer and willing seller in the positions of the infringer and the owner of the infringed copyright would have agreed in good faith with respect to the infringer’s use of the work immediately before the infringement began.

‘(b) CONDITIONS FOR ELIGIBILITY.—

‘(1) CONDITIONS.—

(A) GENERAL.—Notwithstanding sections 502 through 506, and subject to subparagraph (B), in an action brought under this title for infringement of a work in a, the requirement that the infringement shall be described in accordance with subsection (c) if the infringer—

(i) proves by a preponderance of the evidence that before the infringement began, the infringer, a person acting on behalf of the infringer, or any person jointly and severally liable with the infringer for the infringement, undertakes a diligent effort that is reasonable under the circumstances to locate the owner of the infringed copyright prior to, and at a time reasonably proximate to, the infringement;

(ii) fails to render payment of reasonable compensation in a reasonably timely manner agreed on with the register of copyrights on which a willing buyer and willing seller in the positions of the infringer and the owner of the infringed copyright would have agreed in good faith with respect to the infringer’s use of the work immediately before the infringement began.

‘(B) EXCEPTION.—A search qualifies under paragraph (A)(i) if the best practices on remedies in an action for infringement shall be limited in accordance with subsection (c) if the infringer—

(i) requires, at a minimum—

(1) a search of the records of the Copyright Office records not available to the public, as applicable, and including a review, as appropriate, of Copyright Office records not available to the public through the Internet and relevant to identifying and locating copyright owners, provided there is sufficient identifying information on which to construct a search;

(2) a search of reasonably available sources of copyright authorship and ownership information and, where appropriate, licensor information;

(3) use of appropriate technology tools, printed publications, and where reasonable, internal expert assistance; and

(4) a search of databases, including databases that are available to the public through the Internet;

(ii) shall include any actions that are reasonable and appropriate under the facts relevant to the search, including actions based on facts known at the start of the search and facts uncovered during the search, and

(iii) C ONSIDERATION OF RECOMMENDED PRACTICES.—A search under this subsection shall ordinarily be based on the applicable statement of Recommended Practices made available by the Copyright Office and the statements of best practices of authors, copyright owners, and users to the extent such best practices incorporate the expertise of persons with specialized knowledge engaged in performing the type of work for which the search is being conducted.

‘(iv) LACK OF IDENTIFYING INFORMATION.—

The fact that, in any given situation—

(A) a search conducted with the intent of identifying information pertaining to the owner of the infringed copyright or

(B) an owner of the infringed copyright fails to respond to any inquiry or other communication about the work,

shall not be deemed sufficient to meet the conditions under paragraph (1)(A)(i).

‘(v) USE OF RESOURCES FOR CHARGE.—A qualifying search under paragraph (1)(A)(i) may require use of resources for which a charge or subscription is imposed to the extent reasonably necessary to perform the search.

‘(B) INFORMATION TO GUIDE SEARCHES; RECOMMENDED PRACTICES.—

‘(1) STATEMENTS OF RECOMMENDED PRACTICES.—

(A) The Register of Copyrights shall maintain and make available to the public and, from time to time, update at least one statement of Recommended Practices for each category, or, in the Register’s discretion, subcategory of work under section 102(a) of this title, for conducting and documenting searches.

(B) INFORMATION TO GUIDE SEARCHES; RECOMMENDED PRACTICES.—

‘(1) STATEMENTS OF RECOMMENDED PRACTICES.—

(A) The Register of Copyrights shall maintain and make available more than one statement of Recommended Practices for each category or subcategory, as appropriate.

‘(2) OWNER OF THE INFRINGED COPYRIGHT.—
The owner of the infringed copyright is the owner of any particular exclusive right under section 106 that is applicable to the infringement, or any person or entity with the authority to grant or license such right on an exclusive or nonexclusive basis.

‘(3) REASONABLE COMPENSATION.—The term ‘reasonable compensation’ means, with respect to a claim of infringement, the amount on which a willing buyer and willing seller in the positions of the infringer and the owner of the infringed copyright would have agreed in good faith with respect to the infringer’s use of the work immediately before the infringement began.

‘(b) CONDITIONS FOR ELIGIBILITY.—

‘(1) CONDITIONS.—

(A) GENERAL.—Notwithstanding sections 502 through 506, and subject to subparagraph (B), in an action brought under this title for infringement of a work in a, the requirement that the infringement shall be described in accordance with subsection (c) if the infringer—

(i) proves by a preponderance of the evidence that before the infringement began, the infringer, a person acting on behalf of the infringer, or any person jointly and severally liable with the infringer for the infringement, undertakes a diligent effort that is reasonable under the circumstances to locate the owner of the infringed copyright prior to, and at a time reasonably proximate to, the infringement;

(ii) fails to render payment of reasonable compensation in a reasonably timely manner agreed on with the register of copyrights on which a willing buyer and willing seller in the positions of the infringer and the owner of the infringed copyright would have agreed in good faith with respect to the infringer’s use of the work immediately before the infringement began.

‘(B) EXCEPTION.—In a case in which the infringer has prepared or commenced prepara-
“(i) the infringer pays reasonable compensation in a reasonably timely manner after the amount of such compensation has been agreed upon with the owner of the infringed copyright or determined by the court; and

(ii) the court also requires that the infringer provide attribution, in a manner that is reasonable in the circumstances, to the legal owner of the infringed copyright, if requested by such owner.

(C) LIMITATIONS.—The limitations on in-junctive relief set forth in subparagraphs (A) and (B) shall not be available to an infringer or a representative of the infringer acting in an official capacity if the infringer asserts that neither the infringer acting in an official capacity is subject to suit in the courts of the United States for an award of damages for the infringement, unless the court finds that the infringer—

(i) has complied with the requirements of subsection (b); and

(ii) pays reasonable compensation to the owner of the exclusive right under the infringed copyright in a reasonably timely manner after the amount of reasonable compensation is agreed upon with the owner or determined by the court.

(d) RULE OF CONSTRUCTION.—Nothing in subparagraph (C) shall be construed to authorize, either an award of damages by the court against the infringer or an authorization to sue a State.

(e) RIGHTS AND PRIVILEGES NOT WAIVED.—No action taken by an infringer under subparagraph (C) shall be deemed to constitute, either an award of damages by the court against the infringer or an authorization to sue a State.

(f) COPYRIGHT FOR DERIVATIVE WORKS AND COMPLICATIONS.—Notwithstanding section 106(a), an infringement under that section shall not be deemed copyright protection in a compilation or derivative work on the basis that such compilation or derivative work emulates the material that has been unlawfully under this section.

(g) EXCLUSION FOR FIXATIONS IN OR ON USEFUL ARTICLES.—The limitations on remedies under this section shall not be available to an infringer for infringements resulting from fixation of a pictorial, graphic, or sculptural work in or on a useful article that is offered for sale or other commercial distribution to the public.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—(1) In chapter 5, of title 17, United States Code, is amended by adding at the end the following:

"§ 514. Limitation on remedies in cases involving orphan works.

(e) EFFECTIVE DATE.—(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the later of—

(i) January 1, 2009; and

(ii) the date which is the earlier of—

(II) January 1, 2009; and

(II) 30 days after the date on which the Copyright Office publishes notice in the Federal Register of a certification under section 513 that there exist and are available at least 2 separate and independent searchable, electronic databases, that allow for searches of copyrighted works that are pictorial, graphic, and sculptural works, and are available to the public; or

(II) January 1, 2009; and

(B) apply to infringing uses that commence on or after that effective date.

(2) DEFINITION.—In this subsection, the term "pictorial, graphic, and sculptural works" has the meaning given that term in section 101 of title 17, United States Code.

SEC. 3. DATABASES OF PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS. The Register of Copyrights shall undertake a process to certify that there exist and are available databases that facilitate a user's ability to search and identify pictorial, graphic, and sculptural works that are subject to copyright protection under title 17, United States Code. The Register shall only certify that databases are available under this section if such databases are determined to be effective and not prohibitively expensive and include the capability to be searched using 1 or more mechanisms that allow for the search and identification of a work by both text and image and have sufficient information regarding the works to enable a potential user of a database to determine the copyright owner or authorized agent. Prior to certifying that databases are available under this section, the Register shall determine, to the extent practicable, whether copyright owners that are small businesses and consult with the Small Business Administration Office of Advocacy regarding those impacts. The Register shall consider the Office of Advocacy's comments and respond to any concerns.

SEC. 4. REPORT TO CONGRESS. Not later than December 12, 2014, the Register of Copyrights shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the study conducted under this section, including any recommendations for legislative changes that the Register considers appropriate.

SEC. 5. STUDY ON REMEDIES FOR SMALL COPY- RIGHT CLAIMS. (a) IN GENERAL.—The Register of Copyrights is authorized to study with respect to remedies for copyright infringement claims by an individual copyright owner or a related group of copyright owners seeking small amounts of monetary relief, including consideration of alternative means of resolving disputes currently heard in the United States district courts. The study shall cover the provisions to which section 514 of title 17, United States Code, apply, and other infringement claims under that title.

(b) PROCEDURES.—The Register of Copyrights shall publish notice of the study required under subsection (a), providing a process to certify that there exist and are available databases that allow for the search and identification of a work by both text and image and have sufficient information regarding the works to enable a potential user of a database to determine the copyright owner or authorized agent. The Register shall consider the Office of Advocacy's comments and respond to any concerns.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Register of Copyrights shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the study conducted under this section, including any administrative, regulatory, or legislative recommendations that the Register considers appropriate.

SEC. 6. STUDY ON COPYRIGHT DEPOSITS. (a) IN GENERAL.—The Comptroller General of the United States shall conduct a study examining the function of the deposit requirement in the copyright registration system under section 408 of title 17, United States Code, including—

(1) the historical purpose of the deposit requirement;

(2) the degree to which deposits are made available to the public currently;

(3) the feasibility of making deposits, particularly visual arts deposits, electronically searchable by the public for the purpose of locating copyright owners; and

(4) the impact any change in the deposit requirement would have on the collection of the Library of Congress.

(b) Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the study conducted under this section, including such administrative, regulatory, or legislative recommendations that the Comptroller General considers appropriate.

OLD POST OFFICE BUILDING REDEVELOPMENT ACT OF 2008

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1079, H.R. 5001.

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

The bill (H.R. 5001) to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 5001) was ordered to a third reading, was read the third time, and passed.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2008

Mr. WHITEHOUSE. Mr. President, I ask that the Chair lay before the Senate a message from the House with respect to S. 496.

The Presiding Officer laid before the Senate a message from the House as follows:

S. 496

Resolved, That the bill from the Senate (S. 496) entitled "An Act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE. This Act may be cited as the "Appalachian Regional Development Act Amendments of 2008".

SECTION 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION. (a) GRANTS AND OTHER ASSISTANCE.—Section 14321(a) of title 40, United States Code, is amended—

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(1) in paragraph (1)(A) by striking clause (i) and inserting the following:

“(i) the amount of the grant shall not exceed—

(1) 50 percent of administrative expenses;

(2) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

(3) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;”;

and

(2) in paragraph (2) by striking subparagraph (A) and inserting the following:

“(A) In General.—Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than—

(1) 50 percent may be provided from amounts appropriated to carry out this subtitle;

(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.”;

(b) Demonstration Health Projects.—Section 14502 of title 40, United States Code, is amended—

(1) in subsection (d) by striking paragraph (2) and inserting the following:

“(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be used for up to—

(A) 50 percent of the cost of that operation;

(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

(C) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.”; and

(2) in subsection (f)—

(A) in paragraph (1) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

and

(B) by adding at the end the following:

“(3) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be used for up to—

(A) 50 percent of the cost of that operation;

(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

(C) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.”;

(c) Assistance for Proposed Low- and Middle-Income Housing Projects.—Section 14503 of title 40, United States Code, is amended—

(1) in subsection (d) by striking paragraph (1) and inserting the following:

“(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction discounts) of a project described in that subsection may be made for up to—

(A) 50 percent of that cost; and

(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

(C) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost.”;

and

(2) in subsection (e) by inserting paragraph (1) and inserting the following:

“(1) General.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.

SEC. 3. Economic and Energy Development Initiative.

(a) Projects to Be Assisted.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the Appalachian region for projects and activities—

(1) to promote energy efficiency in the Appalachian region to enhance the economic competitiveness of the Appalachian region;

(2) to increase the use of renewable energy resources, particularly biomass, in the Appalachian region to produce alternative transportation fuels, electricity, and heat; and

(3) to support the development of regional, coordinated energy resource production, electricity and heat through advanced technologies that achieve a substantial reduction in emissions, including greenhouse gases, over the current baseline.

(b) Limitation on Available Amounts.—Of the cost of any activity eligible for a grant under this section, not more than—

(1) 50 percent may be provided from amounts appropriated to carry out this section;

(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section;

(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section;

(4) Limitation on Available Amounts.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be used for up to—

(A) 50 percent of the cost of that operation; and

(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

(C) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.”;

(d) Federal Share.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission decides is appropriate.

SEC. 4. Distressed, at-Risk, and Economically Strong Counties.

(a) Designation of At-Risk Counties.—Section 14508 of title 40, United States Code, is amended—

(1) in the section heading by inserting “at-risk, after “Distressed”; and

(2) by adding at the end the following:

“(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.”

(g) Federal Grant Programs.—Section 14507(g) of title 40, United States Code, is amended—

(1) in paragraph (1) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following:

“(3) At-Risk Counties.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.”
Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1039, S. 3109.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3109) to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Thune amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

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

The amendment (No. 5672) was agreed to.

The amendment is printed in today's Record under "Text of Amendments."

The bill (S. 3109), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MERCURY MARKET MINIMIZATION ACT OF 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1039, S. 3109.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 906) to prohibit the sale, distribution, transfer, or export of elemental mercury, and other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mercury Export Ban Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;

(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;

(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(5) the Environmental Protection Agency reports that, as of 2004—

(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;

(B) in 21 States the freshwater advisories are statewide; and

(C) in 12 States the coastal advisories are statewide;

(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption where uncontaminated fish represents a critical and healthy source of nutrition worldwide;

(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);

(8) the free trade of elemental mercury on the world market, at relatively low prices and in ready supply, encourages the continued use of elemental mercury outside of the United States, often involving highly dispersive activities such as artisanal gold mining;

(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;

(10) the member countries of the European Union collectively are the largest source of elemental mercury exports globally;

(11) the European Commission has proposed to the European Parliament and to the Council of the European Union a regulation to ban exports of elemental mercury from the European Union by 2011;

(12) the United States is a net exporter of elemental mercury and, according to the United States Geological Survey, exported 506 metric tons of elemental mercury more than the United States imported during the period of 2000 through 2004; and

(13) banning exports of elemental mercury from the United States will have a notable effect on the market availability of elemental mercury and switching to affordable mercury alternatives in the developing world.

SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

"(f) MERCURY.—

"(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY BY FEDERAL AGENCIES.—Except as provided in paragraph (2), effective on the date of enactment of this subsection, no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act; or

"(B) a conveyance, sale, distribution, or transfer of coal.

"(3) LEASES OF FEDERAL COAL.—Nothing in this subsection prohibits the leasing of coal."

SEC. 4. PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a) by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following:

"(c) PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.—

"(1) PROHIBITION.—Effective January 1, 2010, the export of elemental mercury from the United States is prohibited.

"(2) INAPPLICABILITY OF SUBSECTION (a).—Subsection (a) shall not apply to this subsection.

"(3) REPORT TO CONGRESS ON MERCURY COMPOUNDS.—

"(A) Report.—Not later than one year after the date of enactment of the Mercury Export Ban Act of 2008, the Administrator shall publish a report to Congress a report on mercury chloride, mercurous chloride or calomel, mercuric oxide, and other mercury compounds, if
Nothing in this subsection affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

(6) EXPORT OF COAL.—Nothing in this subsection shall be construed to prohibit the export of coal.

SEC. 5. LONG-TERM STORAGE.

(a) ESTABLISHMENT OF PROGRAM.—Not later than January 1, 2010, the Secretary of Energy (in this section referred to as the ‘‘Secretary’’) shall accept, evaluate, and approve applications for long-term management and storage, of elemental mercury generated within the United States and delivered to a facility of the Department of Energy designated by the Secretary.

(b) FEES.—(1) IN GENERAL.—After consultation with persons who are likely to deliver elemental mercury to a designated facility, the Administrator may utilize the information gathered or that will protect human health and the environment, into account local, regional, and global health and environmental impacts.

(c) Export of elemental mercury for the specified use is consistent with international obligations of the United States intended to reduce long-term management and storage of elemental mercury delivered to the facility. The amount of such fees—

(A) shall be made publically available not later than October 1, 2009;

(B) may be adjusted annually; and

(C) shall be set in an amount sufficient to cover the costs described in paragraph (2).

(2) COSTS.—The costs referred to in paragraph (1)(A) include—

(A) the costs resulting from, or is in any manner predicated upon, the release or threatened release of elemental mercury to a designated facility under the program established under subsection (a) for purposes of defending or settling the claim for personal injury or property damage (including death, illness, or loss of property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of elemental mercury as a result of acts or omissions occurring during the actual receipt, or disposal, of mercury at a designated facility described in subsection (a). (B) EQUITY.—The Secretary may ensure that the conditions for granting the exemption under this paragraph shall contain such other terms and conditions as the Administrator finds—

(i) to be necessary to carry out this section.

(1) IN GENERAL.—Not later than January 1, 2012, the Administrator of the Environmental Protection Agency (or an authorized State) shall issue a final decision on a permit application is made pursuant to section 3005(e) of the Solid Waste Disposal Act until a final decision on a permit application is made pursuant to section 3005(c) of the Solid Waste Disposal Act. Not later than January 1, 2012, the Administrator of the Environmental Protection Agency (or an authorized State) shall issue a final decision on the permit application.

(2) TRAINING.—The Administrator shall conduct operational training and emergency training for all staff that have responsibilities related to elemental mercury management, transfer, storage, monitoring, or response.

(3) EQUIPMENT.—The Secretary shall ensure that each designated facility has all equipment necessary for routine operations, emergencies, maintenance, checking, cleaning, and storing elemental mercury at the facility.

(4) FIRE DETECTION AND SUPPRESSION SYSTEMS.—The Secretary shall—

(A) ensure the installation of fire detection systems at each designated facility, including smoke detectors and heat detectors; and

(B) ensure the installation of a permanent fire suppression system, unless the Secretary determines that a permanent fire suppression system is not necessary to protect human health and the environment.

(e) INDEMNIFICATION OF PERSONS DELIVERING ELEMENTAL MERCURY.—

(1) IN GENERAL.—(A) Except as provided in subparagraph (B) and subject to paragraph (2), the Secretary shall hold harmless, defend, and indemnify in full any person who delivers elemental mercury to a designated facility under the program established under subsection (a) from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of elemental mercury as a result of acts or omissions occurring during the actual receipt, or disposal, at a designated facility described in subsection (a). (B) To the extent that a person described in subparagraph (A) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS.—No indemnification may be afforded under this subsection unless the person satisfies both of the following requirements—

(A) notifies the Secretary in writing within 30 days after receiving written notice of the claim for which indemnification is sought; and

(B) furnishes to the Secretary 4 copies of pertinent papers the person receives;

(C) furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and

(D) ensures, upon request, access to the records and personnel of the person for purposes of defending or settling the claim or action.

(3) AUTHORITY OF SECRETARY.—(A) In any case in which the Secretary determines that the Department of Energy may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Energy may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may be afforded, to the extent authorized by section 3005(e) of the Solid Waste Disposal Act, of the Secretary.

(f) TERMS, CONDITIONS, AND PROCEDURES.—The Secretary is authorized to establish such terms, conditions, and procedures as are necessary to carry out this section.

(g) EFFECT ON OTHER LAW.—
The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 906), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ALCOHOL AND DRUG ADDICTION RECOVERY DAY
Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 1084, S. Res. 659, The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:
A resolution (S. Res. 659) designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day.

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

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

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

The resolution (S. Res. 659) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:
S. Res. 659
Whereas treatment and long-term recovery from substance use disorders can offer a renewed outlook on life for those who are addicted and their family members;
Whereas more than 23,000,000 people in the United States struggle with substance use disorders;
Whereas people who receive treatment for substance use disorders can lead more productive and fulfilling lives, personally and professionally;
Whereas studies have consistently found that treatment is essential for people to be successful in their paths of recovery;
Whereas real stories of long-term recovery can inspire others to ask for help and improve their own lives, the lives of their families, and their communities;
Whereas it is critical that we educate our community members that substance use disorders are treatable chronic diseases, and that by reaching out to those who suffer from these disorders we can improve the quality of life for the entire community;
Whereas, to help achieve this goal, the Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the National Council on Alcoholism and Drug Dependency, the Partnership for a Drug-Free America, and AARP Television Networks, along with thousands of people from across the country, will hold a Recovery Rally on the Brooklyn Bridge and in City Hall Park in New York City on September 27, 2008; and
Whereas the Recovery Rally will be part of National Alcohol and Drug Addiction Recovery Month; Therefore be it
Resolved, That the Senate—
(1) designates September 27, 2008, as Alcohol and Drug Addiction Recovery Day; and
(2) calls upon the President of the United States to observe this day with appropriate programs, activities, and ceremonies.

50TH ANNIVERSARY OF THE FOUNDING OF AARP
Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to S. Res. 666.

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. 666) recognizing and honoring the 50th anniversary of the founding of AARP.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the resolution be laid upon the table.

