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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Lord of the nations, we come as we are today into Your sacred presence. Lord, we feel unworthy of Your mercy and grace and long to please You by living to honor Your Name. Some of us are cornered by temptation, others are deep in grief, and still others are anxious about tomorrow. Supply our very needs according to the riches of Your powerful providence.

In a special way, sustain our Senators. Help them to cast their burdens on You because You know all about them and have the power to answer even before they call. Remind them that You desire to hear their prayers more than they long to be heard. May they remember Your promise to keep them from stumbling and slipping.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 17, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be an hour of morning business, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes; Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 146, the legislative vehicle for the lands package. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus lunches.

SENATE AGENDA

Mr. REID. Madam President, as a result of a number of conversations with various people last night, I think we are at a point where we should shortly be able to enter into an agreement to complete H.R. 146. Senator COBURN is going to offer six amendments. We are going to agree on a time for those amendments. We have the subject matter, and staff is going to work out the—I am told the legislative language has been drafted on the bills, so it seems to me we should be in a position to move forward. With the six amendments, we should be able to finish the legislation without a lot of heavy lifting tomorrow—maybe early tomorrow—which would allow us to do some nominations and get some of those done before we leave here. So I hope that will work out. We are not there yet, but I think we are very close.

I had a meeting this morning with Senator BINGAMAN. He understands the subject matter of the amendments—he being the chair of the Energy Committee, which has the jurisdiction of everything in this bill—so that should take care of that matter.

I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam 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.

RECOGNITION OF THE MINORITY LEADER

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

AIG BONUSES

Mr. MCCONNELL. Madam President, over the weekend we learned the extent of the bonuses being paid to some of the same people at AIG who got this company in the position it is in. Many of us on both sides of the aisle expressed absolute outrage that these bonuses could be paid. Yesterday, the White House joined that chorus and promised to do everything possible to get the taxpayers' money back. Well, we certainly appreciate those efforts. However, it could have been handled a little differently. It would have been better if this pledge had included action 2 weeks ago. Just 2 weeks ago, the

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

Treasury agreed to give AIG another $30 billion in taxpayer money—just within the last 2 weeks. For example, wouldn't the Treasury and the taxpayer have had more leverage over AIG's executive contracts before providing another $30 billion in tax money for them? Once that money was handed over to AIG, the leverage was lost. That would have been the perfect time to make sure this didn't happen.

It is my hope the Treasury will be vigilant in safeguarding taxpayer funds from here on. I certainly expect them to look for every possible legal way to live up to the pledge made yesterday on behalf of the taxpayers of the United States.

GUANTANAMO BAY

Mr. MCCONNELL. Madam President, a lot has been written over the past several days about the inmates at Guantanamo, and none of it makes the administration's decision to shut this facility down by the end of the year any less challenging than it already was. This is an issue which has grave implications for our Nation's security, and we really need to get it right. So this morning, I wish to spend a few minutes explaining why the administration would do well to reconsider its approach to Guantanamo, an approach that looks even hastier now than when it was first announced back in January.

One of the most obvious problems the administration faces on this issue is what to do with these inmates once Guantanamo is closed. This is not a new concern. Ever since the United States started using Guantanamo as a detention facility after the invasion of Afghanistan, Government officials and legal thinkers have tried to come up with ways of dealing with enemy combatants who don't fall into the traditional categories of war. No one denies that the United States is legally entitled to capture and to hold enemy fighters to prevent them from returning to battle, but their release and repatriation have proved to be extremely complicated. As the years have passed, these questions have become even more complicated—not less—than they were back in 2001.

Just this week, a number of European countries that had previously offered to help the administration find a new home for about 60 of the remaining 241 inmates at Guantanamo began to backpedal. Some of these countries now indicate they won't take any of these inmates unless the United States agrees to take some of them as well and agrees to put them in American prisons. This is clearly a dodge since the American people appear to be even less interested in housing these inmates than the Europeans are. Well, if there is no place for these terrorists to go in Europe and no place for them to go in the United States, an obvious question arises: Where else can they go? At the moment, there is no answer to that most important question.

When the question of sending detainees to U.S. soil was put to the Senate in the summer of 2007, the vote against it was 94 to 3. We had that vote right here in the Senate in the summer of 2007, and by a vote of 94 to 3 Members of the Senate said they did not want these Guantanamo prisoners on U.S. soil. This is not only a good reflection of where public opinion is on the issue, it is also notable that four of the votes cast were Senators from Kansas and Colorado, States that are most often mentioned as possibilities to house the inmates. One of these Senators, Ken Salazar, is now in the Obama administration, and former Kansas Governor Kathleen Sebelius, who also opposes sending inmates to Kansas, is the administration's pick to head the Department of Health and Human Services. So the bottom line here is that it is hard to find anyone anywhere, even inside the Obama administration, who wants their State to become the next home to captured violent terrorists.

Now, there is a reason no one wants to have these guys nearby. Over the years, the pool of prisoners at Guantanamo has become only more dangerous, not less, and those who remain include dozens of proud and self-proclaimed—proud and self-proclaimed—members of al-Qaida. Many have been directly linked to some of the worst terrorist attacks in history, including some who had direct knowledge—direct knowledge—of September 11. Others have trained or funded terrorists, made bombs or presented themselves as potential suicide bombers.

We recently got a vivid glimpse into the minds of these men when a number of them responded in writing to the Government's charges against them. Here are some of the excerpts from the document which was signed by five men whose names appear on the chart right behind me:

With regard to these nine accusations that you are putting us on trial for—

So said one of the terrorists—

to us, they are not accusations. To us, they are badges of honor which we carry with pride . . . therefore, killing you and fighting you, destroying you and terrorizing you, responding back to your attacks, are all considered to be great legitimate duty in our religion.

Later on, these men refer to the September 11 attacks as ''the blessed 11 September operation.''

Toward the end of the document, they make a statement and a prediction. Here is what they said:

We ask to be near to God, we fight you and destroy you and terrorize you. . . . your end is very near and your fall will be just as the fall of the towers on the blessed 9/11 day. . . . so we ask from God to accept our contributions to the great attack, the great attack on America, and to place our nineteen martyred brethren among the highest peaks in paradise. . . .

One of the most chilling statements in the document is the simple assertion by these men, quoted on the chart behind me:

We are terrorists to the bone.

''We are terrorists to the bone.''

This is how they see themselves. These are the men the administration wants to release from Guantanamo?

Not only are most of the remaining inmates at Guantanamo extremely dangerous, they are also increasingly likely to return to battle if they are transferred back to their home countries. According to Pentagon reports, detainees who have been released from Guantanamo appear to be reengaging in terrorism at higher rates, with the current rate of those either suspected or confirmed of reengaging in terrorism at about 12 percent. About 12 percent of those who have been released are back in the fight.

More than a third of the detainees who have already been released were from Saudi Arabia, which has its own detention and rehabilitation system. But our confidence in that system has been shaken by recent reports that Saudi detainees who returned home have gone back to fighting.

Last month, two Saudis who were released from Guantanamo and who passed through the Saudi rehabilitation program appeared in a video as members of al-Qaida in Yemen. One of them, Ali al-Shihri, is thought to have been involved in a deadly bombing on the U.S. Embassy in Yemen last September.

Al-Shirhi was released to Saudi Arabia from Guantanamo in 2007.

Even more worrisome than the Saudi detainees, however, is the prospect of releasing Yemeni detainees to Yemen since Yemen has shown little ability to control even the most dangerous terrorists we release. Of the 100 Yemenis who remain at Guantanamo, about 15 have been cleared for transfer to Yemen. Another 15 may face trial in the United States. Some of the remaining Yemenis could go to Saudi Arabia, but the Yemeni Government is protesting the move.

Other inmates who have been released have shown up on the battlefield in places like Pakistan and Iraq. One former inmate from Kuwait traveled to Syria after his release, snuck into Iraq, and plotted attacks against U.S. forces there. He eventually drove a truck packed with explosives into a joint American and Iraqi military training camp, blowing himself up, and killing 13 Iraqi soldiers.

Each one of these concerns is serious enough to warrant a reconsideration of the administration's decision to close the detention facility at Guantanamo Bay. Taken together it is hard to imagine the administration is not already having second thoughts. Of the alternatives that have been considered, some, like a transfer of detainees to Europe, may no longer be viable.

But even if these inmates were sent to Europe, one all-important question would remain: What then? Will they be released? With a recidivism rate now hovering around 12 percent, this is a risk that is simply too dangerous to take—especially when it only takes

one terrorist to inflict unimaginable horror.

According to the European Union's own rules, a detainee who is released within a 25-nation area within the EU is free to move about these countries without even a passport check. A member of al-Qaida who is sent to Europe and subsequently released could easily reenter a transnational terrorist network—and the recidivism rate suggests that this is not at all unlikely.

Guantanamo itself, on the other hand, has proven to be a completely secure facility: in more than 7 years of use, not a single prisoner has escaped Guantanamo to maim or kill a single innocent person. Let me repeat that: in the more than 7 years that we have used Guantanamo as a detention facility, not a single prisoner out of the roughly 800 who have been housed there has escaped to maim or kill a single innocent person.

No one has credibly argued that the inmates are poorly treated: three meals a day, a full library or books, magazines, and DVDs, and medical care that is said to be excellent. Indeed, one European official who visited in 2006 called Guantanamo ''a model'' prison and better than the ones in Belgium. This is not Abu Ghraib.

Attorney General Eric Holder is in charge of the review of the detention facility at Guantanamo Bay. He captured the dilemma over Guantanamo after a recent trip there when he offered a glowing report on the facility, said the prisoners were being treated well—and then reiterated the administration's intent to close it within the year. On some level, the Attorney General must realize how illogical this seems. If he doesn't, then for the sake of the safety of the United States and its citizens, it is my hope that he realizes it before the end of the year.

President Obama was right and courageous to rethink an artificial deadline on withdrawing U.S. forces from Iraq. As we approach another artificial deadline, it is my hope that he rethinks this decision irrespective of what they may think in certain European capitals. Any shift in our policy on these detainees must meet a simple test: Will it keep us as safe as Guantanamo has from men like the ones whose names appear behind me? If the answer is no, then the policy we have is best. At the moment, the only safe option is to keep the inmates at Guantanamo in one place—and that's right where they are.

Mr. President, I ask unanimous consent to have printed in the RECORD the court order to publish the Islamic Response to the Government's nine accusations and the Response itself.

UNITED STATES OF AMERICA v. KHALID SHEIKH MOHAMMED, WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH, RAMZI BIN AL SHIBH, ALI ABDULAZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI

D–101—Commission Order Regarding Pro Se Filing: ''The Islamic Response to the Government's Nine Accusations''

1. On 5 March 2009, the Commission received and reviewed in chambers D–101, an unclassified document titled ''The Islamic Response to the Government's Nine Accusations'', filed pro se by the above named Accused.

2. The Commission directs that copies of this pleading be served upon the prosecution and defense counsel of record, to include stand-by counsel. The Commission further directs the pleading be provided to the Clerk of Court for immediate public release.