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

The resolution (S. Res. 666) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:
S. Res. 666
Whereas AARP is a nonprofit, nonpartisan organization with more than 40,000,000 members that is dedicated to improving the quality of life of people who are 50 years of age or older;
Whereas Ethel Percy Andrus, a retired educator from California, founded AARP in 1958 to promote independence, dignity, and purpose for older people in the United States and to encourage current and future generations “to serve, not to be served”;
Whereas the vision of AARP is “a society in which everyone ages with dignity and purpose and in which AARP helps people fulfill their goals and dreams”;
Whereas the mission of AARP is to enhance the quality of life of all people as they age, to promote positive social change, and to offer new and better services for the elderly through information, advocacy, and service;
Whereas the nonpartisan advocacy activities of AARP help millions of people participate in the legislative, judicial, and administrative processes of the United States;
Whereas AARP is a trusted source of reliable information on health, financial security, education, and other issues important to people 50 years of age and older;
Whereas AARP provides an opportunity for volunteerism and service so that its millions of members can better their families, communities, and the Nation;
Whereas AARP Services has become a leader in the marketplace by influencing companies to offer new and better services for the members of AARP;
Whereas AARP Foundation, the philanthropic arm of AARP, delivers information, education, and direct service programs to the most vulnerable people in the United States aged 50 and over;
Whereas the job placement program of AARP Foundation has helped more than 400,000 low-income older people in the United States find jobs, contributing to their sense of purpose and dignity;
Whereas the Drive Smart Safety Program of AARP has helped more than 10,000,000 older drivers sharpen their driving skills;
Whereas 2008 is the 50th anniversary of the founding of AARP;
Whereas, in honor of its 50th anniversary, AARP renewed its commitment to improving

SEC. 6. REPORT TO CONGRESS.
At least 3 years after the effective date of the prohibition of export of elemental mercury under section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)), as added by section 4 of this Act, but not later than January 1, 2014, the Administrator of the Environmental Protection Agency shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the global supply and trade of elemental mercury, including but not limited to the amount of elemental mercury traded globally that originates from primary mining, where such primary mining is conducted, and whether additional primary mining has occurred as a consequence of this Act.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Boxer substitute amendment be agreed to, the committee-reported substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, without intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. The resolution, with its preamble, reads as follows:
S. Res. 659
Whereas treatment and long-term recovery from substance use disorders can offer a renewed outlook on life for those who are addicted and their family members;
Whereas more than 23,000,000 people in the United States struggle with substance use disorders;
Whereas people who receive treatment for substance use disorders can lead more productive and fulfilling lives, personally and professionally;
Whereas studies have consistently found that treatment is essential for people to be successful in their paths of recovery;
Whereas real stories of long-term recovery can inspire others to ask for help and improve their own lives, the lives of their families, and their communities;
Whereas it is critical that we educate our community members that substance use disorders are treatable chronic diseases, and that by reaching out to those who suffer from these disorders we can improve the quality of life for the entire community;
Whereas, to help achieve this goal, the Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the National Council on Alcoholism and Drug Dependency, the Partnership for a Drug-Free America, and AARP Television Networks, along with thousands of people from across the country, will hold a Recovery Rally on the Brooklyn Bridge and in City Hall Park in New York City on September 27, 2008; and
Whereas the Recovery Rally will be part of National Alcohol and Drug Addiction Recovery Month; Therefore be it
Resolved, That the Senate—
(1) designates September 27, 2008, as Alcohol and Drug Addiction Recovery Day; and
(2) calls upon the President of the United States to observe this day with appropriate programs, activities, and ceremonies.
EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Intelligence Committee be discharged of PNT791, the nomination of J. Patrick Rowan, to be an Assistant Attorney General; that the Senate then proceed to the nomination; that the Senate confirmed the nomination be confirmed and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the Record; that the President be immediately notified of the Senate's action; that the Senate resume legislation; and that no further motions be in order.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.

Mr. LEAHY. Mr. President, today, the Senate confirmed the nomination of J. Patrick Rowan to be Assistant Attorney General in charge of the National Security Division at the Department of Justice.

We continue in our efforts to rebuild the Department of Justice after the scandals of the Gonzales era and the Bush administration. We have already confirmed 35 executive nominations so far this Congress, including the confirmations of 12 U.S. attorneys, seven U.S. Marshals, and a new Attorney General, Deputy Attorney General, and Associate Attorney General. We are poised to add to this total, having reported out of committee this month another 6 high-level executive nominations, including the nomination of Greg Garre to be Solicitor General of the United States, one of the highest and most prestigious positions at the Department of Justice.

At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Over the 9 nine months, our efforts revealed a Department of Justice that was deeply flawed, sloppy, and flat-out wrong—but it has been permitted to happen because secrecy has prevented our oversight. Unjustified secrecy continues to prevent the review by this Committee that would provide a check and some control on how the administration is interpreting the law that is Congress's constitutional responsibility to write. That obsessive secrecy even prevents us from knowing the subject matter on which OLC has written opinions.

There is no justification for keeping OLC legal interpretations secret from this committee, let alone the index I have long sought. That is why I sought and now have the authorization for subpoenas after years of being rebuffed in court. I am optimistic that we will find out how this administration has interpreted and applied the laws written by Congress.

Another one of the misguided policies of the Bush-Cheney administration was rebuked earlier this summer by the Supreme Court's 5-4 decision in Boumediene v. Bush. That decision reaffirmed our core American values by concluding that detainees at Guantánamo have the right to bring habeas corpus claims in Federal court. I applaud that decision because I have maintained from the beginning that the provisions of the Military Commission Act that purported to strip away those rights were unconstitutional and un-American.

This should not have been a hard decision, but I hope Mr. Rowan understands that it was a vitally important one. The Courts have a long history of considering habeas petitions and of handling national security matters, including classified information. I have great confidence in our system of justice and its ability to handle these issues. The administration made this mess by seeking to avoid judicial review. It is a check and some control on how the administration interprets and applies the laws Congress has passed.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through both the Intelligence and those from both sides of the aisle who care about federal law enforcement and the Department of Justice, we joined together to press for accountability.

That reflected the leadership at the Department, with the resignations of the Attorney General and virtually all of its highest-ranking officials.

But that oversight efforts did not complete our work. We continue in the waning days of the Bush administration to try to return to the right track and ensure that the rule of law is restored as the guiding light for the work of the Department. Mr. Rowan, who currently serves as acting head of the Department of Justice, has an opportunity now and if confirmed to play a significant role in that restoration.

In the wake of the tragic attacks on September 11, 2001, and toward the end of President Bush's term in office, and in an effort to avoid judicial review at all costs, this country had an opportunity to show that we could fight terrorism, secure our Nation, and bring the perpetrators of those heinous acts to justice, all in a way that was consistent with our country's values.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Intelligence Committee be discharged of PNT791, the nomination of J. Patrick Rowan, to be an Assistant Attorney General; that the Senate then proceed to the nomination; that the Senate confirmed the nomination be confirmed and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the Record; that the President be immediately notified of the Senate's action; that the Senate resume legislation; and that no further motions be in order.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.

Mr. LEAHY. Mr. President, today, the Senate confirmed the nomination of J. Patrick Rowan to be Assistant Attorney General in charge of the National Security Division at the Department of Justice.

We continue in our efforts to rebuild the Department of Justice after the scandals of the Gonzales era and the Bush administration. We have already confirmed 35 executive nominations so far this Congress, including the confirmations of 12 U.S. attorneys, seven U.S. Marshals, and a new Attorney General, Deputy Attorney General, and Associate Attorney General. We are poised to add to this total, having reported out of committee this month another 6 high-level executive nominations, including the nomination of Greg Garre to be Solicitor General of the United States, one of the highest and most prestigious positions at the Department of Justice.

At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Over the 9 nine months, our efforts revealed a Department of Justice that was deeply flawed, sloppy, and flat-out wrong—but it has been permitted to happen because secrecy has prevented our oversight. Unjustified secrecy continues to prevent the review by this Committee that would provide a check and some control on how the administration is interpreting the law that is Congress's constitutional responsibility to write. That obsessive secrecy even prevents us from knowing the subject matter on which OLC has written opinions.

There is no justification for keeping OLC legal interpretations secret from this committee, let alone the index I have long sought. That is why I sought and now have the authorization for subpoenas after years of being rebuffed in court. I am optimistic that we will find out how this administration has interpreted and applied the laws written by Congress.

Another one of the misguided policies of the Bush-Cheney administration was rebuked earlier this summer by the Supreme Court's 5-4 decision in Boumediene v. Bush. That decision reaffirmed our core American values by concluding that detainees at Guantánamo have the right to bring habeas corpus claims in Federal court. I applauded that decision because I have maintained from the beginning that the provisions of the Military Commission Act that purported to strip away those rights were unconstitutional and un-American.

This should not have been a hard decision, but I hope Mr. Rowan understands that it was a vitally important one. The Courts have a long history of considering habeas petitions and of handling national security matters, including classified information. I have great confidence in our system of justice and its ability to handle these issues. The administration made this mess by seeking to avoid judicial review. It is a check and some control on how the administration interprets and applies the laws Congress has passed.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through both the Intelligence and those from both sides of the aisle who care about federal law enforcement and the Department of Justice, we joined together to press for accountability.

That reflected the leadership at the Department, with the resignations of the Attorney General and virtually all of its highest-ranking officials.

But that oversight efforts did not complete our work. We continue in the waning days of the Bush administration to try to return to the right track and ensure that the rule of law is restored as the guiding light for the work of the Department. Mr. Rowan, who currently serves as acting head of the Department of Justice, has an opportunity now and if confirmed to play a significant role in that restoration.

In the wake of the tragic attacks on September 11, 2001, and toward the end of President Bush's term in office, and in an effort to avoid judicial review at all costs, this country had an opportunity to show that we could fight terrorism, secure our Nation, and bring the perpetrators of those heinous acts to justice, all in a way that was consistent with our country's values.
that provides sound advice and takes responsible action, without regard for political considerations—not one that develops legalistic loopholes and ideological litmus tests to serve the ends of a particular administration.

I congratulate Mr. Rowan and his family on his confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 110–22

Mr. WHITEHOUSE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 26, 2008, by the President of the United States: Agreement on Conservation of Albatrosses and Petrels, Treaty Document No. 110–22. I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; that the President’s message be printed in the Reprint;

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to accession, I transmit herewith the Agreement on Conservation of Albatrosses and Petrels, with Annexes. In addition, I transmit for the information of the Senate the report of the Department of State, which includes a detailed analysis of the Agreement.

The Agreement, done at Canberra on June 19, 2001, and that entered into force on February 1, 2004, was adopted pursuant to the Convention on the Conservation of Migratory Species of Wild Animals (the “Convention”), done at Bonn on June 23, 1979. Although the United States is not a Party to the Convention, the United States may nonetheless become a Party to the Agreement. The Agreement’s objective is to achieve and maintain a favorable conservation status for albatrosses and petrels.

I believe the Agreement to be fully in the U.S. interest. Its provisions advance the U.S. goals of protecting albatrosses and petrels. As the Department of State’s analysis explains, the Agreement is not self-executing and thus does not by itself give rise to domestically enforceable Federal law. Implementing legislation would be required, which will be submitted separately to the Congress for its consideration.

I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to accession.

George W. Bush.

The White House, September 26, 2008.

ORDERS FOR SATURDAY, SEPTEMBER 27, 2008

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., tomorrow, Saturday, September 27, that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume the House message to accompany H.R. 2639, the consolidated security, disaster, continuing resolution; that the time until 10 a.m. be equally divided between the two leaders or their designees; and that at 10 a.m. the Senate proceed to vote on the motion to invoke cloture on the motion to concurrence in the House amendment to the Senate amendment to H.R. 2638.

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

PROGRAM

Mr. WHITEHOUSE. Mr. President, at approximately 10 a.m. tomorrow, there will be a cloture vote on the House message to accompany the consolidated appropriations bill.

RECESS UNTIL 9:30 A.M., TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 8 p.m., recessed until Saturday, September 27, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

P. CHASE HUTTO III, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS AND DOMESTIC POLICY), VICE KAREN ALGERMAN HARRERT, RESIGNED.

DEPARTMENT OF STATE

MICHAEL S. DORAN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL INFORMATION PROGRAMS), VICE JOHN STERN WOLF.

DISTRICT OF COLUMBIA OFFENDER SUPERVISION, DEFENDER, AND COURTS SERVICES AGENCY

PHILIP P. SIMON, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE KENNETH F.ipple, RETIRED.


THE JUDICIARY

PHILIP J. MOORE, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE KENNETH F.ipple, RETIRED.

FRED E. OBERLY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA FOR A TERM OF FIFTEEN YEARS, VICE MICHAEL W. FARRELL, RETIRED.

SMALL BUSINESS ADMINISTRATION

JOHN GRAFITY CREWS II, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF SMALL BUSINESS ADMINISTRATION, VICE ERIC M. THORSON.
September 26, 2008

CONGRESSIONAL RECORD — SENATE

S9879

In the Air Force

The following named individuals for appointment to the grade indicated in the regular air force under title 10, U.S.C., sections 313 and 364.

To be lieutenant colonel

DARYL D. BYBER
MARC V. GALVEZ

In the Army

The following named individuals for regular appointment to the grade indicated in the United States Army medical specialist corps under title 10, U.S.C., sections 313 and 364.

To be major

BRITT B. HILL

To be colonel

RAYMOND L. CAFFS

To be lieutenant colonel

ANTHONY H. SAVAGE

In the Navy

The following named individuals for regular appointment to the grade indicated in the United States Army dental corps under title 10, U.S.C., sections 313 and 364.

To be major

GRACE LACARA

CHESLEY D. ODIBERY

To be lieutenant commander

JOHN E. MURRA

The following named officer for appointment to the grade indicated in the United States navy reserve under title 10, U.S.C., section 312.

To be captain

DANA STOBBOUGH

The following named individual for appointment to the grade indicated in the United States Army Veterinary corps under title 10, U.S.C., sections 313 and 364.

To be captain

PAUL J. FOSTER
LEE GREENWOOD, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014, VICE MAKOTO FUJIMURA, TERM EXPIRED.

BARBARA ERNST FREY, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014, VICE MARK BOFFLAND, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel
RICHARD BRINKER
PATRICIA L. HARRALSON
NADIA C. SHOCKLEY

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL, SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major
MICHAEL L. NIFFERT
ROBERT C. TURNER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major
MICHAEL L. NIPPERT
ROBERT C. TURNER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major
MAX L. DIVINE
NORMA TORRES

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel
LAURENCE W. GEBLER
LINA HU

To be major
VISETH NGAUY

DISCHARGED NOMINATION

The Senate Select Committee on Intelligence was discharged from further consideration of the following nomination and the nomination was confirmed:

J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, September 26, 2008:

DEPARTMENT OF JUSTICE

J. PATRICK ROWAN, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

CLARK WADDOUPS, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

MICHAEL M. ANELLO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

MARY STEenson SCRIVEN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

CHRISTINE M. ARGUIELLO, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

PHILIP A. BRIMMER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

ANTHONY JOHN TRENGA, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

C. DARNELL JONES II, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

MITCHELL S. GOLDBERG, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

JOEL H. SLOMSKY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

ERIC F. MELGREN, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS.
EXTENSIONS OF REMARKS

CREDIT CARDHOLDERS’ BILL OF RIGHTS ACT OF 2008

SPORCH OF
HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 23, 2008

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 5244, the Credit Cardholders’ Bill of Rights Act of 2008, which seeks to reform the way in which major credit card companies do business and strengthen consumer protections. This bill, which has the support of a wide range of civic and consumer groups, would restore fairness to the credit card industry, which has been severely undermined by the abusive and predatory practices of some lending institutions.

H.R. 5244 would protect cardholders from arbitrary increases in their interest rates, by requiring companies to give 45 days notice before a rate increase. The bill would also prohibit credit card companies from engaging in the practice of “universal default” rate increases, in which companies increase interest rates on an existing balance for late payments to a different lending institution. Also, the bill would give cardholders more time to pay their bills and would forbid card companies from using misleading terms in advertisements.

Consumers deserve fair and decent practices in their financial dealings. Credit card companies should not be allowed unfairly to manipulate rates and fees to the consumer’s detriment.

The events of the past week remind us of the danger of failing to regulate financial markets and institutions. The Credit Cardholders’ Bill of Rights Act would establish clear and fair guidelines for credit card companies, and would help Americans suffering from ever-increasing debt. I urge my colleagues to join me in supporting this important bill.

PINE VIEW MANOR

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Pine View Manor for 30 years of service to the Stanberry community. This 70 bed not-for-profit home for the aging was connected for many years in which major credit card companies do business and strengthen consumer protections. This bill, which has the support of a wide range of civic and consumer groups, would restore fairness to the credit card industry, which has been severely undermined by the abusive and predatory practices of some lending institutions.

Today, Pine View Manor is looking to the future by undergoing a renovation process that will provide an Assisted Living wing and is presently independently operated by a Board of Directors. Pine View Manor will hold celebration on Sunday, September 28, 2008. Madam Speaker, I proudly ask you to join me in recognizing Pine View Manor and its 30 years of constant service. It is truly an honor to serve this fine organization in the United States Congress.

RECOGNIZING THE HONORABLE DUNCAN HUNTER ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the distinguished career of the Honorable Duncan Hunter for his service to the people of California and the United States House of Representatives. Congressman Hunter has represented the 52nd Congressional District of the state of California for the past 28 years.

Congressman Hunter was born and raised in Riverside, California, and graduated from Rubidoux High School. He attended the University of Montana before transferring to the University of California, Santa Barbara. Feeling compelled to serve in Vietnam, he left college and joined the United States Army in 1969.

Serving in South Vietnam, Duncan was a member of the 173rd Airborne and 75th Army Rangers during the Vietnam War. A decorated Vietnam War veteran, he was awarded the Bronze Star and the Air Medal as well as other service ribbons.

Following his service in Vietnam, Duncan earned his Juris Doctor from the Thomas Jefferson School of Law, and upon graduation, he opened his own law practice. Elected to Congress at the age of 32, Congressman Hunter was named a member of the Armed Services Committee in just his first term. From his post on this powerful panel, he supported President Ronald Reagan’s massive military buildup in the arms race with the Soviet Union in the 1980s, and he was an outspoken critic of President Bill Clinton’s efforts to scale back the military in the 1990s.

In the 109th Congress, Congressman Hunter was named chairman of the House Armed Services Committee and serves as ranking member in the 110th. Chairman Hunter is known as an ardent supporter of military modernization initiatives. With the nation’s largest naval base located in the 52nd District, he has been a staunch supporter of military personnel and their families, ensuring they are well-compensated and well-equipped.

Chairman Hunter has also been a leader in making our Nation’s borders more secure. He was the guiding force behind legislation making the military the lead agency in illegal drug interdiction, using military units for building roads and fencing along the United States—Mexico border, and authorizing an additional 5,000 border patrol agents.

Madam Speaker, I ask my colleagues to join me in recognizing a devoted leader and friend...
IN MEMORIAL OF OFFICER
PATRICK MCDONALD
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008
Ms. SCHWARTZ. Madam Speaker, on Tuesday, September 23, 2008, Officer Patrick McDonald, an 8-year veteran of the Philadelphia Police Department and a constituent of the 13th Congressional District, was murdered after confronting a previously convicted felon. The shooter was wanted for a recent altercation with the police. The pursuit ended in a shootout that also injured 12-year veteran Officer Richard Bowes.

Officer McDonald, 30, was assigned to the Highway Patrol Division. He was known to his colleagues as a “stand up guy,” the type of person who would “go out of his way for anybody.” Another officer called him “a great cop.”

Protecting the public was a McDonald family tradition. His father, Captain Larry McDonald, spent 34 years with the Philadelphia Fire Department. Families like the McDaldons are the backbone of Philadelphia’s law enforcement, guards who are willing to put themselves in harm’s way for others, some of whom make the ultimate sacrifice for the safety of our city.

The McDonald family’s loss is a loss for all of us.

Officer McDonald grew up in Morrell Park. He graduated from Archbishop Ryan High School in 1996 where he played football and basketball. The toughness that he exhibited as a cop was developed on the football field. Glen Galeone, his coach, said Officer McDonald “always gave his all.”

Officer McDonald dedicated his entire adult life to serving and protecting the people of Philadelphia. He worked as a paramedic before joining the Philadelphia Police Department in 2000. After he joined the force, Officer McDonald constantly worked to better himself by taking night and weekend classes at St. Joseph’s University where he earned a degree in Criminal Justice in 2005. He was a role model for his neighboring fellow officers.

Officer McDonald joins Gary Skerski, Chuck Cassidy, Stephen Liczbinski, and Isabel Nazario as Philadelphia Police Officers from northeast Philadelphia killed in the line of duty since May 2006. The loss of these officers saddens and outrages me and my constituents. I ask that the House of Representatives extend its condolences to the McDonald family and the Philadelphia Police Department for their significant loss.

HONORING PURPLE HEART RECIPIENT RICKE PETERSON OF LAND O’LAKES, FLORIDA
HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008
Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American soldier who was wounded in service to our Nation during the conflict in Iraq. Master Sergeant Ricke Peterson is a member of the United States Army who served with honor and distinction on the battlefield. It is truly an honor to present this brave patriot with his Purple Heart medal.

Born in Melrose Park, Illinois, Mr. Peterson currently resides in Land O’Lakes, Florida. A decorated non-commissioned officer (NCO), Mr. Peterson comes from a long line of military service. With his grandfather who served in World War I, a father who was in the Air Force, Reserves and Guard, an uncle who served in the Navy in Korea, two brothers who served, and a nephew who was seriously wounded in Iraq, no one can question the Peterson family’s commitment to military service.

A soldier who spent his entire career in the United States Army, Mr. Peterson was just less than a month away from completing his twenty-eight year of service when he was gravely wounded in Iraq. Indeed, Mr. Peterson had already completed his service commitment when he unit received orders to deploy to Iraq. Instead of leaving the Army prior to his deployment, Mr. Peterson requested to stay with his unit so that he could go to Iraq and share his years of expertise with the younger Army men and women.

On October 6, 2004, at the age of forty-four, Mr. Peterson was serving as the Force Protection NCO for the Army HHC, 4th BDE, 1st Infantry Division, assigned to Tikrit, Iraq. While traveling with his fellow soldiers, an anti tank mine tore off the front of his vehicle. The blast came through the floorboard, tearing through his legs and hitting him square in the chest.

Mr. Peterson was peppered with shrapnel in his face, thighs, inner arms, feet and ankles, and he was eventually rendered unconscious. Today Mr. Peterson is still recovering from his extensive injuries. Suffering from severe head trauma, he undergoes comprehensive physical therapy and is slowly getting better. Thankfully he has the support of his wife of twenty-seven years, Chung, as well as their two grown children, Ricke, Jr. and Sara.

Madam Speaker, it is soldiers like Ricke Peterson who joined the military to protect the freedoms that all Americans hold dear. While brave men like Mr. Peterson were wounded fighting for freedom and liberty, his family, friends and loved ones know that this Congress will remember his bravery and commitment in battle.

TRIBUTE TO JOY SEITZ
HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008
Mr. SKELTON. Madam Speaker, during our time in Congress we all have benefited from the efforts of our staffs. I certainly have been blessed with the services of wonderful people through my career. One of those individuals, Joy Seitz, has been with me throughout all of my congressional tenure and helped me in my time in the Missouri State Senate.

Joy came to work for me on the State senate staff in 1974. She has been the anchor of my office in Jackson County, Missouri since it was opened in 1977. She has handled countless constituent calls and letters and has been an able advocate for them as an ombudsman and caseworker. She has for several years been the principal bookkeeper for my office. She has been competent and professional all ways and has always demonstrated a warm personality reflecting her wonderful parents and small town values.

It has been my great joy to witness her transition in life. She married Jim Seitz, the son of my long time good friends Ed and MaryBelle Seitz, and Joy have raised two wonderful children, Michael and Rebecca both of whom have served as interns in my Washington office and are outstanding young adults.

Joy has been the model for what a Congressional staff member should be. She has been a calm voice in responding to constituents who were often frustrated with some aspect of the government. Her work in solving constituent problems has won many accolades and has made the government work better.

Joy Seitz will be retiring from Congressional service as we begin the new Congress in January. With this statement I want to recognize her 32 years of service to our country and to wish her many, many happy years with Jim and their family. While she will not answer the phone in my Blue Springs office she will continue to be a cherished friend.

HONORING THE 225TH ANNIVERSARY OF CONGRESS MEETING IN PRINCETON
HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008
Mr. HOLT. Madam Speaker, I rise today to thank my colleagues for supporting my resolution, H. Con. Res. 351, commemorating the 225th Anniversary of the Continental Congress meeting at Nassau Hall in Princeton, New Jersey.

On June 19, 1783, 80 soldiers defected from the Third Pennsylvania Regiment stationed in Lancaster, Pennsylvania, in order to “obtain justice” from the Continental Congress. Outraged by the lack of compensation for their service during the Revolutionary War, these soldiers marched to the Nation’s capital to protest this uprising only to emerge to an angry and armed mob ready to take by force the back-pay owed to them by their government. With the Nation’s finances in disarray, the Continental Congress took refuge from the riot, and Continental Congress President Elias Boudinot ordered the body to reassemble in Princeton, New Jersey, on June 28 “in order that further and more effective methods may be taken for suppressing the current revolt, and maintaining the Dignity and Authority of the United States.”

Congress descended upon the small town of Princeton, a village with little more than 600 residents and three taverns which doubled as churches. In regard to the commotion brought to town by Congress, 19-year-old Princeton University student Ashbel Green, who would go on to serve as the President of the University, remarked “The whole town was a tremendous animation in Princeton within a fortnight. From a little obscure village, we have become the capital of America.”
The College offered Congress the use of Nassau Hall, where it met in the second floor library to conduct the essential business of our fledgling Nation. It was in these rooms that the foreign policy of our country began to be formed. However, Congress's time in Princeton was not all hard work. At Princeton's Fourth of July Celebration, members of the Continental Congress joined students of the University and townsfolk in celebration. According to Samuel Beach, a student at the college, at the end of the evening “some were drunken and all were tired.” Congress did not reconvene for five days.

In August, the Continental Congress summoned General George Washington to Princeton to receive the formal thanks of the Nation for his dedicated service as commander-in-chief. Leaving Major General John Knox in charge of the encamped army at Newburgh, New York, General Washington traveled to the Rockingham estate in Rocky Hill, New Jersey with his wife Martha and a guard of dragoons. General Washington stayed at the Rockingham estate for the next three months, advising the Continental Congress on the creation of a peacetime military and pondering his military career. It is at Rockingham that General Washington was writing his Farewell Orders to the Armies of the United States dismissing the troops and announcing his retirement.

During the time that Congress met there Nassau Hall and the town of Princeton played host to three future Presidents of the United States, seven signers of the Declaration of Independence, nineteen signers of the Articles of Confederation, and 11 signers of the Constitution. It is where the seat of government was located when John Adams, John Jay, and Benjamin Franklin signed the Treaty of Paris on September 3, 1783, marking the end of the American Revolution and establishing the boundaries of the new Nation. Although Congress's tenure at Princeton was brief, this community played a pivotal role in the formation of the United States of America.

I would like to take a moment to recognize the unique role that New Jersey played in the American Revolution. In 2006, my colleagues in the New Jersey Delegation took action to help protect historical sites where this conflict took place. We passed legislation that created the Crossroads of the American Revolution National Heritage Area linking together 14 counties in New Jersey where the War of Independence took place. New Jersey is the Crossroads of the American Revolution for a number of reasons, as thousands of troops marched through the State and fought on our soil. The State's strategic location between the British stronghold of New York and the rebel capital in Philadelphia meant that New Jersey and New Jersey citizens were at the crossroads of the founding of our new Nation. In fact, New Jersey had more military engagements during the Revolutionary War than any other State. Crossroads has proved to be an exceptional way to preserve New Jersey’s unique history for future generations.

I am pleased that the House of Representatives has passed H. Con. Res. 351 today commemorating the 225th Anniversary of the Continental Congress meeting in Nassau Hall in Princeton, New Jersey.

CONGRATULATING JOAQUIN CABRERA
HON. ILEANA ROS-LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to extend my most heartfelt congratulations to Joaquin Cabrera for winning the 2008 Congressional Arts Competition.

In the fourth largest school system in America, Joaquin has created a breathtaking piece of art that allows him to stand apart from his peers at Miami Jackson Senior High School.

It is testament to the greatness of our Nation that a young man from a disadvantaged Latino family could have the fruit of his labor hanging in the halls of the United States Capitol to represent his community.

This beautiful painting will represent south Florida for the next year will serve to remind us all that we should never be hindered by circumstance and that we should never accept anything less than the very best from ourselves.

I pray that Joaquin's devotion to art never waver so that he may continue to inspire us with his work and bless us with his friendship.

HONORING NORTHWEST CHURCH
HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Northwest Church upon celebrating their 50th anniversary. The church will be celebrating the anniversary throughout 2008 with golf tournaments, luncheons, all church Bunko nights, reunions and a dedication and renaming of the church's chapel on September 28, 2008 at the church in Fresno, California.

In 1958 a group attending First Baptist Church in Kingsburg began discussing the possibility of establishing a Baptist General Conference church in Fresno, California. The core group of planners consisted of three families; the Swansons, the Burtzes and the Satterbergs. The group determined that Curt Martin, a recent graduate of Bethel Seminary, was to be the first pastor of, what was then, Northwest Baptist Church. Pastor Curt and his wife, Carol Martin, moved to Fresno in August and the first public service was held on September 21, 1958 in their home. The church was officially formed on November 13, 1958 with twenty-four members. That number quickly grew to sixty. With the rise in numbers, the visionaries decided to purchase a five-acre piece of property, complete with a farmhouse. Almost one year after holding the first public service, they broke ground for the new church on September 20, 1959. The building was completed in 1960, with seating for one hundred. The members quickly realized that they were going to need more space for an educational unit. A building was completed for that purpose in the early 1960's. In 1961, Pastor Martin retired after reaching education goals. Reverend Eric Moody and Reverend Rollo Entz both served as senior pastor during the mid-1960's.

The Church currently supports twenty-three local and national missionaries, and offers various mission trips and opportunities to members of the church. They hold three services on Sunday for about 1,200 worshipers, a Thursday night service, and the doors are open to the community for various gatherings, such as Sunday school classes, Weight Watchers group meetings, Alcoholics Anonymous and Al-Anon meetings. The church is also the fount of religion, family and community that has led Northwest Church to be so successful.

Madam Speaker, I rise today to commend and congratulate Northwest Church upon their 50th anniversary. I invite my colleagues to join me in wishing Northwest Church many years continued success.

TRIBUTE TO THE 75TH ANNIVERSARY OF LAKE PARSIPPANY
HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. FRELINGHUYSEN. Madam Speaker, I rise to recognize the 75th Anniversary of the Lake Parsippany Property Owners Association of Parsippany, NJ.

Lake Parsippany sits in the center of the Township of Parsippany Troy-Hills, Morris County, NJ. The lake and grounds cover 168 acres and offer well kept swimming beaches as well as many different recreational areas to enjoy the summer. Boating, fishing, volleyball, and horsehoes, are just a few of the many sporting activities enjoyed at Lake Parsippany.

Lake Parsippany began in the early 1930's with the New York Daily Mirror, part of the Mirror Holding Corporation purchased a large expanse of pasture and farmland in The Township of Parsippany. They dug out 159 acres and constructed a dam that formed Lake Parsippany, which became the headwaters for Eastman’s Brook. The Mirror Holding Corporation made the 7,916 lots surrounding the lake available to anyone agreeing to subscribe to the Daily Mirror for at least six months. Lots measured 20
by 100 feet and were offered for $98.50 each. A minimum of two lots had to be purchased to build a cabin.

On October 29, 1933 the Mirror Holding Corporation held a meeting at Lake Parsippany. The meeting was attended by approximately 1200 people. The meeting formed an incorporated organization of lot owners. The Mirror Holding Corporation then turned over the property to the new organization, The Lake Parsippany Property Owners Association.

Today, the Lake Parsippany Property Association is supported by member volunteers. The membership seeks to preserve the natural beauty of the lake through its fees, and through active volunteer participation in the community.

Madam Speaker, I urge you and my colleagues to join me in congratulating the dedicated people of the Lake Parsippany Property Owners Association on their 75th anniversary.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. NEUGEBAUER. Madam Speaker, I submit the following: H.R. 2838—The Consolidated Appropriations Act, 2009.


Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409.

Percent and source of required matching funds: The Center for Pulsed Power and Power Electronics (P3E) at TTU has an operating budget approximately of $3 million supported almost exclusively by competitive grants from DOD and DOE laboratories and relevant U.S. contractors. Justification for use of Federal taxpayer dollars: This initiative will continue the work of the P3E Center to develop compact electro-magnetic radiation technology that will disrupt remote detonation electronics used in improvised roadside bombs and inner-city car bombs. The Department of Defense’s Joint IED Defeat Organization (JIEDDO) is aware of the P3E Center’s technology and has invited the Center to submit an unsolicited proposal for funding from JIEDDO, which is currently pending. The P3E Center also receives support from the Office of Naval Research. In the past 10 years, the P3E Center has focused its research in the areas of high power microwave systems, explosively driven pulsed power, compact pulsed power and ultra high-power electronics. Much of this research has been sponsored by DOD and its agencies. These technologies have matured in the last few years to a point where system integration now is possible. A great push needs to be made in this area to allow these electric weapons to reach the military now, where they are clearly needed today. Funding from this initiative will accelerate the P3E Center’s research to allow the compact pulsed power technology to be fielded by the military in a shorter period of time.


Project: Zumwalt National Program for Countermeasures to Biological and Chemical Threats, $1.2 million.

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409.

Percent and source of required matching funds: The Zumwalt Center will provide $246,842 in matching funds coming from the State of Texas.

Justification for use of Federal taxpayer dollars: The Zumwalt Program for Countermeasures to Biological and Chemical Threats at Texas Tech University coordinates and facilitates multidisciplinary and applied research in cooperation with the Department of Defense to enhance military capabilities to more effectively and efficiently identify, prevent, mitigate and eliminate biological and chemical weapons of mass destruction. This research is directly applicable to protecting Department of Defense (DOD) personnel and facilities from covert and overt exposures to biological and chemical weapon agents. The successes of this program thereby enable more effective and efficient identification, prevention, mitigation and elimination of potential and real threats posed by biological and chemical agents and weapons of mass destruction. Research is focused on the following areas: pre-incident communications and intelligence; personal protective equipment; detection and measurement of chemical and biological agents; recognition of covert exposure; identification of availability, safety, and efficacy of drugs, vaccines and other therapeutics; and creating computer-related tools for training and operations.


Project: Multipurpose C–130 Maintenance Hangar.

Requesting Entity: Dyess Air Force Base, 7 Lancer Loop, Ste. 136, Dyess AFB, TX 79607.

Percent and source of required matching funds: As a Federal military installation, the Department of the Air Force is responsible for the construction and funding of this facility.

Justification for use of Federal taxpayer dollars: Dyess Air Force Base has two active duty C–130 squadrons that are heavily used in overseas deployments. For maintenance work, Dyess has a shortage of one bay and several other bays are substandard. For example, the facilities used for C–130 full cell maintenance are 50 years old and cannot fully enclose the aircraft. The Air Force has included funding for a new two-bay hangar in FY 2013 on its Five-Year Plan. However, the need for a new hangar is clearly there today.

The Air Force has said that it will begin replacing the old C–130H1 aircraft at Dyess with new C–130Js in 2010. Moving the funding for the hangar from FY 2013 to FY 2009 will ensure that the new aircraft at Dyess will have the necessary maintenance facilities.

TRIBUTE TO SHELLEY CLARKE

HON. ROB BISHOP

OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. BISHOP of Utah. Madam Speaker, it is with great pleasure that I rise today to recognize Shelley Clarke, the president and CEO of Goldenwest Credit Union, headquartered in my district in Ogden, UT, on her recent election to the board of directors of the National Association of Federal Credit Unions, NAFCU.

For the past 30 years, Mrs. Clarke has been a part of the Goldenwest community, having started her career as a teller, working on the front lines helping customers with day-to-day transactions. She now leads more than 220 employees as CEO of Goldenwest Credit Union. As the president of Goldenwest she has focused on the personal and professional development of her employees, as well as providing helpful and personal service to all Goldenwest’s members. This combination of member and employee satisfaction has been instrumental in Goldenwest’s growth in recent years.

This dual commitment has also garnered much recognition for Goldenwest including distinction as Utah’s “Best of State” in the credit union category for 2008 as well as the “Best company to work for” by Utah Business Magazine. Mrs. Clarke operates Goldenwest under the mantra “credit unions are organizations of people, not dollars.” This belief is displayed in the community outreach Goldenwest provides through their sole sponsorship of the annual “5k For Schools” fundraiser as well as being the highest corporate donor for the American Cancer Society’s Relay for Life.

Mrs. Clarke’s personal commitment to the community is also reflected in her chairmanship of the Ogden/Weber Chamber of Commerce.

It is because of the good work of Mrs. Clarke and others like her that credit unions enjoy the success they have today. Such service is the hallmark of Utah’s credit unions and I know that she will bring this dedication to her service on the NAFCU Board of Directors. I wish Mrs. Clarke the best.

ROBERT C. PYATT

HON. SAM GRAVES

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Robert Pyatt, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many Scout activities. Robert has shown an extraordinary commitment to Scouting as evidenced by earning over 30 merit badges. Robert is a recipient of Ad Altare Dei Religious Award Firebuilder in the Tribe of Mic O’ Say with his troop.

Robert’s Eagle Scout service project consisted of constructing and installing Blue Bird houses at the Living Community Health Care Center in St. Joseph, Missouri. This project continues the long tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Robert Pyatt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.
Recognizing the Honorable Ray LaHood on the Occasion of His Retirement

Hon. Jo Bonner
Of Alabama
In the House of Representatives
Thursday, September 25, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the distinguished career of Congressman Ray LaHood for his service to the people of Illinois and the United States House of Representatives. Congressman LaHood has represented the 18th Congressional District of the state of Illinois for 14 years.

Ray was elected to Congress in 1993 after having served as chief of staff to his predecessor, Republican Leader Bob Michel of Illinois. A native of Peoria, Illinois, Ray worked his way through school and taught in Catholic schools for six years. Following his service in the classroom, Ray became a staffer for Congressman Tom Railsback. He was then elected to the Illinois State House of Representatives in 1982 where he served until joining Congressman Michel's staff.

A master of parliamentary procedure, Ray quickly developed a reputation for bipartisanship and civility. He was the Member his leadership would often tap to preside in the chamber during contentious floor proceedings, including the impeachment proceedings of former President Bill Clinton. A member of the Appropriations Committee, Ray serves on both the Agriculture and Legislative Branch Subcommittees and as the top-ranking Republican on the Select Intelligence Oversight Panel.

Throughout his career, Ray has received numerous awards, including three honorary doctorate degrees in political science, humane letters, and public service. In 2001, Ray was named the Ray A. Neumann Tri-County Citizen of the Year by the Downtown Kiwanis Club of Peoria, and in 1999, he received Peoria Notre Dame High School's Distinguished Alumnus Award.

A hallmark of Ray's term in office has been his support for farmers in his Illinois district. As a member of the Agriculture Subcommitte, Ray has been a tireless supporter of Illinois ethanol production. The Illinois Farm Bureau recognized his leadership on agriculture issues by awarding him his highest honor in 2005, the Charles B. Shuman Distinguished Service Award.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated leader and friend to many in this body. I know his family—his wife, Kathy; their four children; Darin, Amy, Sam and Sara; and his seven grandchildren, Ella, McKay, Henry, Luke, Oliver, Theodore, and Brogan—as well as his many friends and colleagues join me in praising his accomplishments in extending thanks for his service over the years on behalf of the state of Illinois and the United States of America.

Ray will surely enjoy the well-deserved time he now has to spend with his family and loved ones. I wish him the best of luck in all his future endeavors.

Recognizing the Honorable Bud Cramer and the Honorable Terry Everett on Their Retirement from Congress

Speech of
Hon. Jo Bonner
Of Alabama
In the House of Representatives
Wednesday, September 24, 2008

Mr. BONNER. Mr. Speaker, I rise today to honor my friend, Congressman Terry Everett, for his extraordinary service to the people of Alabama and the United States House of Representatives. Terry Everett has represented the 2nd Congressional District of the state of Alabama with distinction and honor for the past 16 years.

Born in Dothan and raised in Midland City, Terry joined the U.S. Air Force following high school. He learned Russian and served as an intelligence analyst in Europe. After his military service, Terry returned to Dothan and entered the field of journalism. He worked as a sports reporter and covered theEdited for formatting
and colleagues join me in praising his accomplishments and extending thanks for his service over the years on behalf of the state of Alabama and the United States of America.

TERRY will surely enjoy the well-deserved time he now has to spend with Barbara and his beloved constituents. I wish him the best of luck in all his future endeavors.

CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. VAN HOLLEN. Mr. Speaker, it is with no small amount of misgiving that I will cast my vote in favor of this Continuing Resolution today. While I know that my colleagues on the Appropriations Committee worked diligently and in good faith to fashion a responsible and responsive bill for this Congress to consider, I regret that the White House did not do the same.

First and foremost, I do not believe this document should be repealing the twenty-seven year old congressional moratoria on offshore drilling. While I—like many of my colleagues—am willing to consider new ideas for responsible development in the context of broader, forward-looking legislation like The Comprehensive American Energy Security and Consumer Protection Act this House passed last week, I do not support unrestricted drilling three miles off our coastline, and I don’t believe the American people do, either. Restoring common-sense environmental safeguards and developing a genuine vision for this Nation’s energy future needs to be an early action item for an Obama Administration and the 111th Congress.

Second, while I am gratified that this CR includes important assistance for our struggling families in the form of additional funds for Pell Grants, the Women, Infants and Children (WIC) program, and low income home energy assistance, I am disappointed that it does not include the kind of robust stimulus our economy clearly needs right now. It is simply astonishing that the President would threaten to veto $50 billion for job-creating infrastructure improvements, unemployment insurance, food stamps and health care support for our states and citizens at the same time he is asking for $700 billion to bailout Wall Street. This, too, must and will change under an Obama Administration and a strengthened Democratic Congress in 2009.

In spite of these and other shortcomings, we clearly must fund the federal government through the beginning of next year—and the Defense, Homeland Security and Veterans Affairs Appropriations bills included in this package, while not perfect, all, on balance, have my support.

Mr. Speaker, I will vote for this temporary spending measure today—mindful that Congress will be back to address its deficiencies in a few short months.

CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. PAUL. Mr. Speaker, this is a bad week for those of us concerned over Congress’ refusal to reign in federal spending. Not only are we preparing to deal with at least a multi-billion dollar bailout of the financial services sector, Congress today stands ready to add billions to the national debt by passing H.R. 2638.