3. As this pleading seeks no specific relief, no responses are required by either the prosecution or defense.

4. The Clerk of Court is directed to have this order translated into Arabic and served upon each of the Accused

So Ordered this 9th day of March, 2009:

STEPHEN R. HENLEY,
Colonel, U.S. Army,
Military Judge.

UNITED STATES OF AMERICA vs. KHALID SHEIKH MOHAMMED, WALID BIN 'ATTASH, RAMZI BIN AL SHIBH, 'ALI 'ABD AL-'AZIZ 'ALI, MUSTAFA AHMED AL-HAWSAWI

THE ISLAMIC RESPONSE TO THE GOVERNMENT'S NINE ACCUSATIONS''

In the Name of Allah, the Most Merciful, the Most Compassionate

The 9/11 Shura' Council

Many thanks to God who revealed the Torah, the Bible, and the Quran, and may God praise his messenger, the prophet Mohamed, so that he causes mercy to the two realms. Also, may God praise the prophet's household, his entire companionship, and his followers until judgment day.

With regards to these nine accusations that you are putting us on trial for; to us, they are not accusations. To us they are badges of honor, which we carry with pride. Many thanks to God, for his kind gesture, and choosing us to perform the act of Jihad for his cause and to defend Islam and Muslims. Therefore, killing you and fighting you, destroying you and terrorizing you, responding back to your attacks, are all considered to be great legitimate duty in our religion. These actions are our offerings to God. In addition, it is the imposed reality on Muslims in Palestine, Lebanon, Afghanistan, Iraq, in the land of the two holy sites [Mecca and Medina, Saudi Arabia], and in the rest of the world, where Muslims are suffering from your brutality, terrorism, killing of the innocent, and occupying their lands and their holy sites. Nevertheless, it would have been the greatest religious duty to fight you over your infidelity. However, today, we fight you over defending Muslims, their land, their holy sites, and their religion as a whole.

The following is our Islamic response back to your nine untenable, just like a spider web, accusations:

First, ''the conspiracy accusation'':

This is a very laughable accusation. Were you expecting us to inform you about our secret attack plans? Your intelligence apparatus, with all its abilities, human and logistical, had failed to discover our military attack plans before the blessed 11 September operation. They were unable to foil our attack. We ask, why then should you blame us, holding us accountable and putting us on trial? Blame yourselves and your failed intelligence apparatus and hold them accountable, not us.

With regards to us, we were exercising caution and secrecy in our war against you. This is a natural matter, where God has taught us in his book, verse 71 from An-Nisa: ((O you believers! Take your precautions, and either go forth (on an expedition) In parties, or go forth together.))

Also, as the prophet has stated: ''War is to deceive.''

With regards to the second. third, and forth accusations: ''Attacking civilians.'' ''Attacking civilian objects.'' and ''deliberately causing grave bodily harm'':

We ask you; who initiated the attacks on civilians? Who is attacking civilian objects? And who is causing grave bodily harm against civilians? Is it us, or is it you?

You are attacking us in Palestine and Lebanon by providing political, military, and economic support to the terrorist state of Israel, which in turn, is attacking unarmed innocent civilians. In addition, Israel attacks Palestinian and Lebanese civilian objects by bombing them and destroying them. Furthermore, Israel is causing grave bodily harm by using weapons that are forbidden internationally, such as: cluster bombs in Lebanon and the rubber and live ammunitions in Palestine and breaking bones of Palestinian children. Moreover, the Israeli criminal list is long and endless, against civilians in Lebanon and Palestine.

In addition, was it not you that attacked an entire population in Iraq, destroying civilian targets and its infrastructure? Was it not you that has killed one million Iraqi children caused by your oppressed economic sanctions, which you imposed after the first Gulf War?

In fact, it was you who had wiped out two entire cities off the face of the earth and killed roughly half a million people in a few minutes and caused grave bodily harm by nuclear radiation? Did you forget about your nuclear bombs in Hiroshima and Nagasaki?

You are the last nation that has the right to speak about civilians and killing civilians. You are professional criminals, with all the meaning the words carry. Therefore, we will treat you the same. We will attack you, just like you have attacked us, and whomever initiated the attacks is the guilty party.

In God's book, verse 193, Al-Baqara, he states: ((The sacred month is for the sacred month, and for the prohibited things, there Is the law of equality. Then, whoever transgresses the prohibition against you, you transgress likewise against him.))

God stated, in verse 179, Al-Baqarah: ((And there is (a saving of) life for you in Al-Qisas (The law of equality in punishment), O men of understanding, that you may become A-Muttaquin (the pious).))

God also stated, in verse 40, Al-Shura: ((The recompense for an evil is an evil like thereof.))

In verse 45, Al-Maida: ((Life for life, eye for an eye, nose for a nose, ear for an ear, tooth for a tooth, and wounds equal for equal.))

In verse 193, Al-Baqara: ((. . . Let there be no hostility except to those who practice oppression.))

With regards to accusations five and six. ''Crimes in violation of the law of war.'' and ''Destroying property in violation of the law of war'':

Who is breaking the law of war in this world? Is it us, or is it you? You have disobeyed all heaven and earth's laws of war, to include your own laws.

You have violated the law of war by supporting the Israeli occupation of Arab land in Palestine and Lebanon, and for displacing five million Palestinians outside their land.

You have supported the oppressor over the oppressed and the butcher over the victim.

Also, you have violated the law of war by attacking an independent sovereign Arab nation with your first crusade campaign in 1991. By force, you have occupied the Arabian Peninsula and the Gulf. In addition, today, you are occupying Iraq and Afghanistan.