I would not object to many of the items in this bill if they were offset by reductions on other, lower priority, programs. For example, I would support the disaster relief package if the package were offset by reductions in other spending, particularly reductions in our overseas commitments. Unfortunately, H.R. 2638 not only fails to reduce spending to finance disaster aid; it attaches money for the country of Georgia onto the disaster aid package. Georgia is not receiving this money because it was affected by a natural disaster but because it was involved in a military conflict with Russia—which was started by Georgia! It is an insult to the American people to divert money that could have gone to help the victims of Hurricane Ike to promote interference in a conflict that in no way threatens the security of the Americas.

Another particularly objectionable part of H.R. 2638 is the section providing $7.5 billion in loan guarantees for the auto industry. In exchange for the loans, the industry must agree to produce the type of automobiles favored by federal bureaucrats. Thus, this bill not only increases corporate welfare, it empowers federal bureaucrats to impose their will on American consumers. This bill is a federal bailout for General Motors and Chrysler.

Mr. Speaker, H.R. 2638 represents another missed opportunity for Congress to exercise fiscal discipline by funding the American people’s priorities, such as disaster relief, by reducing spending on non-priority items, such as overseas spending. Therefore, I must oppose this bill. I hope that in the future Congress will fund items such as disaster relief by reducing spending in other areas instead of burdening future generations with more debt.

CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. DINGELL. Mr. Speaker, I rise today to express my support for H.R. 2638, the Continuing Resolution, or, and to thank Chairman OBASY and the Democratic leadership for putting together a continuing resolution that includes a full year of funding for our troops, veterans, and first responders, while also guaranteeing continued funding for other essential Government programs.

I am especially pleased that the CR includes a $7.5 billion appropriation to support $25 billion in direct loans to automakers to retool their manufacturing facilities to produce the next generation of advanced technology vehicles. The loans will help keep jobs in Michigan and other States, and create new green jobs building new, more fuel efficient vehicles. This package will help us move quickly towards vehicles that will reduce our dependence on foreign oil and reduce our greenhouse gas emissions, and I have every confidence that just like the loan guarantees to Chrysler in the 1980s these loans will be repaid to taxpayers at a profit. These loans would not be in the CR were it not for the tireless work of the entire Michigan delegation, or the strong leadership of Speaker PELOSI, Majority Leader HOYER, Senate Leader REID, Michigan Senators LEVIN and STABENOW and all the Democratic and Republican Leadership in the House and the Senate.

I am pleased that we have also provided a full year of funding for the Department of Defense. This package includes important increases for training, addresses National Guard and Reserve equipment shortfalls, so that our troops are sent into battle well prepared and well equipped. It also contains increases for military health care, and for programs that support military families. In addition to providing for our troops overseas, this bill provides for our veterans once they have returned home by continuing to strengthen the Department of Veterans Affairs. The funding provided for the VA in this bill builds upon prior efforts of the 110th Congress to provide our veterans with the health care and other benefits they deserve. In the last 3 years, Congress has increased funding for veterans’ health care by $11.8 billion. This year, Congress has provided $47.6 billion for the VA, which is $4.5 billion above the 2008 funding level and $2.8 billion over the President’s request. These increases will be used for improvements in veterans’ medical care, including mental health treatment for veterans suffering from post traumatic stress disorder, or PTSD. The increases will also be used to hire more claims processors, provide state-of-the-art prosthetics, and make important facility improvements.

This bill also provides critical homeland security funding to protect our country from terrorist attacks and to devastate natural disasters. The CR contains $4.2 billion in grant funding for port security and first responders, increases in funding to hire 2,200 new border patrol agents, and important new oversight provisions to ensure Department of Homeland Security is spending its money wisely and implementing the findings of the 9/11 Commission. The bill also provides $22.9 billion in emergency disaster response assistance to help the gulf coast rebuild from Hurricane Ike, help communities in the Midwest that suffered from floods, and assist those in the West that were ravaged by wildfires.

Like many of my colleagues, I had hoped that this administration would be willing to...
work with Congress as we began our work on the appropriations process. Unfortunately, most other government programs are going to be temporarily funded at last year’s levels until March 6, 2009, because we did not receive the kind of bipartisan cooperation required to complete bills 13 appropriations bills.

As the unemployment rate continues to rise and American families are struggling, this administration refuses to recognize that increased funding for programs such as the Commodity Supplemental Food Program, unemployment insurance, and employment service operations, the Low-Income Home Energy Assistance Program, among others, is desperately needed.

Next year, Congress will have the opportunity to work with a new administration that I imagine will be more favorable to these programs, but until then I am pleased to see that some of these important programs will receive a much-needed increase. For example, this continuing resolution increases funding for student financial assistance programs by $2.5 billion, with $16.5 billion devoted exclusively to Pell grants. With the troubles in the financial markets, this funding is critical for students who rely on aid to finance their education. I strongly believe that higher education is the key to turning our economy around, especially in Michigan, and the fear of student aid being cut is not something our students and families do not need. The increase in the Pell Grant Program will help those that need it the most, at a time when they need the help the most.

I am particularly pleased that this legislation will set an annual funding level of $110 million for State unemployment insurance and employment service operations at the Department of Labor. As the State with the highest unemployment rate of 8.9 percent, families in Michigan know all too well the difficulty unemployed workers are having not only in finding a new job, but also receiving the critical training or assistance they need. Since this President took office Michigan has lost over 400,000 jobs. In the last 6 months alone, Michigan has lost an average of 3,820 jobs per month. Without future unemployment insurance we cannot turn this trend around. We all can agree that finding a job during an economic downturn is extremely difficult. Therefore it is critical that families have the help they need to buy their groceries, pay their mortgages, and fill their gas tank until that next employer is found. I hope that as Congress turns to the economic stimulus package we can go a step further and extend unemployment benefits for States that need it the most.

This legislation also included a critical increase for the Commodity Supplemental Food Program, CSFP, and the Nutrition for Women, Infants and Children, or the WIC program. Without the increase of $23.5 million for this program, 70,000 low-income women, infants, children, and elderly citizens, would risk losing access to food. With over 70,000 citizens relying on CSFP in Michigan, this increase is critical. This is also true of the WIC program which assists over 200,000 families in Michigan each year. This legislation would increase funding for this program by $1 billion, which will grant them and their children buy the groceries they need at a time when food prices continue to sky rocket. When the price of a gallon of milk is the same price as a gallon of gas, we need to ensure that our families are not forced to choose between the two.

While Michigan families are being forced to pay more for many goods and services, one of the most painful increases has come from rising energy costs. Fortunately, this legislation includes $5 billion for the Low Income Home Energy Assistance Program, which is $2.5 billion more than 2008 levels and will assist 2 million additional households. LIHEAP, a critical but thinly stretched program, serves nearly 560,000 homes in Michigan. This funding will help the State of Michigan in its efforts to provide as many homes as possible with home energy assistance. The need for this funding is clear. The winter months bring with them rising utility costs, and the State of Michigan has seen an additional 30,000 LIHEAP applicants between June 2007 and June 2008. In addition, this bill provides $250 million for weatherization assistance. Around 3,000 homes in Michigan are served by projects that increase their home energy efficiency. The increased funding will allow for weatherization of approximately 100,000 homes, saving low-income families $1 billion in energy costs.

One thing that is not included in this bill is an extension of the decades-old moratorium on offshore drilling. This means for the next 5 months drilling is allowed up to 3 miles off the Atlantic and Pacific Coasts and parts of the eastern Gulf of Mexico. The Senate of Michigan’s 15th Congressional District are no strangers to high gas prices; in fact, average gas prices in Michigan are among the highest in the Nation. Despite the claims of the Bush administration and its Republican Congressional allies that drilling in the Outer Continental Shelf is some sort of panacea, allowing the moratorium to expire will have little effect on rising prices at the pump. I would remind my colleagues across the aisle that the Energy Information Administration reported in 2007 that, “access to the Pacific, Atlantic, and eastern Gulf regions would not have a significant impact on domestic crude oil and natural gas production or prices before 2030.” Earlier this year, Republicans obstructed legislation that would require oil companies to start drilling on the 3 million acres of Federal oil reserves which they are warehousing or lose the ability to obtain new leases. If the Republicans were really concerned with bringing down gas prices, they would have voted for a bill that would have taken action now to increase oil production.

Fortunately, under the current plan, leasing in these off-shore areas will not begin until 2012. This most certainly means that the next President and the next Congress will steer the course of our national drilling policy. If I have anything to do with it, no Republican will include a framework for leasing and development that complies with environmental laws and insists on proper direction and use of revenues gained from drilling.

This legislation provides funding for critical programs and ensures our government will continue to operate until March 6, 2009. While it is disappointing that partisanship and election year politics stopped us from completing our work on all 13 regular appropriations bills this year, I am hopeful that we will quickly finish our work next March when we have better health care at a lower cost for a larger majority to work with. I once again thank Speaker PELOSI, Majority Leader HOYER, and Chairman OBÉY for their hard work on this important bill, and urge my colleagues to support it.

ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

SPEECH OF

HON. STEPHANIE HERSETH SANDLIN
OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Ms. HERSETH SANDLIN. Madam Speaker, I regret that due to unforeseen circumstances I was unable to participate in one vote on the floor of the House of Representatives on September 24, 2008.

The vote was on H.R. 7005, to amend the Internal Revenue Code of 1986 to provide alternative minimum tax, AMT, relief for individuals for 2008. Had I been present, I would have voted “no” on that question. AMT relief is certainly necessary, and providing it for ability will not be required to repay any portion of the $60 billion over 10 years. In addition, because the AMT fix in this bill is not paid for under pay-as-you-go rules, the fix can be expected to add tens of billions more in interest costs. In contrast, the fiscally responsible version of AMT relief that the House passed earlier this year with my support would have been revenue neutral, including through the elimination of a tax subsidy that continues to be provided to major oil companies during this time of record profits for the industry. I cannot support H.R. 7005, which would add many tens of billions more to the already out-of-control national debt that is approaching $10 trillion, when a fiscally responsible and fair alternative is available.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

SPEECH OF

HON. RUSH D. HOLT-
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. HOLT. Mr. Speaker, I rise in support of this bill.

We’ve all read the stories about wounded troops being forced to repay enlistment or reenlistment bonuses. Chairman SKELTON is to be commended for including a provision that ensures that any servicemember who is retired or separated for a combat-related disability will not be required to repay enlistment or reenlistment bonuses. Chairman SKELTON is to be commended for including a provision that continues to be provided to major oil companies during this time of record profits for the industry. I cannot support H.R. 7005, which would add many tens of billions more to the already out-of-control national debt that is approaching $10 trillion, when a fiscally responsible and fair alternative is available.

Today we are also ensuring that active duty families, military retirees, and their dependents are not soaked with higher TRICARE fees or co-pays by extending the prohibition on such increase. The bill also encourages beneficiaries to use preventive health services by waiving copayments for preventive services.

We’ve all been troubled and saddened by the increased rates of suicide among
service members and veterans. To address this crisis, the bill establishes a Task Force on the Prevention of Suicide by Members of the Armed Forces to bring together experts from both within and outside of the military to address current service suicide prevention programs and policies and to examine risk factors common to suicide. The Secretary of Defense is required to develop a plan to improve suicide prevention based upon the recommendations of the task force. I urge Secretary Gates to convene this task force immediately and for the task force to complete its work as quickly as possible.

Mr. Speaker, as is always the case in bills crafted by Chairman SKELTON, this bill also authorizes additional necessary funds for key systems designed to help protect our troops. Two programs are of particular note. For example, the bill authorizes $1.7 billion to procure, sustain, transport, and field Mine Resistant Ambush Protected, MRAP, vehicles for our troops overseas. Additionally, the bill authorizes $2.2 billion for the Joint Improvised Explosive Device Defeat Organization, JIEDDO, and urges that $10 million be used for Marine Corps and Army development of specialized counter IED dog teams. The bill also requires that the Director of the JIEDDO to develop a science and technology investment strategy for countering the threat of IEDs.

Additionally, I’m pleased this bill requires the Defense Department to take additional steps to reduce its energy consumption, consistent with mission and operational requirements. The bill establishes the position of Director for Operational Energy Plans and Programs and creates senior operational energy officials within each service. It also authorizes $80 million for energy conservation programs on military installations.

I regret that a number of provisions that were in the House version of the bill were not included in the bill before us, including provisions dealing with the use of private security contractors and detainee interrogation-related activities. I am especially disappointed that the current bill does not include the detainee videorecording provision I authored and that was included in the House version of this bill. I look forward to working with Chairman SKELTON in the next Congress to correct this deficiency.

Mr. Speaker, this is a good bill; I will vote for it, and I urge my colleagues to do likewise.

RECOGNIZING THE HONORABLE BUD CRAMER AND THE HONORABLE TERRY EVERETT ON THEIR RETIREMENT FROM CONGRESS

SPEECH OF HON. JO BONNER OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. BONNER. Mr. Speaker, I rise today to honor the outstanding career of my friend, the Honorable Robert "Bud" Cramer, for his service to the people of Alabama and the United States House of Representatives. Congressman Cramer has represented the 5th Congressional District of the State of Alabama for the past 17 years and with distinction. Born and raised in Huntsville, Alabama, Bud earned a bachelor’s degree and a Juris Doctor from the University of Alabama. Bud is also a military veteran, where he served our country as an Army tank officer at Fort Knox, Kentucky.

Of all of his many achievements, Bud’s work on behalf of abused children is perhaps his greatest legacy. Before his election to Congress, Bud served for 10 years as Madison County district attorney. It was during this time that Bud founded the National Children’s Advocacy Center. The Center provides complete services and support for abused children, a fundamentally different approach to these types of cases, and now serves as the national model for over 600 programs in 50 States and the District of Columbia.

Following his election to Congress, Bud continued to be a leading voice for children. He authored the landmark law, the National Children’s Advocacy Program Act, which provided funds to expand and improve the children’s advocacy programs into new communities. He is also a member of the Advisory Board for the National Center for Missing and Exploited Children.

As a member of the House Appropriations Committee and the powerful Defense Appropriations Subcommittees, Bud has been an ardent supporter of NASA and missile defense. With Redstone arsenal and NASA’s Marshall Space Flight Center both located in the 5th District, Bud has led the fight for many of NASA’s programs including the international space station. In 2002, Bud was awarded the National Space Club’s Von Braun Memorial Award for Space Exploration.

Bud has also overseen defense and national security intelligence issues as a member of the House Permanent Select Committee on Intelligence. He was recently appointed to the newly created Select Intelligence Oversight Panel of the Appropriations Committee.

In Congress, Bud is perhaps most known for his independence. He is a founding member of the Blue Dogs, a coalition of more than 40 progressive House Democrats.

Bud has also worked hard to bring jobs to north Alabama. In fact, he has played a key role in bringing thousands of jobs to Alabama’s 5th District, most notably, International, West Teleservices, and Toyota as well as helping persuade Boeing to build a $450 million rocket booster plant in Decatur in the 1990s. Bud was instrumental in the decision to restart Browns Ferry Nuclear Plant Unit 1. Make no mistake; his work has not gone unnoticed. He was named “one of America’s best Congressmen,” by Money Magazine.

Mr. Speaker, I ask my colleagues to join me in recognizing a devoted leader and friend to many in this body. I know his family, his daughter, Hollan; his three grandchildren, Dylan, Mason, and Patricia; and his many colleagues and friends join me in commending his accomplishments and extending thanks for his service over the years on behalf of the State of Alabama and the United States of America.

Bud will surely enjoy the well deserved time he now has to spend with his family and his beloved constituents. I wish him the best of luck in all his future endeavors.

CONDEMNING SEXUAL VIOLENCE IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SPEECH OF HON. LYNN C. WOOLSEY OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2008

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of H. Res. 1227. This resolution denounces sexual violence in the Democratic Republic of the Congo and calls upon the United States Department of State and the international community to take immediate action to end this widespread crisis.
Since 1998, the Democratic Republic of the Congo has had 5.4 million conflict-related deaths, making it the deadliest humanitarian crisis in the world since World War II. Over the past decade, hundreds of thousands of women and girls have been violently raped as a result of this ethnic conflict. These rapes have been exceptionally violent, often involving forced incest and mutilation of the female's genital organs. Victims' mouths were cut off following the raping to prevent them from reporting the crime, while many women and girls were simply killed after being subjected to sexual abuse.

With sexual violence in the Democratic Republic of the Congo at such tragically high rates, I strongly urge Congress to condemn the actions of the perpetrators of these rapes and to support measures to prevent the further escalation of this crisis. The Administration must act, in concert with the United Nations, to assure that the Congolese people have the resources needed to combat the situation. We need to work with other African leaders to assist the Congolese in preventing these violent sexual crimes from occurring.

The plight of women in Africa has for too long been ignored. I call upon my colleagues to join me in support of this resolution so that we can put an end to this deplorable situation that has been allowed to persist for over a decade. We cannot stand by any longer as such unspeakable acts continue to occur with impunity.

EARMARK DECLARATION

HON. W. TODD AKIN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. AKIN. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member requests for the record regarding H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act.

Project: Heuristic Internet Protocol Packet Inspection Engine

Account: Army, RDT&E.

Legal Name of Requesting Entity: TechGuard Security, LLC.

Address of Requesting Entity: 743 Spirit 40 Park Drive, Chesterfield, MO 63005.

Description of Request: Provide $2,000,000 for Army, RDT&E, PE# 030520A8, Line # 177, Distributed Common Ground/Surface System solely for the research, development and test of Heuristic Internet Protocol Packet Inspection Engine (HIPPIE). The advanced concept HIPPIE technology can be rapidly prototyped for technology improvements urgently needed for the army high power military and commercial applications.

Legal Name of Requesting Entity: Energizer Battery Manufacturing, Inc.

Address of Requesting Entity: 25225 Detroit Road, Westlake, OH 44145.

Description of Request: Provide $2,500,000 for the continued development (Phase II) of a high-thinning thorium electrode for a zinc air battery system. The objective is to increase the rate capability by an additional 65 percent so as to support the high power requirements for equipment used in military and commercial applications. The subject zinc-air battery will provide the Army with a significant power of the incumbent battery (lithium-sulfur dioxide) for about half the weight and in a 60 percent smaller package. Approximately 63 percent is for labor; and 37 percent is for materials and other allowable indirect costs.

On average, a U.S. soldier consumes the equivalent of 1 AA battery per hour in combat, and an infantry platoon, for a 3-day mission, will require approximately 2,500 batteries, weighing a total of almost 400 lbs. Carrying this added weight induces fatigue and ultimately limits their effectiveness and ability to carry their weapons. Armed and battle laden troops increasingly confront light and irregular forces, issues of battery weight and equipment reliability are more important than ever. The total project cost is expected to be approximately $1.4,000,000 as a result of the balanced nature of this funding and will continue to devote tens of millions of private R&D dollars to support the continued development of this technology for high power military and commercial applications.

Project: Hyperspectral Imaging for Improved Force Protection (Hyper-IFP)

Account: Army RDT&E, (CERDEC, NVESD, Special Projects).

Legal Name of Requesting Entity: Clean Earth Technologies, LLC.

Address of Requesting Entity: 13378 Lakefront Drive, Earth City, MO.

Description of Request: Provide $1,600,000 to complete the design, assembly, integration, test and evaluation of the Hyperspectral Integrated Force Protection sensor system (Hyper-IFP). Approximately 40 percent will be used for engineering development modeling and simulation; 20 percent will be used for subsystems assembly and testing; 15 percent will be used for system integration and ground testing; 15 percent will be used for a deployed full system field test and evaluation. The request is consistent with the Army NVESD Special Projects office mission to develop advanced sensor systems that provide an operational advantage or that increase survivability of the warfighter. Taxpayer value is substantially enhanced by dual/multi-use capacity to serve in a variety of Homeland Security (DHS) missions in addition to military force protection.

Project: Mission Execution Technology Implementation

Account: Army, RDT&E.

Legal Name of Requesting Entity: Westar Aerospace & Defense Group, Inc.

Address of Requesting Entity: 36 Research Park Court, St. Charles MO 63304.

Description of Request: Provide $3,200,000 for technology improvement agent funded by combat units in Operation Enduring Freedom and Operation Iraqi Freedom. This program will result in significant increases in mission effectiveness and safety for our war-fighters. Funding is required to continue development of enterprise-enabled, integrated Aviation tools and provide this ability to all Army Aviation systems to include UH-60 series, OH-58D, AH-64D, Fixed Wing, and UAS systems. The complete integrated aviation solution includes implementing the automated maintenance test flight tool, automated weight and balance software, and integration with current logistics and Aviation Mission Planning systems. The Aviation community has consistently requested an enhanced, fully Automated Maintenance Test Flight Tool for in-cockpit use, eliminating manual and repetitive Maintenance Test Pilot tasks and significantly reducing the labor required to return aircraft to full service. This solution would also fulfill the Army directive for a paperless system, storing the maintenance test flight check sheets into the Common Logistics Operating Environment, eliminating the paper form. Integrated automation of automated weight and balance tools with the CLOE and the Aviation System of System infrastructure is critical, eliminating the need for manual entering aircraft flight envelopes by eliminating manual lookup and interpolation of paper performance charts. The amount of time in calculating and recalculating loads during OPTEMPO will be greatly reduced from hours to mere minutes. This effort will also include the application of commercial aviation best practices to data and data processes in support of airworthiness, and the development of processes to support airworthiness assessments of unmanned aircraft systems (UAS). Airworthiness of UAS will improve safety in training and combat operations as well as permit the routine use of these critical capabilities within national airspace during natural disasters and homeland defense operations.

Project: Out of Autoclave Composite Processing

Account: U.S. Navy ONR Industrial Preparations 0708011N.

Legal Name of Requesting Entity: GKN Aerospace North America.

Address of Requesting Entity: 142 J.S. McDonnell Boulevard, St. Louis, MO 63042.

Description of Request: Provide $1,600,000 to develop out of autoclave composite processing. Most composite laminate processes require the use of large, expensive autoclaves to cure lightweight composites currently used for today's high technology military aircraft. The size of the parts fabricated is often limited by the size of the autoclave. This project will help develop composite curing processes that do not require an expensive or size limited autoclave for the manufacture of composite aircraft structures. This will result in lower cost aircraft structures and open additional opportunities outside of aerospace for high strength lightweight composites.

ADDRESSING THE HEALTH CARE CRISIS

HON. LINDA T. SÁNCHEZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to join my colleagues in addressing our health care crisis. The facts are clear: too many Americans lack access to quality, affordable health care.
Today, more than 47 million Americans, including 9 million children, lack health insurance. Last year, nearly two-thirds of U.S. adults struggled to pay medical bills, went without needed care because of costs, or were uninsured. Nearly 9 million people have lost their health insurance since 2000. This is unacceptable for the richest nation in the world, it’s absolutely shameful.

Countless Americans lay awake at night trying to figure out how they will pay mounting medical bills, whether they should go to the doctor for that recurring pain, or wondering if their health insurance will actually cover tests their doctor recommended. With soaring gas and food prices, working families across the United States are forced to make tough financial choices, often sacrificing needed health care and health insurance.

It is reality for Laura T., whose son Christopher was diagnosed with Burkitt’s lymphoma in 2003. Though this family had insurance, the insurer refused to cover the treatments proven to help Christopher. No mother should ever have to fight with an insurance company for the life of her child. That’s exactly what this brave woman did. Laura fought these insurance companies and won. Because she received the appropriate treatments, Christopher is alive today. However, months of fighting for her child’s life took a tremendous toll on her family. Laura and her three children lost their home. Her credit is ruined. Unfortunately, Laura and her family are not alone. Even more unfortunate is the fact that these families don’t always win. Families across America are dealing with these situations every day.

While there are several issues that we disagree on, I am confident that we can all agree that no parent should have to fight for the medical treatment necessary for her child’s survival. No family should have to forego needed health care because of money. Health care should not be a privilege to be reserved for the wealthy few. I urge my colleagues on both sides of the aisle to come together and fix our Nation’s broken health care system.

HONORING THE 50TH WEDDING ANNIVERSARY OF JED AND JOYCE ROBERTSON

HON. LEE TERRY
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. TERRY. Madam Speaker, I rise today to recognize two of my constituents, Jed and Joyce Robertson, who this Sunday will celebrate their 50th wedding anniversary. Jed and Joyce Robertson moved to Omaha in 1958 after attending trade school. Joyce followed him, and that same year they married and moved to Valley as newlyweds.

Jed and Joyce represent the hardworking stability of good Midwesterners. The same year they were married they hosted their first Thanksgiving dinner for their extended family. Jed and Joyce have continued that tradition by hosting Thanksgiving dinner every year since, and this November they will follow their 50th wedding anniversary with their 50th Thanksgiving dinner.

In their years together, Jed and Joyce raised two children, Kim and Kirk, and are blessed with four grandchildren: Meghan, Matt, Jeremy and JC.

Today I want to honor this great accomplishment that represents not only their love together but the values of Nebraska I’m proud to represent in Congress.

ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

SPRECH OF
HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the AMT Relief Act of 2008 and urge my colleagues to do the same.

While I would prefer to eliminate the AMT entirely—and pay for it when we do—the fact is that the AMT has caused a hardship for many American taxpayers. Madam Speaker, the AMT Relief Act of 2008 is vital middle class tax relief designed to correct several widely acknowledged defects in our tax law. I look forward to its passage and encourage its prompt consideration in the Senate so that it can be signed by the President without delay.

EARMARK DECLARATION

HON. HOWARD COBLE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. COBLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster, and Continuing Appropriations Act of 2009.

1. Requesting Member: Congressman Howard Coble
   Bill Number: H.R. 2638.
   Account: Research, Development, Test & Evaluation (RDT&E), Air Force.
   Legal Name of Requesting Entity: RF Micro Devices (RFMD).
   Address of Requesting Entity: 7628 Thorn-dike Road, Greensboro, NC 27409–9421.

   Description of Request: Original request for additional funding of $3 million for Air Force RDT&E account for Gallium Nitride, GaN, Microelectronics & Materials research and development. Gallium Nitride-based microelectronics is the next generation of semiconductor technology and is of critical importance to the development of many advanced defense systems. RFMD Aerospace and Defense Business Unit will be the recipient of the funding and use the funds to accelerate development and adoption of RFMD GaN technology. RFMD originally budgeted $18 million over 3 years to complete this research project; RFMD will invest far more of its own money in Gallium Nitride-related research than it is seeking from the Federal Government—investing more than $100 million on the research and development of Gallium Nitride technology, and is continuing to invest.

2. Requesting Member: Congressman Howard Coble
   Bill Number: H.R. 2638.
   Account: Research, Development, Test & Evaluation (RDT&E), Navy.
   Legal Name of Requesting Entity: RF Micro Devices (RFMD).
   Address of Requesting Entity: 7628 Thorn-dike Road, Greensboro, NC 27409–9421.

   Description of Request: Original request for additional funding of $3 million for Navy RDT&E account for Gallium Nitride, GaN, Microelectronics & Materials research and development. Gallium Nitride-based microelectronics is the next generation of semiconductor technology and is of critical importance to the development of many advanced defense systems. RFMD Aerospace and Defense Business Unit will be the recipient of the funding and use the funds to accelerate development and adoption of RFMD GaN technology. RFMD originally budgeted $18 million over 3 years to complete this research project; RFMD will invest far more of its own money in Gallium Nitride-related research than it is seeking from the Federal Government—investing more than $100 million on the research and development of Gallium Nitride technology, and is continuing to invest.

3. Requesting Member: Congressman Howard Coble
   Bill Number: H.R. 2638.
   Account: Research, Development, Test & Evaluation (RDT&E), Navy.
   Legal Name of Requesting Entity: General Dynamics Advanced Information Systems, Inc.
   Address of Requesting Entity: 5440 Millstream Road, McLean, VA 22731.

   Description of Request: Provide an earmark of $1,600,000 to support the Autonomous Anti-Submarine Vertical Beam Array development in the Office of the General Dynamics Advanced Information Systems, Inc. These funds will be used to develop a vertical acoustic array small enough to launch from a nuclear guided missile submarine, SSGN, that will operate for 3 months as an antisubmarine warfare, ASW, detection system and transmit data over a secure radio frequency data link. Specifically, $514,000 is for design and development labor; $185,000 is for materials; $4,000 is for ODC and travel; $55,000 is for the subcontract; $726,000 is for manufacturing; and $116,000 is for program management. This request is consistent with the requested and authorized purpose of the Navy’s RDT&E account.

4. Requesting Member: Congressman Howard Coble
   Bill Number: H.R. 2638.
   Account: Research, Development, Test & Evaluation (RDT&E), Defense.
   Legal Name of Requesting Entity: General Dynamics Advanced Information Systems, Inc.
   Address of Requesting Entity: 5440 Millstream Road, McLean, VA 22731.

   Description of Request: Provide an earmark of $1,600,000 to support the Autonomous Anti-Submarine Vertical Beam Array development in the Office of the General Dynamics Advanced Information Systems, Inc. These funds will be used to develop a vertical acoustic array small enough to launch from a nuclear guided missile submarine, SSGN, that will operate for 3 months as an antisubmarine warfare, ASW, detection system and transmit data over a secure radio frequency data link. Specifically, $514,000 is for design and development labor; $185,000 is for materials; $4,000 is for ODC and travel; $55,000 is for the subcontract; $726,000 is for manufacturing; and $116,000 is for program management. This request is consistent with the requested and authorized purpose of the Navy’s RDT&E account.
high-rate capability, air electrode for a zinc air battery system. The objective is to increase the rate capability by an additional 65 percent so as to support the high power requirements for equipment used in military and commercial applications. The subject zinc-air battery will provide the same energy and power of the incumbent battery (lithium-sulfur dioxide) for a 45 watt hour and in a 60 percent smaller package. Approximately $1,575,000, or 63 percent, is for labor; and $925,000, or 37 percent, is for materials and other allowable indirect costs.

On average, a U.S. soldier consumes the equivalent of 1 AA battery per hour in combat, and an infantry platoon, for a 3-day mission, will require approximately 2,500 batteries, weighing a total of almost 400 lbs. Carrying this added weight induces fatigue and ultimately limits their effectiveness and ability to carry out their missions. Thus, with our heavily armed and battery-laden troops increasingly confront light and irregular forces, issues of battery weight and equipment reliability are more important than ever. The total project cost is expected to be approximately $14,000,000. Energizer will provide the balance of the funds and continue to vote tens of millions of private R&D dollars to support the continued development of this technology for high power military and commercial applications.

Breast Cancer

Description of Request: Provide $1,600,000 for the Dothan Area Chamber of Commerce. Back in 1992 when he started his campaign for Congress, Mr. Rogers declared that he only had four-percent name recognition throughout Southeast Alabama. That fact made no less comforting by his lovely wife, Barbara, who was quick to point out that the poll had a plus or minus accuracy rating of four percent, so Terry’s true name recognition actually fell within the margin of error.

Of course, that was sixteen years ago, and all of that has radically changed. Terry Everett has become one of the most respected congressmen on Capitol Hill. One of the reasons for this is his innate ability to reach across the aisle and make friends even though the opposite side most certainly had completely different viewpoints from his own. He has earned the greatest respect from Republicans and Democrats alike.

During his almost sixteen years in Congress, Representative Everett has been known as an honest legislator and true gentleman. Reading through transcripts of the House Armed Services Committee on Strategic Forces hearing in May of 2007, it is quite evident how much Congressman Everett is respected by his colleagues.

California Democrat Representative Ellen Tauscher, the chairwoman of the subcommittee, opened the legislative hearing by referring to Everett’s prior service: ‘‘I’d like to begin by saying it has been an absolute pleasure crafting this mark with my friend, Mr. Everett . . . He has been both cooperative and straightforward. Thank you very sincerely, Mr. Everett.’’

In 2001, when Representative Joseph Moakley, a Democrat from Massachusetts, died, a special memorial was held in the House Chambers. Democrat Representative Richard Neal, also from Massachusetts, remarked that Moakley was ‘‘ . . . an old school Democrat . . .’’ Do you know who he had dinner with? This is going to kill them in Alabama when they find out this, the voters down there—Sonny Callahan, Terry Everett—that Moakley was an old school Democrat. But do you know what he had dinner with? This is going to kill them in Alabama when they find out this, the voters down there—Sonny Callahan, Terry Everett—that they had dinne
message not a politician!'' Barbara believes the "Everett for Congress" campaign was begun because "he heard him say he had any desire to run for something." Barbara is knowledgeable about government, the history of the district, and the people served by the congressman she represents, and she is a strong supporter of Congressman Bill Dickenson.

On October 18, 1969, the Everetts were married at Cleverdale Baptist Church in Dothan. "Over the years, Terry has shocked me silly," Barbara explains. "He is capable of achievement before launching his political career.

Terry Everett was born February 15, 1937, in Dothan, Alabama, raised in Midland City, attended Dothan High School, and served in the U.S. Air Force as an intelligence analyst in Europe in 1955. After serving his country in the military, he decided to make a career in journalism. He started the newspaper and I worked beside him, learning the newspaper business from the ground up. It taught me to trust, respect and eventually love this shy man of few words," says Barbara.

The two continued to work side by side until there was another event that again radically changed the direction of their lives.

Barbara explains, "One evening in early 1992, Terry and I were watching the six o'clock news when Congressman Bill Dickenson mentioned the announcement that Alabama's Second Congressional District seat in the U.S. House of Representatives for twenty-eight years will be vacated. It was a huge mistake, Barbara admits that she was a little upset about his plans. "At that time," she says, "I didn't know Terry well enough to know if he was serious. So I sat down and said, 'Are you serious about running for Congress?'" On December 16, 1989, the Everetts were married in Cleverdale Baptist Church in Dothan.

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Address of Requesting Entity: 3290 Patterson Avenue, Grand Rapids, Michigan 49512

Description of Request: I am requesting funding for GE Aviation in fiscal year 2009 for the Micro-munitions Interface for Tactical Unmanned Systems (MITUS). The funding would be used to develop an interface between unmanned Air Systems (UAS) and manned weapons systems, which are defined as weapons weighing less than 100 pounds. Integration of micro-munitions onto UAS’s requires a stores/weapon management interface that provides a safe and effective integration between the weapon and the unmanned system. This bill provides $1,600,000 for this project. Out of this amount, GE Aviation plans to spend $250,000 to complete the development of key technologies for the MITUS project to include: high-speed communication network, airborne weapon emulator, interface for micro-munitions, unmanned safety architecture, universal stores management system; $200,000 to conduct lab demonstrations of these enabling technologies and validation of the SAE interface standard; $400,000 for the integration of these capabilities into various unmanned systems leading up to a flight demonstration; and $750,000 for flight demonstration in FY09/FY10 to test the interoperability of tactical unmanned systems integrating the MITUS technologies with various micro-munitions, which includes items necessary to support flight test including: Safety board reviews, range time, UAS operations, munitions and targets. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. HUNTER. Madam Speaker, I submit the following:

Requesting Member: Congressman DUNCAN HUNTER

Bill Number: H.R. 2638.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: L-3 Communications, San Diego, CA; MBDA, Los Angeles, CA; Raytheon, Tucson, AZ; Boeing, St. Louis, MO.

Description of Request: The Affordable Weapons System (AWS) program is an advanced technology initiative to design, develop, and produce an affordable precision guided weapon. Phase II to begin September 2008 will study best material approach, concepts and system architecture refinement, and a comprehensive risk assessment leading to a preferred system concept with a flyaway cost of less than $250 thousand. The results from the Phase I and Phase II study will support the development of an ICD leading to a new start program in 2010 with a 2016 first article delivery. An additional $11.2 million will support the Phase II contracts.

Requesting Member: Congressman DUNCAN HUNTER

Bill Number: H.R. 2638.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: Torrey Pines Logic.

Address of Requesting Entity: 12651 High Bluff Drive; San Diego, CA.

Description of Request: The Navy’s need for a secure non-IF alternative to radio communication is well known. The need arises from operational scenarios, such as Underway Replenishment at Sea (URS) and, most recently, with the addition of LightSpeed technology, which is a proven, tested and fielded technology, with a low probability of interception and detection. $300,000 to the IR LED Free Space Optics Communications Advancement program will allow the program to advance LightSpeed technology, which is a proven, tested and fielded technology on the IR LED Free Space Optics (FSO) concepts. The funding will enable the advancement of the technology’s size, weight, power, distance and bandwidth for the Navy’s use in Special Operations and general services communities.

Requesting Member: Congressman DUNCAN HUNTER

Bill Number: H.R. 2638.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: California National Guard.

Address of Requesting Entity: San Diego, CA.

Description of Request: The Southwest Border Fence supports the President’s border security initiative and makes for more efficient and effective use of the National Guard. $1.6 million will continue development & testing of the Micro-munitions Interface for Tactical Unmanned Systems Laboratories.

Requesting Member: Congressman DUNCAN HUNTER

Bill Number: H.R. 2638.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Allermed Laboratories, Inc.

Address of Requesting Entity: 10140 Barnes Canyon Road; San Diego, CA.

Description of Request: The Tactical E-Field Buoy program will develop an affordable ASW buoy that is capable of detecting challenging targets in acoustically difficult littoral environments with existing Navy air-deployed systems. $1.6 million in FY09 will fabricate and ocean test the performance of a cluster-type array of small E-sensors against a submarine target.

Requesting Member: Congressman DUNCAN HUNTER

Bill Number: H.R. 2638.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Allermed Laboratories, Inc.

Address of Requesting Entity: 7203 Convoy Court; San Diego, CA 92111.

Description of Request: The Leishmanial Skin Test will provide a tool for military physicians to screen service personnel prior to and after deployment to endemic regions, protect containment of the blood supply by identifying persons who should not become donors, and identify and provide definitive care to service members infected with the parasite. $800,000 in FY09 funding will plan and execute a phase III clinical trial.

Requesting Member: Congressman DUNCAN HUNTER

Bill Number: H.R. 2638.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Trex Enterprises.

Address of Requesting Entity: 13855 Stowe Drive; Poway, CA.

Description of Request: Hybrid Sounding Rocket will benefit the Nation’s defense through the accomplishment of designing and fabricating a new propulsion design that provides safe and environmentally friendly launch services for small payloads. $800,000 will complete flight article design, complete three heavy motor ground test firings, selection and
SUPPORT TAIWAN’S REQUEST TO THE UNITED NATIONS GENERAL ASSEMBLY TO PARTICIPATE MEANINGFULLY IN THE ACTIVITIES OF 16 UNITED NATIONS SPECIALIZED AGENCIES

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. RADANOVICH. Madam Speaker, October 10 marks the National Day of the Republic of China. Due to its democratic system, Taiwan has been able to flourish economically and socially as we have seen over the past decades. Taiwan is now one of the world’s leading economic powers.

To help us celebrate all the accomplishments of our friends in Taiwan, I urge my colleagues to support Taiwan’s latest request to the United Nations General Assembly to participate meaningfully in the activities of 16 United Nations specialized agencies. I know leaders in Taiwan have worked tirelessly for Taiwan’s participation in the United Nations and Taiwan’s international participation will certainly encourage cross-strait dialogue and lead to permanent peace in the Asia-Pacific region.

Madam Speaker, congratulations to the people of Taiwan, their president, Mr. Ma Ying-jeou, and their Washington representative: Ambassador Jason Yuan. Jason is an experienced diplomat and he will be an effective bridge between Taiwan and Washington.

RECOGNIZING COTTONWOOD INDUSTRIES AND THE ABILITYONE PROGRAM

HON. JERRY MORAN
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. MORAN of Kansas. Madam Speaker, today I rise to recognize a program which, in the last year, has helped more than 43,000 Americans who are blind or who have severe disabilities gain skills and training that ultimately led to gainful employment; The AbilityOne Program.

The AbilityOne Program, formerly known as the Javits-Wagner-O’Day Program, harnesses the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life. This comes in a segment of the population that has suffered from significant unemployment. But programs such as AbilityOne have come a long way in helping to bring people with disabilities into working society.

I recently had the pleasure of visiting with a community partner in the AbilityOne program. Cottonwood Industries, located in Lawrence, KS, employed 53 people last year, manufacturing products utilized by the Department of Defense in the continued protection of our country. Beyond AbilityOne, Cottonwood further employed another 185 individuals with disabilities in other community opportunities. Cottonwood offers a range of services beyond employment to Americans who are in need of assistance. Community agencies like Cottonwood are very important to those who directly utilize them, but also to society as a whole.

It is with great pleasure that I extend my support to the AbilityOne Program. I also want to commend the dedication and commitment of Sharon Spratt, Executive Director of Cottonwood Industries, and her staff, for helping individuals who are blind or have a disability find employment. Their work helps Kansans to live fuller lives and become more active members of society. I also commend each AbilityOne program employee who works every day to improve their lives and make our country a better place to live.

NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. DONNA M. CHRISTENSEN
OF THE VIRGIN ISLANDS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mrs. CHRISTENSEN. Madam Speaker. I rise to congratulate the Republic of China on the occasion of Taiwan’s National Day on October 10, 2008. On behalf of my constituents, I extend best wishes and warm greetings to Taiwan President Ma Ying-jeou and Taiwan Representative Jason Yuan.

I also extend a warm welcome to the Taiwanese to visit our Virgin Islands shores and I look forward to continued good relations between our two countries for many years to come.

IN RECOGNITION OF THE ABILITY ONE PROGRAM

HON. JOE KNOLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. KNOLENBERG. Madam Speaker. I rise today to recognize the AbilityOne Program for its success this past year in helping 43,000 blind and disabled Americans gain skills and training necessary to be successful in the workforce.

The AbilityOne Program provides much-needed employment opportunities by using the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. New Horizons Rehabilitation Services, Inc., a community partner in the AbilityOne program within my own district, stands as a shining example of why this program is a winning proposition for all parties involved.

This past year, New Horizons employed over 70 individuals with severe disabilities through AbilityOne contracts. With the help of AbilityOne and other programs, New Horizons supported over 2,500 individuals in the community.

The direct impact of these organizations on the lives of disabled Americans cannot be overstated. For an individual with a severe disability who has never had the opportunity to
hold a job, be independent, participate in the community, or play an important role in society; the AbilityOne program and organizations like New Horizons are invaluable.

Madam Speaker, I commend the efforts of the President and CEO of New Horizons Stan Gramatzki for his commitment to helping blind and disabled citizens find employment, live fuller lives, and become active members of society. I would also like to commend every AbilityOne Program on a job well done.

TRIBUTE TO BILL FORD

HON. JAMES P. MCGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. MCGOVERN. Madam Speaker, on June 1, 2008, a great man passed away—William Patrick Ford, human rights advocate and the brother of martyred Maryknoll Sister, Ita Ford. I had the privilege of knowing Bill Ford for many, many years. I was honored to call him my friend, but he was also someone who I admired, respected, and looked to as a model of how a man should live his life. Like so many outside of Bill's family, I first came to know Bill because I became active in seeking to bring justice to those in El Salvador responsible for ordering and carrying out the murder of Bill's sister, Maryknoll Sister Ita Ford, and three other American churchwomen in December 1980. Bill was a very skilled lawyer, who worked for an important Wall Street law firm. But he was, finally, fully and authentically. He understood in the marrow of his bones the meaning of compassion, justice and mercy.