Also, you have violated all laws of war, and in particular, your treatment of Prisoners of War, in Afghanistan and Iraq. We are the best example of such violations and your ''Black Sites'' for torturing prisoners. This, and with your ''Abu-Ghurayb'' prison in Iraq. Guantanamo camps are witness to all of that.

So, you are the first class war criminals, and the whole world witnesses this. You have no values and ethics and no principles. You are a nation without a religion. On the other hand, we are a great nation, with a great religion, values, ethics, and principles, which we comply with and follow, and we invite people to following our ways. History will testify on our actions. You should look back at Salah Al-Din and how ethically he treated your crusader ancestors that were prisoners to him.

We fight you to defense our nation, our religion, and our land. All heavenly and earthly laws guarantee our rights to do so. We, Muslims, are content with God's book, the Quran, to fight you with. God has granted us to fight, in verse 39, Al-Hajj: ((To those against whom war is waged, permission is given (to fight,) because they are wronged and verily, Allah is most powerful for their aid.))

God stated in his book, verse 190, Al-Baqara: ((And fight in the way of Allah those who fight you, but be not the transgressor, Allah likes not the transgressors.))

With regards to the seventh accusation, ''Hijacking and/or endangering a vessel or an aircraft'':

In return, we ask you: Which is more dangerous; Hijacking and/or endangering a vessel or an aircraft, or endangering an entire population with a military occupation, killing and endangering innocent civilians by starving them with an economic sanction?

If you do not respect the innocent in our countries, then we will do the same, by exposing you to danger and hijacking in the air, at sea, and land.

In God's book, he ordered us to fight you everywhere we find you, even if you were inside the holiest of all holy cities, The Mosque in Mecca, and the holy city of Mecca, and even during sacred months.

In God's book, verse 9, Al-Tawbah: ((Then fight and slay the pagans wherever you find them, and seize them, and besiege them and lie in wait for them in each and every ambush.))

Remember, that you are the ones who attacked the Iranian civilian aircraft, flight 655, in 1988 with your Cruise missiles over the Hermuz straights, killing all of its 290 passengers, among them 66 children. They are still shedding tears today over your victims. Does your blood have a value and the blood of Muslims not?

With regards to the ''Terrorism'' accusations:

Who are the real terrorists? Is it us, or is it you? America is the terrorist country number one in the world. Is has nuclear weapons of mass destruction, and the hydrogen bombs, and the biological weapons, and its ocean fleets are around the world, threatening countries' security and safety and any country that is not subjected to its oppressed will.

In addition, America is the main shepherd of the main support to the Israeli terrorism against Muslims in the occupied state of Palestine, and also support and bond with the terrorist governments of the Arab and Islamic world, which, in turn, oppress and suppress their own people that are calling for freedom, and the application of Islamic law.

We do not possess your military might, not your nuclear weapons. Nevertheless, we fight you with the almighty God. So, if our act of Jihad and our fighting with you caused fear and terror, then many thanks to God, because it is him that has thrown fear into your hearts, which resulted in your infidelity, paganism, and your statement that God had a son and your trinity beliefs.

God stated in his book, verse 151, Al-Umran: ((Soon shall we cast terror into the hearts of the unbelievers, for that they joined companies with Allah, for which he has sent no authority; There place will be the fire; and evil is the home of the wrongdoers.))

God also stated in his book, verse 60, Al-Anfal: ((Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into the heart of the enemies of Allah and your enemies.))

Also, God has informed us, in his book, of what is in your heart from fear and terror towards us, and that you fear and have been terrorized from us more than God himself. Verse 13, Al-Hashir: ((Of a truth you (Muslims) are more feared in their (the infidels from Christians, Jews, and others) hearts, than Allah. This is because they are men devoid of understanding.))

Therefore, you do not fight us face-to-face, man-to-man. But rather, you fight us from behind roadblocks, trenches, and warplanes, which are thousands of feet in the air.

Your status in Iraq and Afghanistan does not need any further explanation. God has demonstrated to us your mental and your defeated fighting moral status.

God has stated in his book, verse 14, Al-Hashir: ((They fight not against you even together, except in fortified townships, or from behind walls, their enmity among themselves is very great, you would think that they were united, but their hearts are divided. That is because they are a people who understand not.))

Our prophet was victorious because of fear. At a month distant, the enemy did not hear from him.

So, our religion is a religion of fear and terror to the enemies of God: the Jews, Christians, and pagans. With God's wiling, we are terrorists to the bone. So, many thanks to God.

The Arab poet, Abu-Ubaydah Al-Hadrami, has stated: ((We will terrorize you, as long as we live with swords, fire, and airplanes.))

With regards to the ninth accusation. ''Material support to terrorism'':

America is the number one, and the largest country in the world, in spreading military might and terrorism. Also, America is the principle and greatest supplier to the occupying terrorist state of Israel in Palestine. Also, America supports and finances the terrorist regimes that govern the countries of the Arab world, such as Egypt, Saudi Arabia, and Pakistan.

Nevertheless, we are defending our rights, land, religion, and our oppressed Muslim brethrens around the world. Therefore, we would spend all of our money and properties for this cause. This is not strange, since Muslims are all part of the same Umma.

We will make all of our materials available, to defend and deter, and egress you and the filthy Jews from our countries.

God has ordered us to spend for Jihad in his cause. This is evident in many Quranic verses.

Verse 195, Al-Baqara: ((And spend of your substance in the cause of Allah, and make not your own hands contribute to your destruction, but do good; for Allah loves those who do good.))