Every year, Bill would faithfully travel to El Salvador to visit Ita's grave, sometimes alone, and more often in the company of other Ford family members or relatives of another of the murdered churchwomen. On one of those occasions when Bill was making his annual pilgrimage to his sister's grave when I happened to be in El Salvador on congressional work, I asked Bill if he could accompany him on his trip to the remote Chalatanango province where the gravesites of the four churchwomen are located. This was during the middle of the Salvadoran civil war, I might add. It was one of my most memorable days in El Salvador, and I will treasure the memory of our conversation during that long, often anxious, jeep ride.

In December 2005, I joined the families of Sisters Ita Ford, Maura Clark and Dorothy Kazel, and of lay missionary Jean Donovan at events throughout El Salvador commemorating the 25th anniversary of the churchwomen's deaths. Nearly 300 people from around the world came to El Salvador to take part in these reflections, and hundreds more Salvadorans participated. I was honored to walk in the footsteps and recall the lives and contributions of these four remarkable American women. And there, at the emotional center of it all, were the families, and for me, especially Bill and his wife, Mary Ann.

Madam Speaker, Bill passed away in his home, surrounded by his family—Mary Ann and their children William, John, Miriam, Ruth, Elizabeth and Rebecca, and their eight grandchildren. He will be missed, and he will always be remembered and cherished in our memories of him.

[From The New York Times, June 3, 2008]

WILLIAM P. FORD, 72, RIGHTS ADVOCATE, DIES

(By Dennis Hevesi)

William P. Ford, a former Wall Street lawyer who spent more than two decades seeking justice for American churchwomen victims of the Salvadoran junta, died on Sunday at his home in Montclair, N.J. He was 72.

The cause was esophageal cancer, his son William said.

Mr. Ford's efforts eventually led to a $5.6 million liability ruling against two former Salvadoran generals in a 2002 civil trial in Florida, where lives were being lived after being granted residence by the United States.

Although the ruling was not directly connected to the murders of Mr. Ford's sister and the other women, it resulted largely from his long and tenacious campaign. The federal court jury found José Guillermo Garcia, El Salvador's former defense minister, and Carlos Eugenio Vides Casanova, its former National Guard commander, liable for lasting injuries suffered by three Salvadoran immigrants to the United States who were tortured under the generals' command.

"We pursued the case, with Bill in the lead," Michael Posner, president of Human Rights First, said on Monday. "In an extraordinary way, he went beyond simply grieving the loss of his sister; he became a leading advocate for justice in El Salvador."

Mr. Ford had been an influential figure in the Lawyers Committee for Human Rights, which in 2001 became Human Rights First.

On the night shortly after the start of El Salvador's civil war, Mr. Ford's sister, Ita, a Maryknoll sister; another member of the same order, Maura Clark; and two lay missioners, Dorothy Kazel and a lay missionary, Jean Donovan, were abducted, raped and shot to death. The next day, peasants discovered their bodies beside an isolated road and buried them in a common grave. The van they had been driving when they were stopped at a military checkpoint turned up 20 miles away, burned and gutted.

The killings came as the United States was beginning a decade-long, $7 billion aid effort to prevent left-wing guerrillas from coming to power in El Salvador. The war quickly became the focus of a bitter policy debate about Central America.

"This paradigm of barbarism," a 1993 State Department report said, "did more to inflame the debate over El Salvador in the United States than any other single incident."

In 1984, four national guardsmen were convicted of murder in El Salvador and were sentenced to 30 years in prison. After 17 years of silence, the guardsmen said they had acted after receiving "orders from above." Their admissions were made to a delegation from the Lawyers Committee for Human Rights led by Mr. Ford. For years, Mr. Ford lobbied politicians and made speeches, charging that the Salvadoran government had failed to conduct even a rudimentary investigation into the murders. In 1981, he pressed his case with the American ambassador to El Salvador, Dean Hinton, and the Salvadoran president, José poleso Duarte.

Mr. Ford also criticized the Reagan administration. The government, he said, "is so obdurate in its collaboration with the junta that they are willing to tolerate the murder of American citizens in El Salvador." The Salvadoran junta had killed more than 30,000 people, he said.

It was an unusual stance for a lawyer who had been on the staff of the New York law firm where Richard M. Nixon and John Mitchell had worked before Mr. Nixon became president and Mr. Mitchell became the attorney general. A year after his sister's murder, Mr. Ford had been "radicalized" by American support for a government "which is no more than a group of gangsters in uniform."

William Patrick Ford was born in Bay Ridge, Brooklyn, on April 28, 1936, the son of William and Mildred O'Beirne Ford. Besides his parents, he is survived by his wife of 47 years, the former Mary Anne Heyman; another son, John; four daughters, Miriam Ford, Ruth Ford, Elizabeth Ford and Rebecca Ford; a sister, Irene Coriaty; and eight grandchildren.

Mr. Ford graduated from Fordham University in 1960 and earned his law degree at St. John's University in 1966. He was a law clerk to a federal judge and later a founding partner of the law firm Ford Marrin Esposito Wittmeyer & Gleser.

Among the securities and product-liability cases took a back seat for Mr. Ford after that day in 1980. Of the American government, he said a year later, "You can't take this insipid inscription of the Statue of Liberty if at the same time you are sending arms, ammunition, trucks and police equipment to a junta which is murdering its own citizens."

This article has been revised to reflect the following correction:

Correction: June 4, 2008

Because of an editing error, an obituary on Tuesday about William P. Ford, who spent decades pursuing justice after his sister and three other American churchwomen were murdered in El Salvador, misidentified the religious order of one of the slain women, Dorothy Kazel. She was an Ursuline sister, not a Maryknoll sister.

WILLIAM PATRICK FORD OBITUARY—MARYKNOLL SISTERS, JUNE 3, 2008

Ford—William Patrick, (Bill) beloved husband of Mary Anne, devoted father of Miriam, Bill, Ruth, Elizabeth, Rebecca and John and adored grandfather of Samuel, Thomas and Carolina Marth, Billy, Maggie and Mary Ita Ford, Anna and Alex Estevez, son of the late William Patrick Ford and Mildred O'Beirne Ford, brother of Mary and sister of the late Ita Ford, Maryknoll missionary. He died in the arms of his family after a courageous 17 month battle with end-stage esophageal cancer.

In 1960, he was a graduate of Brooklyn Prep, Fordham University (B.A. 1960) and St. John's University (LLB 1966). Bill married Mary Anne Mixed in February, 4 months later he proposed to marry him, he later said, made him "the luckiest man alive." He served in the U.S. Army from 1957—1958, and again in 1961. He was a clerk to Federal Court Judge Richard Levet, a founder and senior partner of Ford Marrin Esposito Wittmeyer and Gleser, recipient of honorary doctorates from Fordham University, St. John's University, the College of St. Elizabeth and Niagara University and claimed his greatest successes as the births of his six children and eight grandchildren. Bill served as Essex County Democratic Committee member. An active member of St. Cassian Church in Upper Montclair, N.J, he was a founding trustee of the North Jersey Inter-Religious Task Force for Central America and a member of the Commission on Justice and Peace for the Archdiocese of Newark. After the December 2, 1980, murder of Ita Ford, then a young sister, and her companions, Bill tenaciously sought to bring those directly responsible for the deaths of his sister and her three religious companions to justice. For over 22 years, Bill worked unceasingly to hold those in command positions responsible for the death of
his sister and so many Salvadoran victims. His efforts laid the groundwork for the eventual successful prosecution of two Salvadoran generals. His personal courage, integrity and unifying force of family are the hallmarks of a life well lived. He will be forever remembered by the quiet kindness he did for so many. May his soul rest in peace. Visitations will be held from 2-4 p.m. and 7-9 p.m. on Thursday, June 4 at Hispanic Church, 107 Bellevue Avenue, Upper Montclair, N.J. In lieu of flowers, donations may be made to Mary’s Toll Sisters, Box 39, Maryknoll, NY 10045 or Cristo Rey NY High School, 122 East 106 St. NY, NY 10029.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance and Continuing Appropriations Act. I have requested $450,000 in the Homeland Security Appropriations bill for FY 2009 for the Gateway System Maintenance Account for the retrofitting of Crescent City High School in Putnam County. The entity to receive this funding is Putnam County located at 410 St. Johns Ave., Palatka, FL 32177. These funds will be used to retrofit the high school to serve as an emergency shelter by providing the air conditioning, heating, electricity and to provide the school with the necessary generator to ensure that the shelter has the needed power during and following a storm.

With Florida’s unique tendency of experiencing frequent hurricanes, wildfires and other natural disasters, there is currently no way to sufficiently accommodate Northeast Florida residents who have lost, or are forced to evacuate, their homes. When these catastrophes occur, emergency management services are forced to do the temporary means to house, feed and provide the basic necessities of life for those who have been rendered helpless. The local high school in Crescent City is used as a shelter but is not a certified hurricane shelter. The only way to evacuate the area is by going northbound is over a bridge on U.S. Hwy 17 that the FDOT closes when winds exceed 40 mph. As a result many of the most vulnerable people who live in mobile homes are stranded. In 2008 Putnam County was rated by the State of Florida to have a shelter deficit.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance and Continuing Appropriations Act. I have requested $300,000 in the Homeland Security Appropriations bill FEMA State and local Programs Account for the county of Pomona Park Emergency Operations Center. The entity to receive this funding is Pomona Park located at 109 Worcester Street, Pomona Park, FL 32181-0001. The funds for this project will be used to expand the current fire station which serves as the Emergency Operations Center in Pomona Park in order to make room for new equipment and provide room for emergency service coordination during a severe storm.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance and Continuing Appropriations Act. I have requested $800,000 for the Mobile Medic Training Program with the Mobile Medic Training Program which I requested be included in the FY 09 Defense Appropriations bill, Research, Development, Test And Evaluation, Army, account for Engineering and Computer Simulations. The entity to receive funding for this project is Engineering and Computer Simulations, located at 12900 Highway A1A, H. Bunnell, FL 32110. The funds appropriated in this bill will be used entirely for the research and development of a training simulation tool that will enhance the overall effectiveness of combat medical training by providing realistic casualty information through the utilization of a hand held PDA.

The Mobile Medic Training Program, through the utilization of a hand held PDA, will provide realistic casualty information that allows the combat medic to practice medical treatments, thus bridging the gap between virtual and live environments.

This training simulation tool will enhance the overall effectiveness of combat medical training thus bridging the gap between virtual and live environments. Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance and Continuing Appropriations Act. I have requested $4.8 million for the Gateway System in the FY 09 Defense Appropriations bill, Navy Procurement account for the Gateway System manufactured by Ocean Design, Inc., located at 106 St. Marys, Port Orange, Florida 32114. The funding would be used for the Navy’s procurement of the Gateway System.

This project benefits the constituents in my district. This system has been developed and is needed to provide a “system of information” approach to seeing and sensing the ocean floor; sub-surface and surface of the littorals. The Gateway System is a fiber and electrical cable interconnect system that provides any number of electro-optical inputs and outputs to static or dynamic subsea assets such as acoustical sensors, detection sensors, video cameras and power docking stations. The Gateway acts as a hub for information and/or power centric activity in the underwater battle space and acts as an underwater networking tool that allows different units to communicate and share information. The Gateway is instrumental in enhancing maritime domain awareness and securing maritime approaches.

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. LEVIN. Madam Speaker, on Friday, September 26, 2008, the Sterling Heights Firefighters Union will host their Annual Dinner-Dance, honoring their 2008 retirees. This yearly event honors Sterling Heights firefighters for their dedication to protecting the public and recognizes their commitment to the community in which they serve. I am pleased to be associated with this fine organization and this wonderful evening when so many friends gather.

I rise today to pay tribute to the careers of three retiring firefighters.

Ronald McClain became a Sterling Heights firefighter on May 21, 1979. In May of the following year, he successfully completed the Emergency Medical Technician (EMT) curriculum, becoming one of the department’s
first paramedics. On June 24, 1986, he was assigned to acting sergeant position and maintained that post through June 21, 1988. Ronald McClain received several other promotions throughout his career, including promotion to Firefighter on April 18, 1992, Lieutenant on July 5, 1994, Fire Captain on July 31, 1998, Battalion Chief on October 1, 2002 and Chief of Operations on October 21, 2003. In addition to these promotions, he also received the Outstanding Firefighter of the Year Award in 1991 and the Fire Chief’s Award in March of 2002. Ronald McClain retired from the Sterling Heights Fire Department on February 28th of this year after nearly 29 years of dedicated service. He has continued his public service by becoming the chief of the South Lyon Fire Department.

George Binno became a Sterling Heights firefighter on January 9, 1978. In 1982 he became certified as an Emergency Medical Technician. In July of 1989, he was named Sterling Heights Fire Department’s Employee of the Month. Throughout his career, George Binno was promoted three times: Fire Lieutenant on June 21, 1994, Fire Captain on August 16, 1997, and Battalion Chief on January 18, 2001. He received the Fire Chief’s Award for his involvement in the implementation of the ICS and Radio Committee, and received the 5-Year Safe Driver Award in 2003. George Binno retired on February 29th of this year after 30 years of dedicated service.

Fred Golda became a Sterling Heights firefighter on September 5, 1989. Over the years he was an ardent participant in the fire department’s Open House. He also assisted with facilitating and coordinating the department’s Civilian Fire Academy. Fred Golda received the Fire Chief’s Award four times for letters exhorting above and beyond responses to several incidents. Throughout his career, Fred Golda was promoted several times: Fire Sergeant on July 27, 2002, Lieutenant on November 10, 2003, and Fire Inspector on January 21, 2005. He was honored with the 5-Year Safe Driver Award and the Meritorious Unit Citation for quick actions in the extrication of a DPW worker from a trench in November of 2003. Fred Golda retired on September 4th of this year after 30 years of dedicated service.

Madam Speaker, I ask my colleagues to join me in congratulating Reverend James Walker, Jr., for 35 years of spreading the joy of Our Lord Jesus Christ to the distressed and needy. May he continue his ministry for many, many years to come.

INTRODUCTION TO LEGISLATION TO CREATE AN INDEPENDENT CENSUS AGENCY

HON. CAROLYN B. MALONEY OF NEW YORK

THURSDAY, SEPTEMBER 25, 2008

Mrs. MALONEY of New York. Madam Speaker, today I am introducing a bill with my colleagues Mr. Gonzalez, Mr. Clay, Mr. Honda, and Mr. Waxman to establish an independent Census agency. It is indispensable to the basic principles of democratic representation that the decennial census be seen by the American public to be completely independent and nonpartisan. Elevating the Census Bureau to the status of an independent agency is a powerful statement to the American people and their leaders that the decennial census and the other critical surveys conducted by the Census Bureau are protected, and that our Government will support the best demographers, statisticians, scientists and managers we can find to lead this vital agency.

HONORING FREDRICKA D. WANZA ON HER, 90TH BIRTHDAY

HON. KENDRICK B. MECK OF FLORIDA

THURSDAY, SEPTEMBER 25, 2008

Mr. MECK of Florida. Madam Speaker, I rise to honor and congratulate a dear constituent of mine, Ms. Fredericka D. Wanza on her 90th birthday. As members of every community gather to celebrate Ms. Wanza, I take this opportunity to convey to her warm wishes on this milestone occasion.

Fredericka D. Wanza was born on September 28, 1918 to Fredrick Dean and Gladys Ward Dean in Overtown-Miami, Florida.

Her parents died when Fredericka was a very young girl and she and her five sisters were cared for by her Grandmother and then her Aunt and Uncle in Miami and Ocala, Florida.

Fredericka D. Wanza married James Willie Wanza, former Northwestern Sr. High School Coach, approximately 35 years ago and out of this union, a daughter Theta Wanza Shipp and James Willie Wanza II were born. Today, Fredericka Wanza has 5 grandchildren and 8 great-grandchildren.

Fredericka Wanza was educated in Miami-Dade County Public Schools and matriculated from Florida A&M College in Tallahassee, Florida.

Fredericka Wanza was the first African American visiting teacher for Miami-Dade County Public Schools, she retired in 1975. From 1976-1982 she managed her own real estate company; servicing Miami-Dade, Broward and Leon counties. In 1982 she opened her own day care center in Miami Gardens, Florida.

Fredericka D. Wanza is the Founder and Director of Wanza and Braxton Day Care Center, where she dotes on the young children and instills good behavior all while preparing them for primary school.

Fredericka D. Wanza is a life-long member of St. Agnes Episcopal Church and a member of Alpha Kappa Alpha Sorority, Incorporated. The 17th Congressional District of Florida is blessed to have a leader and role model like Fredericka D. Wanza.

CELEBRATING 125TH ANNIVERSARY OF AGUDATH ACHIM OF ALTOONA PENNSYLVANIA

HON. BILL SHUSTER OF PENNSYLVANIA

THURSDAY, SEPTEMBER 25, 2008

Mr. SHUSTER. Madam Speaker, it is my distinct privilege to rise today to congratulate and celebrate the congregation of Agudath Achim of Altoona, Pennsylvania, on their 125th anniversary. Agudath Achim which translates to “a union of brothers and sisters” began its long and rich history in 1883 when its members began meeting in the homes of their neighbors and fellow worshippers.

It was through this humble beginning that the men and women of Agudath Achim were able to pool their resources, their faith and their effort into the construction of their first wooden synagogue in 1895. This wooden Shule sat on the site of the congregation’s second synagogue which dates back to 1925 and has served as the congregation’s home ever since.

The contribution made by the Jewish people to Pennsylvania and our national heritage cannot be understated. In 1746 the first man to explore what is now Blair County and the home to Agudath Achim was a Jew named Colonel Conrad Weiser. He was followed in 1754 by Stephen Franks, founder of Frankstown, Pennsylvania. In 1778 General Daniel Roberdeau, a Jew from York, Pennsylvania and a member of the Continental Congress became aware of the presence of lead mines in central Pennsylvania. At his own expense, General Roberdeau traveled to their region and built a fort in what would one day become Altoona to begin mining and processing much-needed lead ammunition to General Washington’s troops at Valley Forge.

These early pioneers were part of a larger group of hardworking and devout Jews that helped lay the foundation for the Pennsylvania we know and love today. The men and women of Agudath Achim carry with them this heritage and they have given tirelessly and
The Bible speaks to the uniqueness of man—that we are all made in the image and likeness of God. It speaks of the greatness of God—that He is the object of true worship, the fount of all blessings, and the Redeemer, Lawgiver, Friend, Savior and Judge.

Historically, we have been a people of the Book. We lose our allegiance to and our reliance on the Bible to our grave peril.

The Bible can be hard to understand. Yet as the theologian R.C. Sproul has written, “We fail in our duty to study God’s Word not so much because it is difficult to understand, not so much because it is dull and boring, but because it is work.”

And it is worthwhile work. There can be nothing nobler than seeking not only to know the Bible’s teachings but also to know the Bible’s God.

It was President Lincoln who said, “I believe the Bible is the best gift God has ever given to man. All the good from the Savior of the world is communicated to us through this book.” Or, as Jesus Himself remarked, “Search the Scriptures . . . for they testify of Me.”

Today, Madam Speaker, I echo Abraham Lincoln’s comments and urge my colleagues and all Americans to reacquaint themselves with the Bible. As literature, it is unmatched. As philosophy, it is unparalleled. And as truth, it will make you free.

I commend the National Bible Association for its outstanding work to bring the Bible to the attention of all Americans of every faith and creed. And I am humbled by the opportunity to serve in such a way as to draw attention to this most precious of books.

HONORING JEANNE ANN WHITMIRE FOR HER ADVOCACY OF ADOPTION AND FOSTER CARE ISSUES

HON. JOHN BOOZMAN
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. BOOZMAN. Madam Speaker, I would like to honor Jeanne Ann Whitmire for her commitment and dedication to Arkansas children. Jeanne Ann, an attorney in the Office of Chief Counsel for the Arkansas Department of Human Services in Van Buren, has placed hundreds of children in both foster care and adoptive homes throughout the Third District of Arkansas.

She has an outstanding record of fighting for adoption and foster care issues. Not only is she proactive in placing children in loving homes, but she practices what she advocates, sharing her love with an adopted daughter.

Jeanne Ann’s efforts were nationally recognized by the Congres sional Coalition on Adoption Institute through its program Angels in Adoption, which honors the good work of the American people who have enriched the lives of foster children and orphans in the United States and abroad.

I thank Jeanne Ann for the unselfish work she does on behalf of children. Jeanne Ann is a true hero and a champion for Arkansas children, showing them there are people who care and finding them a place they can call home.

HONORING DR. SURESH ANNE'
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Dr. Suresh Anné. Dr. Anné is the President of the Genesee County Medical Society. He will be honored at the Genesee County Medical Society and Genesee County Medical Society Alliances Presidents’ Ball on November 1st in Flint, MI.

After graduating from the Andhra Medical College in Andhra Pradesh, India, Dr. Anné practiced medicine in India. He was the Resident Medical Officer for a construction company in Amman, Jordan before coming to the United States. After completing a residency in Internal Medicine at Hurley Medical Center and a fellowship in Allergy/Immunology at the State University of New York, Dr. Anné returned to Flint and established a practice in the Flint area. He belongs to numerous professional associations and has received many awards for clinical research. Dr. Anné is currently involved in a treatment study for hereditary angioedema.

In addition to his practice, Dr. Anné is an open consultant at the Genesee County Free Medical Clinic, sees patients at the five hospitals in the Flint and surrounding areas, and teaches at the NRI Academy of Sciences Medical School and Hospital in Andhra Pradesh.

He also cofounded of “Medical Office Management Systems, Inc.” a company dedicated to helping physicians manage the business and patient sides of their practices. Dr. Anné is also enthusiastic about cricket, and during 2006 helped to create the first cricket grounds in the Flint area.

Married 25 years to Dr. Aruna Anné, the couple have a daughter, Lajari.

Madam Speaker, please join me in honoring the work and life of Dr. Suresh Anné. His dedication to the field of medicine is to be commended, and I wish him continued success for many years to come.
preserving victims’ remains so they can be buried according to Jewish law, and helping family members cope with the tragedy. ZAKA volunteers are widely recognized and respected throughout Israel for their devotion to the difficult duties they perform. During 2007, they participated in more than 18,000 life-saving or search-and-rescue missions. More than 2,000 times they were involved in activities to honor the dead after fatal accidents or attacks. Because of their professionalism, they have forged close working relationships with police and other emergency responders.

ZAKA has also expanded its work to respond to accidents and catastrophes around the world. They helped identify Jewish victims of the deadly Indian Ocean earthquake and tsunami in 2004 in Thailand, Sri Lanka, India, and Indonesia. They helped return the remains of victims of plane crashes in Russia and Namibia. They helped save 2,000-year-old Jewish catacombs in Italy. And they helped rescue and preserve sacred Jewish Torahs in New Orleans after Hurricane Katrina.

I had the privilege of speaking at a lunch last week here in Washington honoring ZAKA and its founder, Yehuda Meshi Zahav. ZAKA’s motto is “Saving those who can be saved, and honoring those who cannot.” They live up to this motto. I ask all of my colleagues to join me in paying tribute to this great organization, and to the many volunteers who give selflessly of their time to help those in need in Israel and around the world.

TRIBUTE TO GAYLE O. AVERYT
HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a tremendous business and civic leader and a great friend. Mr. Gayle Averyt is being honored on October 1st for accomplishing an extraordinary feat—50 years of service to the same employer—Colonial Life & Accident Insurance Company.

After earning a bachelor’s degree from Davidson College and an MBA from Harvard Business School, Gayle joined the staff of Colonial in 1958 at the age of 25. He rose through the ranks at Colonial, proving himself a very capable and collegial businessman. By 1970, he became Chairman of the Board of Directors and Chief Executive Officer at a youthful 37 years of age. He held those positions for 23 years, until assuming the title of Chairman Emeritus of Colonial Life in 1993. That was the same year Colonial merged with UNUM Corporation of Portland, Maine, and he served on UNUM Corporation’s Board of Directors from 1993–1999.

Gayle is a former member of the Board of Directors of the Health Insurance Association of America and served as Secretary of the South Carolina Insurance Commission. He also served on the Board of NationsBank, a board member of the National Association (Carolinas) from 1992–1995 and as a member of the Board of Directors of the South Carolina Ports Authority from 1995–1999.

Despite his hectic career, Gayle believed in his community and sought opportunities to give back. He is a member of the Executive Committee of the Foundation for Columbia’s Future and is a former member of the Executive Committee (1979–1995) and Vice President (1988–1995) of the South Carolina State Fair Association. He has been a trustee of the University of South Carolina Business Partnership Foundation. He was past-president of the University of South Carolina Research and Development Foundation, having served as a Trustee of the Foundation from 1980–1991. He is past president of the University of South Carolina Orchestra Association and served on the board of the Cultural Council of Richland and Lexington Counties.

Gayle has been awarded numerous recognitions. In 1989, the South Carolina State Chamber of Commerce recognized him as the South Carolina Businessman of the Year. The University of South Carolina awarded him the honorary degree of Doctor of Public Service that same year. He received Distinguished Service Awards from USC and from the Moore School of Business at USC in 1993 and 2006 respectively. In 1994, he received the Order of the Palmetto, which is the highest civic honor awarded by the Governor to individual citizens for outstanding service to the state. Four years later, he was inducted into the South Carolina Business Hall of Fame.

While Gayle has been a lifelong Republican who has been very active in numerous political campaigns, he has also been very ardent about supporting and helping local charities. Gayle is married to the former Margaret Gayle (“Peg”) Finlay, and the two have three daughters, Caroline, Margaret, and Elinor. They are very active members of Trinity Episcopal Cathedral in Columbia.

Madam Speaker, I ask you and my colleagues to join me in congratulating Gayle Averyt for a remarkable career at Colonial Life & Accident and a lifetime of dedication to his community. He is a man of honor and integrity. I applaud his many contributions, and extend my best wishes and Godspeed on this tremendous occasion.

IN RECOGNITION OF THE PASSING OF STAFF SERGEANT DARRIS JULIUS DWASON UNITED STATES ARMY
HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, I rise today to honor the sacrifice of Staff Sergeant Darris Julius Dawson. On September 14, 2008, while serving his third tour in Iraq, Staff Sergeant Dawson was killed in the line of duty in Tunnis, Iraq in support of Operation Iraqi Freedom.

Staff Sergeant Dawson joined the United States Army shortly after graduating from Escambia High School in Pensacola, Florida. Darris re-enlisted twice and was assigned to the 3rd Battalion, 7th Infantry Regiment, 4th Brigade Combat Team, 3rd Infantry Division out of Fort Stewart, Georgia.

Madam Speaker, the Northwest Florida community is proud of his service, and we offer our sincere condolences to his wife, four children, family and friends as they mourn their loss of this fine man. On behalf of the United States Congress and a grateful Nation, I am humbled to recognize his dedication and love for our country. May God continue to bless Darris and all of the men and women in uniform who protect our freedom, and may God continue to bless America.

HONORING THE SERVICE AND HARD WORK OF EDWARD JOHNSON
HON. JOHN BOOZMAN
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. BOOZMAN. Madam Speaker, I rise today to honor Edward Johnson, Arkansas’ 2008 Outstanding Older Worker of the Year. His commitment and dedication to establishing employment opportunities for Americans who are beyond the traditional retirement age has helped play a vital role in Arkansas’ economy.

There is no one more deserving of this recognition. Mr. Johnson loves to see the excitement on a veteran’s face when he or she gets a good job. He continues to lead a life of service he started when he joined the Army in 1948. Serving tours in Japan, Korea, Panama, and Vietnam and earning numerous medals he hasn’t retired from helping his neighbors.

Following his military career, Mr. Johnson became the Workforce Services Veterans representative for areas in the third district, a position he has held for 30 years.

Married to his lovely wife, Louise, he has taught the importance of being involved in the community to three children and seven grandchildren.

Mr. Johnson remains active with the chamber of commerce and he enjoys the company of his family and friends.

I congratulate Mr. Johnson and thank him for his service.

CELEBRATING OXI DAY
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to join Hellenic-Americans and Philhellenes everywhere to celebrate “OXI Day (No Day),” which falls on the 28th of October. This year marks the 68th anniversary of a very important day in Hellenic history, the day on which brave Greek patriots said “No” to fascism, “No” to injustice, and “No” to slavery. For those individuals who lived through that momentous period and their descendants, many of whom live in the 14th Congressional District of New York, “OXI Day” is more than a memory: it is the embodiment of Hellenism and its highest ideals.

At dawn on October 28, 1940, General Ionnis Metaxas was confronted with an ultimatum. An Italian ambassador delivered a message directly from Marshal Mussolini demanding that Greece allow Axis forces to enter Greek territory and occupy certain unspecified “strategic locations” or face war.
General Metaxas simply replied “No” and committed the brave people of Greece to resistance against Axis oppression. With levelheaded determination and steadfast resolve, the citizenry of Greece mobilized. Men went calmly to their closets and retrieved their military uniforms and weapons. Women went about their necessary tasks, and the children assisted as they were able.

On OXI Day, the people of Greece chose the harder path, the path of resistance. That brave generation of Hellenes refused to submit to oppression even at the cost of their homes, their land, and their lives. Theirs was an act of self-sacrifice that clearly proclaimed the humanitarian ideals of their Orthodox Christian faith and their ethnic heritage. The Greeks’ brave defense of their land was a crucial turning point in the Axis eastern advances. Dogged resistance by Greek patriots weakened Axis morale and delayed the Nazi war effort by delaying the eventual attack on Soviet Union. The Greeks’ sacrifice will forever be remembered and honored by the free nations of the world.

I ask my colleagues to join me in saluting the heroes of OXI Day. In their brave words and deeds we see all of the highest virtues of Hellenic heritage: passion for justice, courage at a time of trial, unity in the midst of conflict, and willingness to sacrifice one’s life for the good of others. On this day, we thank Greece for saying “OXI.”

HONORING THE NEW DOVE CHOCOLATE CENTER FOR EXCELLENCE
HON. JOSEPH R. PITTS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Mr. PITTS. Madam Speaker, I stand today to commend the opening of the new Dove Chocolate Center for Excellence in Elizabethtown, Pennsylvania on Monday, September 29th. On the 29th, I will join Dove in celebrating the completion of a $70 million factory expansion. The expansion not only represents an investment in Mars production capacity, but represents a $70 million investment in the Elizabethtown community as well.

Mars Snackfood US has a history in Elizabethtown, Pennsylvania, dating back to 1970 when Mars, Incorporated purchased the Klein Chocolate Company. In order to keep up with production demand, their facility, which was originally built in 1915, has been renovated and expanded several times since the purchase in 1970. Today, the Elizabethtown plant is the center of Mars Snackfood US chocolate making world, roasting and grinding the cocoa beans used in the company’s various snack products.

Mars currently employs more than 300 people at the Elizabethtown plant, and the expansion will retain current jobs and add more than 30 new jobs as well. As a part of the financial commitment to the expansion, in November 2007 Mars showed its ongoing commitment to the Elizabethtown community by contributing $125,000 to the borough to be used for mitigating traffic concerns during the expansion project.

I want to congratulate Mars on the completion of a successful expansion project and praise their commitment to American jobs by maintaining and indeed expanding production here in Pennsylvania, to the benefit of the Elizabethtown community. It is important that we recognize firms like Mars for their investment in the communities in which they operate. At a time when many jobs are being sent overseas, I commend Mars for creating expanding opportunities for employment right here in Pennsylvania’s 16th Congressional District.

TAYWAN NATIONAL DAY
HON. EDWARD R. ROYCE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. ROYCE. Madam Speaker, I wish to recognize the Republic of China’s National Day, which is October 10th.

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HONORING THE SOUTHFIELD VETERANS COMMISSION AND SOUTHFIELD PUBLIC LIBRARY
HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 25, 2008

Mr. LEVIN. Madam Speaker, I rise today to recognize the Southfield Veterans Commission and Southfield Public Library for their outstanding partnership with the Veterans History Project of the Library of Congress.

The Library of Congress Veterans History Project collects and archives the personal recollections of U.S. wartime veterans, to honor their service and to share their stories with current and future generations.

The Southfield Veterans Commission and Southfield Public Library have worked together to ensure that veterans from the city of Southfield and surrounding communities have their stories included in and honored by the project. Their efforts have served as a model for other organizations and communities.

Under the leadership of chairman Dan Brightwell, the commission has collected the histories of over 70 local veterans. Each week, members of the commission volunteer their own time and skills to interview and record the stories of each veteran and prepare the histories to be archived at the Library of Congress.

These interviews have preserved extraordinary stories of individual service and important moments in our nation’s history. They include the first-hand accounts of a young man at Pearl Harbor on the morning of December 7, 1941; a 21-year-old Army nurse lieutenant treating the wounded on Fiji islands; a Marine fighting on the island of Guadalcanal; a Tuskegee Airman shot down over Germany and captured as a prisoner of war; a 19-year-old Army private storming Normandy beach, and veterans from the most horrific battles of the Vietnam conflict.

The Southfield Public Library was named as a Partner Archive to serve as a local repository for Veterans History Project interviews. The library provides space each week for the collection of veterans’ histories and has created an online archive where residents can easily view and enjoy local veterans’ stories.

This Veterans Day, November 11, 2008, I am proud to recognize the Southfield Veterans Commission, the Southfield Public Library, and the local veterans who have contributed their stories to the Veterans History Project at a special event, “Honor Veterans,” at the Southfield Public Library. This special celebration brings together the Southfield community to honor local veterans for their service to their fellow citizens and country and the work of the local volunteers to preserve their stories so that future generations can learn from their service and sacrifice.

RECOGNIZING THE NATIONAL DAY OF TAIWAN
HON. ELIO T. ENGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Mr. ENGEL. Madam Speaker, I rise today to extend my warmest wishes to the Taiwanese people in anticipation of the celebration of their National Day on October 10, 2008.

For nearly 30 years, the U.S. and Taiwan have shared an official commitment of friendship and cooperation. Not only is the bond between our peoples very strong, but the framework established by the 1979 Taiwan Relations Act continues to provide a solid foundation for the close relations between our two countries. Our ties have been particularly strengthened by the Taiwanese-American community, which has made pivotal contributions to American social, economic, and political life.

When I recently visited Taiwan, I met with newly elected President Ma Ying-jeou and learned about the great development in his country. I witnessed first-hand the success of Taiwan’s robust democracy and vibrant economy. This year, Taiwan has risen to become the U.S.’s ninth largest trading partner. From our ties, we can learn from their service and sacrifice.
in the Asia-Pacific region. Today, Taiwan’s relations with the People’s Republic of China have expanded—particularly through direct flights and expanded tourism and investment. Moreover, the Taiwanese economy continues to see steady rises in its Gross Domestic Product, GDP, trade surplus, and foreign reserves that show the benefits of embracing democracy and a market-based economic system.

As we approach Taiwan’s National Day, I ask my colleagues to join me in honoring Taiwan for its friendship and wishing the Taiwanese people continued prosperity and success.

HONORING ALVINA ELIZABETH SCHWAB PETTIGREW

HON. STEPHANIE HERSET SANDLIN OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Ms. HERSET SANDLIN. Madam Speaker, I rise today to take this opportunity to honor the service of Alvina Elizabeth Schwab Pettigrew as a member of the Women Accepted for Voluntary Emergency Service, WAVES, during World War II.

Born on a farm in Mina, South Dakota, Pettigrew is a true American hero who greatly contributed in the effort to end the war. In October of 1942, Pettigrew joined more than 600 women from across the United States and enlisted in the WAVES.

The WAVES reported to the Naval Communications Annex in Washington DC at the height of World War II. They were given the top secret operation of cracking the Germans’ complex codes that were used to radio instructions from German headquarters to the submarines that were sinking United States ships. This was so secretive that the women were warned that they could be shot for treason if they ever revealed their activities. Pettigrew and her fellow WAVES saved the lives of countless sailors by working around the clock to decipher German code until the end of World War II.

To honor the WAVES’ service to the United States of America, the Cathedral Heights neighborhood of Washington, DC will include, as part of a public arts project to restore turn-of-the-century “call boxes,” Pettigrew’s portrait and a description of the WAVES’ secret operation that was conducted less than 200 yards away in the Navy Annex. It will be an everlasting tribute to their effort to end the war.

Our Nation and the State of South Dakota are far better places because of Pettigrew’s service and that of all WAVES. I join with all Members of the House of Representatives and South Dakotans in expressing my gratitude for their commitment to serving and protecting our Nation. They will never be forgotten.
membership to genuinely question the motives of their colleagues in the Chair. At a time when rancor and tension exist in the House chamber and when the parties increasingly view each other with suspicion, the rule acts to compound the negativity. I know that the rule was written to infuse the atmosphere of the House and transparency into the voting process—laudable goals that are not lost on anyone here; however, I guess what I’m saying is, its time to go back to the drawing board. I think all of us on this panel would be happy to share our thoughts—should the leadership choose to take our recommendation.

I would just like to take a moment to speak about MIKE MCNULTY, the man who was in the Chair during Roll Call 814. For quite some time but I would say now, more than ever, what is lacking in Washington is the willingness to admit mistake, acknowledge error, to be candid and forthright about a misstep. The irony, I think, is it’s a rare person who doesn’t find such an admission refreshing. However, our custom and practice tends to be: “blame the other guy.” Not MIKE MCNULTY. He is special, truly exceptional, not just as a member and presiding officer, but as a human being. And while his character and integrity has long been recognized by both sides of the aisle, I think this incident has both magnified and confirmed this perception. We all know it was a most difficult moment for him. But he earned our respect not only for his apology to the membership, but for his conduct and candor with the committee as well. The Nation needs more MIKE MCNULTYS in Congress, and we’re all grateful, and have been better served, by his willingness to resume his duties in the Chair. I just want to reiterate here today, the respect and admiration the members have for him.

It should be noted that during his interview with the committee, Republican whip, ROY BLUNT told us that after August 2, he personally reached out to Mr. MCNULTY and told him that he “should feel confident in his respect that the Nation has for him personally.” Similarly, the Republican Leader BOEHNER went to the floor on August 3—the next day—and said: “I accept the regrets offered by my friend from New York. Having been in the Chair myself, I understand how it happen. He and I are friends. He is, in fact, one of the fairest Members who could ever be in the chair.”

And certainly, this view is echoed on the Democratic side of the aisle, as stated by our own Majority Leader, STENY HOYER, who said: “I believe Mr. MCNULTY is an extraordinarily honest person of high integrity . . . He’s a wonderful human being.”

And while I commend Mr. MCNULTY for his honesty and his courage, I also want to suggest that even in error, he has made a contribution to this institution. As I’ve said in at least one of our prior meetings, none of us here sought this assignment, but I believe strongly that this committee’s report is a benefit to the institution.

I am also hopeful that an even greater benefit has accrued. Many outside this committee viewed it with skepticism and cynicism. One the one hand, we would be the product of a political stunt, a microcosm of the partisanship and rancor in the House; on other hand, certainly that we would never meet, would never investigate or deliberate, and certainly never report.

To revisit Omstein’s article, he further stated,

"[If we have] a House as deeply divided along partisan lines as it was in the previous Congress—and a House with no common denominator of trying to find something to solve the problems we have at home and abroad . . . if we can’t [reduce this divide and distrust], the clear and urgent needs of the country will be left to fester.

The issues we’ve examined in this committee—most notoriously a botched motion to recommit on a bill that never became law—do not compare to the issues we’re currently facing as a Congress, and as a Nation. However, in light of Mr. Omstein’s ominous warning, I am hopeful that what we’ve done here is to demonstrate that we’ve succeeded at what the people want and deserve—which is accountability, responsibility, and transparency; and the commitment, the wherewithal and the humility to put our heads together to solve the problems that confront us.

RECOGNIZING THE 40TH ANNIVERSARY OF THE SAN LUIS OBSIDIO COUNCIL OF GOVERNMENTS

HON. LOIS CAPPS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mrs. CAPPS. Madam Speaker, I rise today to congratulate the San Luis Obispo Council of Governments on 40 years of progress.

The San Luis Obispo Council of Governments, SLOCOG, is an association of local governments in the San Luis Obispo County region. Its members include all 7 cities Arroyo Grande, Atascadero, Grover Beach, Monrovia, Paso Robles, Pismo Beach and San Luis Obispo, as well as unincorporated areas of the County. SLOCOG provides transportation, public works, and environment planning and funding for the region, and serves as a forum for the resolution of regional issues.

Over the last four decades, San Luis Obispo County residents have looked to SLOCOG to lead our community forward. They have adopted a regional infrastructure plan, and helped certify several important projects, including the Cuesta College siting plan, the Lopez Lake water project and numerous community sewer and water plans. In addition to preparing the region’s infrastructure plan, SLOCOG works in coordination with local transportation agencies in the region, including the San Luis Obispo Regional Transit Authority, the Air Pollution Control District, and the California Department of Transportation.

Since 1998, I have had the pleasure of working closely with SLOCOG to successfully address important regional priorities, such as the designation of Highway 1 north of the city of San Luis Obispo as a National Scenic Byway and All-American Road, and securing Federal funding for such high priority regional transportation system improvements as the widening of Highway 46 East and the Santa Maria River Bridge, and bikeways, boardwalks and streetscapes throughout the region.

During its 40 years of existence, SLOCOG’s activities have had a positive impact on the lives of the citizens of the Central Coast. I rise to express my appreciation and gratitude to its board members and staff, and applaud them for the work they continue to do to improve the economic well-being and quality of life of the residents of San Luis Obispo County.

Madam Speaker, in closing, I call upon my colleagues to join me in congratulating SLOCOG’s past accomplishments and in wishing them the best of luck in the many years to come.

HON. JIM COSTA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2008

Mr. COSTA. Madam Speaker, I rise today to honor and pay tribute to the life of Simon Lakritz. Mr. Lakritz was devoted to his family and to his hometown of Hanford where he was an educator, city councilman, and mayor.

He passed away on September 17th, 2008.

Simon Lakritz was born in Detroit, Michigan, in 1930. He moved with his mother, brother and sisters to Arizona in the 1940s. He attended Tucson High School from 1945 to 1948 and the University of Arizona from 1949 to 1953.

Upon graduation from college, Mr. Lakritz entered the U.S. Army, stationed in California at Fort Ord. He served during the Korean war at the European Army central command, in Heidelberg, Germany. Before leaving Germany, Lakritz married “Mimi” Elizabeth Lyon at Fort Ord, and both traveled to Europe to begin married life overseas.

After returning to the states, Simon obtained his master’s degree in Latin American history and pedagogy from the University of Arizona.

Soon after receiving his degree, Simon and his family moved to California and began his first job at Hanford Joint Union High School as a history teacher. He proved himself to be a popular educator.

Simon went on to a career of 37 years teaching and serving as coordinator of Federal programs for disabled and economically disadvantaged students at Hanford High School until his retirement in 1994.