We ask to be near to God, we fight you and destroy you and terrorize you. The Jihad in god's cause is a great duty in our religion. We have news for you, the news is: You will be greatly defeated in Afghanistan and Iraq and that America will fall, politically, militarily, and economically. Your end is very near and your fall will be just as the fall of the towers on the blessed 9/11 day. We will raise from the ruins, God willing. We will leave this imprisonment with our noses raised high in dignity, as the lion emerges from his den. We shall pass over the blades of the sword into the gates of heaven.

So we ask from God to accept our contributions to the great attack, the great attack on America, and to place our nineteen martyred brethren among the highest peaks in paradise.

God is great and pride for God, the prophet, and the believers. . . .

Signed: The 9/11 Shura Council
Khalid Sheikh Mohammed
Ramzi bin As-Shibh
Walid bin 'Attash
Mustafa Ahmed Al-Hawsawi
'Ali 'abd Al-'Aziz 'Ali
Sunday, 3/1/1429h
Guantanamo Bay, Cuba

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

Mr. REID. Madam President, I certainly agree with the Republican leader about AIG. If I were in the AIG administration, I would recommend they give back those bonuses. Remember, we as a Congress are not defenseless. We can also do things. Senator BAUCUS, chairman of the Finance Committee, is going to make a proposal that will certainly send a message to the people at AIG and others who try to benefit from the hardships the American people face. So in the next 24 hours, you will hear from the chairman of the Finance Committee, Senator BAUCUS, that AIG's recipients of these bonuses will not be able to keep all their money. That is an understatement.

Also, regarding Guantanamo, I think we should not make this a political issue. JOHN MCCAIN has come out in favor of this. ''I think that it's a wise move,'' MCCAIN said about closing Guantanamo Bay. So this is something President Obama is not out there alone on.

AMERICA'S ECONOMY

Mr. REID. Madam President, 8 years of greed and negligence have left our country with the worst economic crisis since the Great Depression. President Obama took office in an economic climate that no President would relish: staggering job loss, the largest national debt in history, a frozen credit market, major banks teetering on the edge of insolvency, a record foreclosure rate forcing millions of families to lose their jobs and their homes, a stock market in freefall, leaving senior citizens to put retirement on hold and putting the economic security of millions more at risk.

The first job of any doctor is to stabilize a patient. In the first 2 months of

his administration, President Obama has started to stop the bleeding and begun to heal our economy. The cornerstone of the President's near-term plan to end the freefall he inherited is the Economic Recovery Act, which will save and create 3.5 million jobs, while making critically needed investments in roads, bridges, tunnels, education, health care, and energy.

President Obama, along with Democrats in Congress, understands that as deep as our immediate problems may be, the worst mistake we could make is to stop investing for the future.

That is why the President's budget proposal lays the groundwork for an economy that just doesn't recover in the short term but also prospers in the long term. That starts with ending the previous administration's era of passing the buck, refusing to make tough choices, to plan for the future, or to hold anyone accountable for greed and corruption.

There will be no accounting tricks in the Obama budget. There will be honesty, accountability, lower taxes for working families, smart investments for a long-term prosperity that reaches beyond the privileged to lift up the middle class.

One of the most critical investments we can make today is in a new national energy policy that finally begins to end our addiction to oil. Since the first Model-T Ford left the assembly line more than 80 years ago, the risks associated with oil consumption have been known. Today, we face a three-pronged oil crisis threatening our economy, our national security, and our environment.

After years of writing bigger and bigger checks to foreign nations for more and more barrels of oil, this budget finally takes the logical approach that all Americans understand: We need to reduce our consumption, and we need to find new renewable sources of clean energy that we can grow, creating hundreds of thousands of good jobs right here at home.

We must make these investments now and, if we do, we will not only accomplish those goals but also lower future energy bills for every single American consumer, and we will save money for all middle-class families.

Remember, last year, we spent, buying oil from foreign nations, about a half trillion dollars, which is money that should have stayed at home. That is why President Obama is proposing a market-based cap on carbon pollution to drive production of renewable fuels and energy-efficient technology and reward companies that lead the way.

This budget will also invest $15 billion a year to develop the renewable sources of energy that lie literally all around us—in the Sun, the wind, and just beneath the Earth in geothermal. All across America, the work of tapping these plentiful energy sources is underway.

In Pennsylvania, renewable energy has sparked more than $1 billion in private investment. In Iowa, shuttered factories have reopened to build parts for wind turbines. In Nevada, a State called the ''Saudi Arabia of renewable energy,'' we already have enough renewable energy projects in operation to heat and cool hundreds of thousands of homes—without a drop of oil.

If we make renewable energy a priority in this budget, these projects will just be the beginning. The solar power in Nevada and the desert Southwest alone could meet our entire energy needs 7 times over—the needs of this country.

The wind energy in the Great Plains, the Midwest, and off both of our coasts is similarly abundant. The potential for geothermal energy—still largely untapped—is staggering.

Until recently, all of these outstanding projects have been moving forward with little, if any, Federal support. Our landscape is dotted with renewable energy projects, but right now we are not connecting the dots. The renewable energy is where people don't live; we need to bring that energy to where people live.

The fact that we are not connecting the dots has to end, and it will end when we begin to invest in a smarter and greener transmission grid that brings renewable energy from the places that produce it to the places that will use it.

We should be catalyzing the work of private sector innovators who are carrying the green revolution on their shoulders. Every job created by a new renewable energy project in California, Utah, Illinois, Nevada, or Iowa is a job that could never be shipped overseas.

Some on the other side may try to protect our country's biggest corporate polluters from cleaning up their act. Some may say that in this time of economic crisis, we should not be investing in our future. Some may criticize the President's budget, yet refuse to offer ideas of their own.