While he led a successful career in education, Simon had a passion for public service and believed strongly in representative democracy.

During his 25 years on the city council, he served five times as mayor. In 2002, he was elected to the Hanford Joint Union High School District board of trustees, and also served as a mentor to teachers at Chapman University.

Simon volunteered his time to community organizations, including the NAACP, the Kings County Commission on Aging, of which he was a co-founder, and the Hanford Taoist Temple Preservation Society.

Simon Lakritz was preceded in death by his wife Mary “Mimi” Elizabeth in 1991. Surviving are his four children, Andrew Morris Lakritz, Jeffrey Lakritz, Bradley William Lakritz and Thomas Spencer Lakritz, and his four grandchildren: Ania, 11, of Arlington, Va.; Emily, 18, Noah, 12, and Mia, 10, of San Rafael.
Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a joint resolution regarding the Stimson Doctrine of Non-Recognition, which was a policy adopted in the 1930s, stating that the United States government will not recognize territorial changes brought about by force alone. The Stimson Doctrine became the foundation for sections of the U.N. Charter dealing with the inviolability of recognized borders and territorial integrity.

This principled policy was perhaps, most famously, applied to the three Baltic republics that were forcibly incorporated into the Soviet Union in 1940. Throughout the Cold War the United States never recognized this violent and illegitimate incorporation.

Following the collapse of the Soviet empire, many had hoped that a non-recognition policy would become a dated relic of a bygone era. Sadly, recent events have exposed the naiveté of this view and I strongly believe that the Stimson Doctrine should be reaffirmed and reapplied to continue to be a fundamental principle of our foreign policy.

As noted Russian scholar Paul Goble recently wrote in an article entitled, “It’s Time for a new Non-Recognition Policy” and I quote, “That does not mean that we must counter any such action militarily or refuse to have anything to do with the aggressor—until 1991, after all, we had an embassy in the capital of the Soviet Union even though we did not recognize the USSR’s right to control the Baltic countries—but it does mean that we must never recognize such actions as somehow legitimate, a step that would open the floodgates of aggression not only in Eurasia but around the world.

Sometimes we cannot do more, but as the great Russian memoirist Nadezhda Mandelstam reminded us, we can never afford to do less.

Madam Speaker, I urge all of my colleagues to join me in supporting the bedrock principle of respect for territorial integrity and sovereignty and support this measure.

On March 21, 2008, President Christofias and Turkish-Cypriot leader Talat agreed to establish working groups and technical committees as stipulated in the July 8, 2006, agreement for which the House of Representatives expressed its full support by passing H. Res. 405 last year. I am pleased that new comprehensive negotiations regarding the unification of Cyprus within a bizonal, bi-communal federation have recently begun.

I believe that the United States must play an active role in the resolution of the serious issues facing Cyprus. The relationship between Cyprus and the United States is strong and enduring, and we stand together celebrating democracy and freedom.

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Roger Allen at the Lennox Industries factory in Marshalltown, Iowa, and to express my appreciation for his dedication and commitment to the community, his co-workers and factory.

For 50 years, Roger has worked in many roles for Lennox Industries, which manufactures and installs residential and commercial air conditioning and heating systems. His most recent job was as a material handler and fork-lift operator in several areas of cooling assembly and fabrication. Roger was known for his superb customer service, spotless accident record, reliable attendance, knowledge of the factory and upbeat personality around his co-workers each day.

I know that my colleagues in the United States Congress join me in commending Roger Allen for his service to Lennox Industries and the Marshalltown, Iowa community. I consider it an honor to represent Roger in Congress, and I wish him and his wife Linda a long, happy and healthy retirement.
Chamber Action
Routine Proceedings, pages S9559–S9880
Measures Introduced: Thirty-seven bills and five resolutions were introduced, as follows: S. 3604–3640, S. Res. 686–689, and S. Con. Res. 104. Pages S9657–58

Measures Reported:
S. 3617, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States. (S. Rept. No. 110–509)
S. 3263, to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people. (S. Rept. No. 110–510)
S. 2281, to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve and for other purposes. (S. Rept. No. 110–511)
S. 2685, to prohibit cigarette manufacturers from making claims or representations based on data derived from the cigarette testing method established by the Federal Trade Commission. (S. Rept. No. 110–512)
S. 2699, to require new vessels for carrying oil fuel to have double hulls, with amendments. (S. Rept. No. 110–513)
Report to accompany S. 2136, to address the treatment of primary mortgages in bankruptcy. (S. Rept. No. 110–514)

Measures Passed:
International Medical Graduates: Committee on the Judiciary was discharged from further consideration of H.R. 5571, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and the bill was then passed, after agreeing to the following amendment proposed thereto:
Reid (for Conrad) Amendment No. 5654, to reduce the length of the waiver program extension. Pages S9573–74

Criminal History Background Checks: Senate passed S. 3605, to extend the pilot program for volunteer groups to obtain criminal history background checks.

Enforcement of Intellectual Property Rights Act: Senate passed S. 3325, to enhance remedies for violations of intellectual property laws, after agreeing to the committee amendments, and the following amendment proposed thereto:
Leahy Amendment No. 5655, in the nature of a substitute. Pages S9573–74

Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act: Senate passed S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:
Leahy (for Kennedy) Amendment No. 5656, of a perfecting nature. Pages S9590–91

FEMA Accountability Act: Senate passed S. 2382, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:
Nelson (FL) (for Lieberman/Pryor) Amendment No. 5657, in the nature of a substitute. Pages S9604–05

Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments: Senate passed H.R. 5265, to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle,
myotonic, and oculopharyngeal, muscular dystrophies, after agreeing to the following amendment proposed thereto: Pages S9605–06

Nelson (FL) (for Klobuchar) Amendment No. 5658, in the nature of a substitute. Pages S9605–06

Immigration and Nationality Act: Senate passed S. 3166, to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States.

Lights On Afterschool!: Senate agreed to S. Con. Res. 104, supporting “Lights On Afterschool!”, a national celebration of after school programs.

Mayor William “Bill” Sandberg Post Office Building: Senate passed S. 3309, to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the Mayor William “Bill” Sandberg Post Office Building.

Cpl. John P. Sigsbee Post Office: Senate passed H.R. 5975, to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the “Cpl. John P. Sigsbee Post Office”, clearing the measure for the President.

Sergeant Paul Saylor Post Office Building: Senate passed H.R. 6092, to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the “Sergeant Paul Saylor Post Office Building”, clearing the measure for the President.

Corporal Alfred Mac Wilson Post Office: Senate passed H.R. 6437, to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the “Corporal Alfred Mac Wilson Post Office”, clearing the measure for the President.

National Oceanic and Atmospheric Administration: Senate passed H.R. 5350, to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, after agreeing to the following amendment proposed thereto:

Whitehouse (for Shelby) Amendment No. 5663, to provide authority to NOAA to enter a no cost land lease for a NOAA facility.

Pechanga Band of Luiseno Mission Indians Land Transfer Act: Senate passed H.R. 2963, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, after agreeing to the committee amendments.

Nuclear Forensics and Attribution Act: Senate passed H.R. 2631, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, after agreeing to the committee amendment in the nature of a substitute.

Broadband Data Improvement Act: Senate passed S. 1492, to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Whitehouse (for Inouye) Amendment No. 5664, in the nature of a substitute.

Whitehouse (for Inouye) Amendment No. 5665 (to the language proposed by Amendment No. 5664), to make technical and minor changes to the substitute amendment.

Authority for Trust Land: Senate passed S. 3192, to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Tribe of Indians, the Coquille Indian Tribe, and the Confederated Tribes of the Siletz Indians of Oregon to obtain 99-year lease authority for trust land, after agreeing to the committee amendment in the nature of a substitute.

Presidential Historical Records Preservation Act: Senate passed S. 3477, to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence, after agreeing to the committee amendments, and the following amendment proposed thereto:

Whitehouse (for Lieberman) Amendment No. 5666, to authorize the establishment of databases.

Hydrographic Services Improvement Act Amendments: Senate passed S. 1582, to reauthorize and amend the Hydrographic Services Improvement Act, after withdrawing the committee amendments, and the following amendment proposed thereto:

Whitehouse (for Inouye) Amendment No. 5667, in the nature of a substitute.

National Sea Grant College Program Amendments Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 5618, to reauthorize and amend the National Sea Grant College Program Act, and the
bill was then passed, after agreeing to the following amendment proposed thereto:

Whitehouse (for Inouye) Amendment No. 5668, in the nature of a substitute.

**United States Postal Service Air Transportation Contracts:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3536, to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and the bill was then passed.

**Production of Records:** Senate agreed to S. Res. 686, to authorize the production of records.

**Authorization of Testimony and Legal Representation:** Senate agreed to S. Res. 688, to authorize testimony and legal representation in *People of the State of Michigan v. Sereal Leonard Gravlin*.

**Printing Authorization:** Senate agreed to S. Res. 689, to authorize the printing of a revised edition of the Senate Rules and Manual.

**Shawn Bentley Orphan Works Act:** Senate passed S. 2913, to provide a limitation on judicial remedies in copyright infringement cases involving orphan works, after to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Whitehouse (for Kyl) Amendment No. 5669, to modify provisions relating to diligent efforts, guide searches, recommend prices, imitations on injunctive relief.

**Old Post Office Building Redevelopment Act:** Senate passed H.R. 5001, to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia, clearing the measure for the President.

**Hazardous Waste Electronic Manifest Establishment Act:** Senate passed S. 3109, to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system, after agreeing to the following amendment proposed thereto:

Whitehouse (for Thune) Amendment No. 5672, in the nature of a substitute.

**Mercury Market Minimization Act:** Senate passed S. 906, to prohibit the sale, distribution, transfer, and export of elemental mercury, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Whitehouse (for Boxer) Amendment No. 5673, in the nature of a substitute.

**Alcohol and Drug Addiction Recovery Day:** Senate agreed to S. Res. 659, designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day.

**AARP 50th Anniversary:** Committee on the Judiciary was discharged from further consideration of S. Res. 666, recognizing and honoring the 50th anniversary of the founding of AARP, and the resolution was then agreed to.

### Measures Considered:

**Economic Stimulus Bill:** Senate began consideration of the motion to proceed to consideration of S. 3604, making emergency supplemental appropriations for economic recovery for the fiscal year ending September 30, 2008.

During consideration of this measure today, Senate also took the following action:

By 52 yeas to 42 nays (Vote No. 206), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill.

A unanimous-consent agreement was reached providing that having failed to achieve 60-affirmative votes, the motion to proceed to consideration of the bill, be withdrawn.

**Advancing America’s Priorities Act:** Senate resumed consideration of the motion to proceed to consideration of S. 3297, to advance America’s priorities.

### House Messages:

**Department of Homeland Security Appropriations Act/Continuing Resolution for Fiscal Year 2009:** Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, taking action on the following motion and amendments proposed thereto:

Pending:

Senator Reid entered a motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill.

Reid Amendment No. 5660 (to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill), to establish the enactment date.
Reid Amendment No. 5661 (to Amendment No. 5660), of a perfecting nature.

A motion was entered to close further debate on the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to bill with Reid Amendment No. 5660 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, September 25, 2008, a vote on cloture will occur at 10:00 a.m. on Saturday, September 27, 2008.

A unanimous-consent agreement was reached providing that the above-listed action with respect to the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638, be vitiated.

Department of Homeland Security Appropriations Act/Consolidated Security, Disaster Continuing Resolution: Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, taking action on the following motion and amendments proposed thereto:

Pending

Senator Whitehouse (for Reid) entered a motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill.

Whitehouse (for Reid) Amendment No. 5670 (to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill), to establish the enactment date.

Whitehouse (for Reid) Amendment No. 5671 (to Amendment No. 5670), of a perfecting nature.

A motion was entered to close further debate on the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Friday, September 26, 2008, a vote on cloture will occur at 10 a.m. on Saturday, September 27, 2008.

A unanimous-consent agreement was reached providing that no motion to refer be in order the pending of the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638.

A unanimous-consent-time agreement was reached providing that at 9:30 a.m. on Saturday, September 27, 2008, Senate continue consideration of the amendment of the House of Representatives to the amendment of the Senate to the bill; that the time until 10 a.m. be equally divided between the Majority and Republican Leaders, or their designees; and that at 10 a.m. Senate vote on the motion to invoke cloture on the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill.

Appalachian Regional Development Act Amendments: Senate concurred in the amendment of the House of Representatives to S. 496, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965, clearing the measure for the President.

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

- International Convention on Control of Harmful Anti-Fouling Systems on Ships, 2001 (Treaty Doc. 110–13) with 2 declarations; and
- CCW Protocol on Explosive Remnants of War (Treaty Doc. 109–10(C)) with 1 understanding and 1 declaration.

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:


The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Nominations Confirmed: Senate confirmed the following nominations:

- Clark Waddoups, of Utah, to be United States District Judge for the District of Utah.
- Michael M. Anello, of California, to be United States District Judge for the Southern District of California.
- J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.

(Prior to this action, Select Committee on Intelligence was discharged from further consideration.)

- Christine M. Arguello, of Colorado, to be United States District Judge for the District of Colorado.
- Philip A. Brimmer, of Colorado, to be United States District Judge for the District of Colorado.
- Mary Stenson Scriven, of Florida, to be United States District Judge for the Middle District of Florida.
Anthony John Trenga, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Eric F. Melgren, of Kansas, to be United States District Judge for the District of Kansas.

Mitchell S. Goldberg, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

C. Darnell Jones II, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Joel H. Slomsky, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

F. Chase Hutto III, of Michigan, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy).

Michael S. Doran, of New Jersey, to be an Assistant Secretary of State (International Information Programs).

Paul A. Quander, Jr., of the District of Columbia, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia for a term of six years.

Philip P. Simon, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

Kathryn A. Oberly, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

John Grasty Crews II, of New Mexico, to be Inspector General, Small Business Administration.

Chas Fagan, of North Carolina, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

JoAnn Falletta, of New York, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2012.

Lee Greenwood, of Tennessee, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

Barbara Ernst Prey, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

Irvin Mayfield, of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

1 Air Force nomination in the rank of general.
1 Army nomination in the rank of general.
House of Representatives

**Chamber Action**

Public Bills and Resolutions Introduced: 63 public bills, H.R. 7110–7172; 1 private bill, H.R. 7173; and 7 resolutions, H. Con. Res 434-436; and H. Res. 1508–1511, were introduced.

Additional Cosponsors: Pages H10129–32

Reports Filed: Reports were filed today as follows:
- H. Res. 1507, providing for consideration of the bill (H.R. 7110) making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009 (H. Rept. 110–891);
- H. Res. 1224, commending the Tennessee Valley Authority on its 75th anniversary (H. Rept. 110–892);
- H.R. 6707, to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, with an amendment (H. Rept. 110–893); and

Speaker: Read a letter from the Speaker wherein she appointed Representative Solis to act as Speaker pro tempore for today.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Thursday, September 25th:

**Bulletproof Vest Partnership Grant Act of 2008:** H.R. 6045, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012, by a 2⁄3 yea-and-nay vote of 404 yeas to 2 nays, Roll No. 647;

**ALS Registry Act:** S. 1382, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry, by a yea-and-nay vote of 415 yeas to 2 nays, Roll No. 650—clearing the measure for the President;

**Poison Center Support, Enhancement, and Awareness Act of 2008:** S. 2932, to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States, by a 2⁄3 recorded vote of 403 ayes to 6 noes, Roll No. 653—clearing the measure for the President;

**Effective Child Pornography Prosecution Act:** Agreed to the Senate amendment to H.R. 4120, to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, by a 2⁄3 yea-and-nay vote of 418 yeas with none voting “nay”, Roll No. 656—clearing the measure for the President;

**Expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur “Jack” Johnson:** H. Con. Res. 214, to express the sense of Congress that the President should grant a posthumous pardon to John Arthur “Jack” Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation; and

**Senior Professional Performance Act of 2008:** S. 1046, to modify pay provisions relating to certain senior-level positions in the Federal Government, by a 2⁄3 yea-and-nay vote of 419 yeas with none voting “nay”, Roll No. 659—clearing the measure for the President.

Privileged Senate Message: The House received a privileged message from the Senate requesting that the House return to the Senate the bill H.R. 3068, to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

Renewable Energy and Job Creation Tax Act of 2008: The House passed H.R. 7060, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, and to provide individual income tax relief, by a yea-and-nay vote of 257 yeas to 166 nays, Roll No. 649.

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Camp (MI) motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 220 yeas to 198 nays, Roll No. 648.

H. Res. 1502, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of
215 yeas to 188 nays, Roll No. 646, after agreeing to order the previous question by a yea-and-nay vote of 206 yeas to 186 nays, Roll No. 645. Consideration of the rule began on Thursday, September 25th.

Pursuant to the rule, H. Res. 1489 and H. Res. 1501 are laid on the table.

Providing for consideration of motions to suspend the rules: The House agreed to H. Res. 1491, to provide for consideration of motions to suspend the rules, by a yea-and-nay vote of 222 yeas to 196 nays, Roll No. 652, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 192 nays, Roll No. 651.

Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules: The House agreed to H. Res. 1490, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, by a yea-and-nay vote of 216 yeas to 203 nays, Roll No. 655, after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 198 nays, Roll No. 654.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 1 p.m. on Sunday, September 28th.

Making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009: The House passed H.R. 7110, to make supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, by a yea-and-nay vote of 264 yeas to 158 nays, Roll No. 659, after agreeing to order the previous question by a yea-and-nay vote of 223 yeas to 197 nays, Roll No. 652.

Runaway and Homeless Youth Protection Act: The House agreed by unanimous consent to S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations—clearing the measure for the President.

Congratulating the 200th Anniversary of the University of Maryland School of Medicine: The House agreed to discharge from committee and agree to H. Res. 870, to congratulate the 200th Anniversary of the University of Maryland School of Medicine.

Expressing support for the goals of the National Step Up For Kids Day: The House agreed to discharge from committee and agree to H. Res. 1430, to express support for the goals of the National Step Up For Kids Day by promoting national awareness of the needs of the children, youth, and families of the United States, celebrating children, and expressing the need to make their future and well-being a national priority.

Expressing the sense of the House of Representatives that a National Historically Black Colleges and Universities Week should be established: The House agreed to discharge from committee and agree to H. Res. 135, as amended, to express the sense of the House of Representatives that a National Historically Black Colleges and Universities Week should be established.
Commending Barter Theatre on the occasion of its 75th anniversary: The House agreed to discharge from committee and agree to H. Con. Res. 416, to commend Barter Theatre on the occasion of its 75th anniversary.

Acknowledging the accomplishments and goals of the Youth Impact Program: The House agreed to discharge from committee and agree to H. Res. 1413, to acknowledge the accomplishments and goals of the Youth Impact Program.

Native American Heritage Day Act of 2008: The House agreed by unanimous consent to agree to the Senate amendment to H. J. Res. 62, to honor the achievements and contributions of Native Americans to the United States—clearing the measure for the President.

Recognizing the first full week of April as "National Workplace Wellness Week": The House agreed to discharge from committee and agree to H. Con. Res. 405, to recognize the first full week of April as "National Workplace Wellness Week".

Congratulating the Adrian College Bulldogs men's hockey team: The House agreed to discharge from committee and agree to H. Res. 1059, as amended, to congratulate the Adrian College Bulldogs men's hockey team for winning the Midwest Collegiate Hockey Association regular season title and postseason tournament and for having the best first year win-loss record in Division III history.

Recognizing and honoring birthparents who carry out an adoption plan: The House agreed to discharge from committee and agree to H. Con. Res. 239, as amended, to recognize and honor birthparents who carry out an adoption plan.

Agreed to amend the title so as to read: "Recognizing and acknowledging the important role of adoption, and commending all parties involved, including birthparents who carry out an adoption plan, adoptive families, and adopted children."


Adjournment: The House met at 9 a.m. and adjourned at 9:23 p.m.

Committee Meetings

CHAPTER 11 BANKRUPTCY
Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on Lehman Brothers, Sharper Image, Bennigan's, and Beyond: Is Chapter 11 Bankruptcy Working? Testimony was heard from public witnesses.

JOB CREATION AND UNEMPLOYMENT RELIEF ACT OF 2008
Committee on Rules: Committee granted, by a non-record vote, a rule providing for consideration of H.R. 7110, the "Job Creation and Unemployment Relief Act of 2008." The rule provides 1 hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill (except for clause 10 of rule XXI). The rule waives all points of order against the bill and provides that the bill shall be considered as read. The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Chairman Obey and Representative Lewis of California.

NEW PUBLIC LAWS

Senate Messages: Messages received from the Senate today appear on pages H9981, H10058, H10059, and H10075.

Senate Referrals: S. 3128 was referred to the Committee on Natural Resources; S. 3597 was referred to the Committee on Agriculture; S. 3598 was referred to the Committee on the Judiciary and the Committee on Transportation and Infrastructure; S. 3605 and S. 3166 were referred to the Committee on the Judiciary; S. 2382 was referred to the Committee on Transportation and Infrastructure; S. Con. Res. 104 was referred to the Committee on Education and Labor; and S. 2982, S. 1738, S. 3606, S. 3525, S. 2304, and S. 3309 were held at the desk.
Next Meeting of the SENATE
9:30 a.m., Saturday, September 27

Program for Saturday: Senate will continue consideration of motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638, Department of Homeland Security Appropriations Act/Consolidated Security, Disaster Continuing Resolution, and after a period of debate, vote on the motion to invoke cloture thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES
9:30 a.m., Saturday, September 27

Program for Saturday: To be announced.

Extensions of Remarks, as inserted in this issue

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