Over the next several weeks, we have the opportunity to engage in a serious and vigorous debate over this budget and the priorities it reflects.

I urge all my colleagues to choose sound policy over sound bites. We may not agree on everything, but I know we can agree that after 8 long years of irresponsibility, we must pass a budget that puts the American people first.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

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

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

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

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam 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.

Mrs. MURRAY. Madam President, what is the order?

The ACTING PRESIDENT pro tempore. The Senate is conducting morning business. The majority controls the next 24½ minutes.

THE BUDGET

Mrs. MURRAY. I thank the Chair.

Madam President, for years, we have talked about the fact that the annual budget process is the truest test of priorities that the President and Congress engage in. For years, I was concerned about the last administration's budgets, and I was very vocal about that—too little investment in America, too many gimmicks, and too much focus on the few and not the many. It was those budgets and the policies they imposed that led us to the challenges we are now facing.

President Obama inherited huge problems not of his own making. That is why his first budget blueprint is such a breath of fresh air. President Obama's budget is both a statement of priorities and a test of our commitment to making our country stronger for all Americans.

Our Nation faces serious challenges now, but it is not a time to shy away from the investments that will ensure our prosperity and our competitiveness in the future. His budget builds the foundation that will make America stronger by investing in health care, energy independence, and education. The President inherited an economic recession and staggering deficits. The shortsighted budgets and policies of the past have left our infrastructure crumbling, our education system falling behind, and the debt of war in the pockets of our grandchildren.

There is no doubt we have to take some serious steps to dig out of this hole. President Obama's budget takes steps to cut our deficit in half and to restore fairness to our tax system. Importantly, after 8 years of gimmicks, this budget is transparent and tells the American people exactly where we are spending our money. The President accounts for war spending and leaves room for natural disasters or other emergencies we might face.

The President has been honest about the challenges that face this country, and now he is being honest about where we need to invest. He has warned Congress and the American people about the sacrifice we all have to make to

move our country forward, and they are many. But he has also been clear that now is the time to continue to invest in health care and energy and education reform to ensure our long-term strength and prosperity.

I come to the floor today to talk specifically about the need to invest in education. Investing in education is one of the most certain ways we can create jobs and strengthen our economy well into the future. Education means economic recovery, and in this global economy a good education is no longer just a pathway to opportunity, it is a prerequisite for success. Ensuring quality education for every American is essential to our future as a nation.

The President and this Congress made a downpayment on that commitment in the Economic Recovery Act we passed last month. That bill meant help for students in Washington State—my State—who are struggling to afford and attend college and students across the country. It means serving more K–12 students' needs. It means the ability to restore the education cuts our States are facing. It means keeping teachers in their jobs and our class sizes down.

Those investments we made in the economic recovery package are going to not only help create jobs, they are going to help our teachers and our parents in our communities keep their jobs while they modernize education for today's students. Those students are going to be tomorrow's highly skilled workforce, so we need to make this investment to stay strong as a nation. That economic recovery bill made a downpayment on our students' future. The next step we have to take is our budget, to help improve education for our kids and for all.

The budget we are going to be seeing puts a long-needed emphasis on preparing students for the jobs of today and tomorrow, with the focus on science, math and technology skills and equipment. It focuses on 21st century skills and early childhood education. It talks about career and technical education and accessing and affording higher education, which includes 2-year colleges and technical training.

So let me talk a minute about the budget and its details. The budget creates a 0-to-5 plan, which will continue to increase funding for Head Start, Early Head Start, and the child care development block grants. It encourages State and local investment in early education to help get information to parents about quality child care programs, including important home visiting programs for parents with young children.

The budget will make important investments in preparing and supporting great teachers and school leaders for our schools. It will allow students to achieve their college dream by making critical funding to raise the Pell grant in this time of need, and it continues the new American Opportunity Tax Credit, which will help families across the Nation afford tuition.

The budget also makes a 5-year, $2.5 billion investment in a new Access and Completion Incentive Fund to ensure that low-income students complete college. We know that only about 50 percent of our students who start a college education in this country complete it. We have to do a lot better than that because almost all of our good-paying jobs today require a credential beyond high school.

I come to the floor today to say that now is not a time to sit back and just worry. Now is a time to be bold and make the critical investments in our country that are so long overdue. Nowhere is this clearer than in education. I applaud the President for making his commitment clear, and I pledge to work with him and every one of my colleagues who are willing to ensure that ours becomes the greatest education system in the world.

Now let me say a word about some of the criticism we have been hearing from our friends on the other side of the aisle. I have heard a lot of talk about this budget ''taxing'' too much. Well, they must be reading a different budget than I am. President Obama's budget would not raise taxes on 95 percent of Americans. I think that is important, so let me say it again. Ninety-five percent of Americans will not see their taxes raised under this plan. In fact, too much of the tax burden in this country is being borne today by our working families, and President Obama is working hard to fix that. Nine of ten working families will see their taxes go down with his budget plan.

The President's Making Work Pay credit—$400 for individuals and $800 for families—is extended under his budget plan. That credit cuts taxes for 95 percent of our working families. It cuts taxes for 95 percent of our working families.

The American Opportunity Education Tax Credit is going to help our families pay for college by providing a $2,500 credit to offset the cost of tuition and related expenses, and it makes the credit partially refundable.

Finally, the budget increases eligibility for the refundable portion of the child credit.

Those are just three ways this administration is focusing on tax relief for those who need it most—our working families. So while we are hearing a lot—and we will continue to hear a lot, no doubt—from our friends on the other side about ''taxing'' too much, it is important that we all look at the facts and not buy into the rhetoric.

After 8 long years of budgets that left our American families behind, I look forward to working with President Obama and a bipartisan group in Congress to move forward and invest in the future strength of this Nation. We have a lot of great challenges ahead, but I believe we can and we will overcome them by working together, making some tough choices, and investing in the best resource we have—the American people.

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

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. I ask unanimous consent the majority's remaining time be preserved and I be allowed to proceed with remarks under the minority time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTOMATIC PAY RAISES

Mr. VITTER. Madam President, I rise again to discuss the issue of automatic pay raises for Members of Congress. As I said in our debate on the omnibus spending bill last week, I think this system of automatic pay raises—pay raises for Members of Congress on autopilot, without the need for any legislation, any debate, any vote—is truly wrong and truly offensive. I believe it is in the best of times, but I believe it is triply wrong and offensive right now as Americans all over our country, who have to work hard in the real world, face dire economic challenges and conditions.

I rise again to urge us to act, to do the right thing, to rebuild confidence among the American people by changing this system and no longer having automatic pay raises for Members of Congress. I proposed doing this as an amendment on the Omnibus appropriations bill. After some difficulty in getting my amendment even recognized and debated and voted on, I finally was able to do that and we had a meaningful debate. We had a vote. It was a close vote. Unfortunately, from my perspective, I fell a little bit short in terms of agreeing to the amendment. It was defeated 52 to 45. But in that process we did have an important debate and several other Members came forward and expressed support for the concept—most notably the majority leader, Senator REID. In fact, the very day after I finally secured a debate and a vote on my amendment, the day after that Senator REID introduced his own freestanding bill to get rid of automatic pay raises, at least after the next one scheduled, and to do away with that process.

Obviously, I completely agree with that concept. That is the whole impetus for my work, along with Senator FEINGOLD of Wisconsin and my other coauthors, Senator ENSIGN and Senator GRASSLEY.

During the debate on this issue, Senator REID went further. He spoke on the floor in support of this effort. He said several things:

I agree with Senator VITTER that cost-of-living adjustments for Members of Congress should not be automatic. That is why I introduced a freestanding bill last week that would do just that.

In addition, in the same time on the floor, Senator REID said:

If there are people who don't want to agree to this tonight, assuming the Senator from Louisiana is that person, I will bring it up some other time. I am committed to doing this.

Again:

I will bring it up some other time. I am committed to doing this.

I objected to bringing that freestanding bill up then because it clearly would have drained votes in support of my amendment away from my amendment and helped defeat it. In fact, we saw how close that vote was. But now that that vote is over, I applaud Senator REID for his offer:

I will bring it up some other time. I am committed to doing this.

I am here to say that this time, right now, these next 2 weeks, is a perfect ''some other time.'' We are clearly in a bit of a lull in terms of floor activity, this week and next week, before we begin an important debate on the budget. The majority leader is looking for things to take up our floor time. We are clearly in a light period. So what better ''some other time'' than right here, right now? In that spirit, and in the spirit of cooperation to move forward, I sent the majority leader a letter last Thursday and I expressed these thoughts and I asked him to bring up his freestanding bill, or mine, or any freestanding bill to end pay raises for Members of Congress being on autopilot on the Senate floor as soon as possible. As I pointed out, this clearly has support to move this through the process, through the Senate in the near future.

It does not have unanimous support. Any issue such as this never would have unanimous support. But it has the support of over 60 Members of this body.

Why do I say that? It is simple math. On the vote on my amendment I obtained 45 ''yes'' votes. In addition to those 45 votes, there were 20 Members, including the distinguished majority leader, who voted against my amendment, saying that the only reason they were doing that was to not burden the omnibus spending bill with the amendment. They said on the record, they are for the concept and Senator REID introduced a freestanding bill in this body and he has coauthors to that freestanding bill in that number—20. It is simple math. If you add 45 and 20 you come up with 65, well over a filibuster-proof number, well over the 60 votes required to not only move this bill through the Senate but move it through in a fairly expedited, efficient, quick process.

The perfect time is now. We are clearly in 2 weeks of relative lull before the debate on the budget. The majority leader clearly is looking for important business to bring to the floor, particularly since cram-down and other issues are not being brought to the floor this week as planned. What better time to come together in a bipartisan way, to rebuild the confidence of the American people and to get this done, passing it through the Senate. Again:

I will bring it up some other time. I am committed to doing this.

The distinguished majority leader.

Again I ask the majority leader in a spirit of bipartisanship, of cooperation, of reestablishing the confidence of the American people in Congress by doing away with this offensive practice—pay raises on autopilot without debate, without legislation, without a vote, without even a line item in an appropriations bill which we can try to change through amendment—let's change that wrong and offensive practice.

I urge the distinguished majority leader to look at my letter of last Thursday, to consider it carefully, to understand that we have established through his bill, through my vote, 65 votes in support of doing away with this on the Senate floor. So let's act. With 65 votes we can act, we can be successful, and we can do it in a very efficient manner. What better time to do it than right now?

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mrs. BOXER. What is the order, please?

The PRESIDING OFFICER. There is 7 minutes remaining in morning business.

AIG BONUSES AND THE BUDGET

Mrs. BOXER. Mr. President, I rise to talk about a couple issues. The first is to add my voice to the outrage over the bonuses to people who to say don't deserve it is an understatement. I used to work on Wall Street a very long time ago. You got a bonus when you did something good, when you brought business in, when you did well for the company, not when you brought the company down. It is disgusting, disgraceful. We are hearing outrage from all quarters of society, which means we are going to do something about it. I wanted to make sure I am on the record as saying the bonuses ought to be returned voluntarily and, if not, they ought to be taxed as close to 100 percent as we can get. I will be supporting that.

It is time to change the culture in corporate America. If you are going to turn to taxpayers for help, then don't squander their money. Work to pay it back as fast as you can and get back on your own. It is such an obvious point. I wish to praise the President for being clear on this point.

I also came to talk about the upcoming debate we will be having on the budget. I was a long-time member of the Budget Committee and then moved off to take other assignments. But I have always respected the work of that committee because the budget is truly a roadmap to the priorities of a nation. When we look at a budget, surely there will be certain items in it we may not want to agree with. We may want to trim it here and there. I don't agree with everything in the Obama budget. There are a few I will work to change. In general, at this time when we are suffering so economically, the priorities laid out are good for America and good for the State of California. I wish to talk about a couple of these priorities.

We know the Obama administration inherited an economic nightmare from George Bush's administration: 4.4 million jobs lost in the last 14 months; an unemployment rate that is soaring—in my State it is in double digits—12.5 million Americans unemployed, and a Federal debt that is going upward very quickly.

What is so interesting to me is that when Bill Clinton handed over the keys to the White House to George W. Bush, our budget was actually in a surplus. We actually had discussions in my household about the fact that the debt is going down so fast, we may not have the opportunity to buy any more Treasury bonds. Let's not forget what happened in 8 years. A budget surplus turned into outrageous deficits. The economy took a terrible turn for the worse. The debt began to soar.

Now we have a new President who ran on a platform of change. As I watch my colleagues on the other side of the aisle, save a few, they are fighting for the status quo. My belief is, if you fight for the status quo, that is not a passive act. It is a hostile act. Because the status quo has to change so we can relieve some of the pain in America. What President Obama does with this budget, very wisely, is to continue the economic stimulus he started with his economic stimulus bill.

He focuses on three priorities: education, health care, and clean energy. Everyone knows—and I know my friend in the chair has a young son—what President Obama said is true. Countries that outteach us today will outcompete us tomorrow. His young son and my grandchildren, if they don't get the education they deserve, will not have a chance to get that dream we had the opportunity to get in our generation. For every dollar invested in education, there is a $4 to $9 return in higher earnings, higher employment rates, less crime, less welfare, and in better health. The Obama plan will double the number of children served by Early Head Start and will expand Head Start. He will provide resources

to reward effective teachers and effective principals. He will increase the capacity of our young people to go to college on Pell grants. When we have a President who invests in education, we know we should support him because every dollar we invest comes back ninefold.

Then the President invests in health care. We know the biggest cause of bankruptcy in America is when a family is hit with a catastrophic health problem and they are uninsured or their insurance is capped. We know premiums have grown four times faster than wages in the last 8 years. Our President is going to finally take on the issue of health care. We should stand with him. Does that mean we will support every little thing he recommends? It may not. We may agree on 90 percent. But we will move on health care because not to do so, again, is a hostile act because the current situation is unsustainable. The cost to families today is unsustainable. The fear families have—what if somebody gets a catastrophic illness, what will happen—is unforgivable.

Lastly, we see our President investing in clean energy. What he is doing is looking at the future and recognizing that the old energy is not going to sustain us. If we want to lead the world, we have to do what Thomas Friedman suggests in his book ''Hot, Flat, and Crowded''—step out and invent the new clean energy technologies. In doing that, we will lead the world in green jobs. We will lead the world in exports. If we adopt the cap-and-trade plan that is recommended by our President, we will see a robust economy because, once you put a price on carbon, all the other alternatives come up behind it, and it will lead us out of this economic morass.

I believed it important to come to the Chamber today to speak to these two issues. We cannot abide by the outrageous bonuses in a company led by people who took the company down. We can't abide by that. In addition, we need to work with our new President and bring about the change he promised in his campaign. That change is reflected in his budget.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED

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

The bill clerk read as follows:

A motion to proceed to the bill (H.R. 146) to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE BUDGET AND RECONCILIATION

Mr. GREGG. Mr. President, I listened this morning to President Obama as he spoke on the budget. In attendance with him were the chairmen of the Budget Committees in the Senate and the House, Chairman CONRAD and Chairman SPRATT. Essentially, the President was defending his budget, as proposed and sent up here to the Hill.

His theme was we should not pass on problems to the next generation. Thus, he said, his budget took on the issue of energy and took on the issue of health care as being core questions that need to be resolved now and not be passed on to the next generation. I could not agree with him more—first, that we should not pass on problems to the next generation, and, secondly, we should take on the problems we have today. And they are fairly big.

Where I disagree with him is the conclusion that the budget he sent up here does not pass problems on to the next generation. In fact, it passes the most significant problem on to the next generation, which is that it so greatly expands the size of Government in such a short period of time with so much borrowing that it basically will bankrupt our children and our children's children as a result of the cost of Government going forward.

People do not have to believe me to recognize this. All they have to do is look at the President's budget. In 5 years, the President's budget will double the national debt. In 10 years, the President's budget will triple the national debt. To try to put this in perspective, if you take all the debt the U.S. Government has run up since the beginning of our country—from George Washington all the way through to George W. Bush, that total amount of debt—in 5 years it will be doubled under this budget, as sent up by President Obama.

Now, a lot of that debt that is being run up in the short run I am not going to claim is inappropriate in the sense that it is something that is under his control or that he is responsible for as President. In fact, I agree that we as a nation need to expand our spending as a government in the short run in order to try to address this recessionary period, and specifically to try to stabilize our financial situation, our financial system. I do not happen to agree with the stimulus package which was passed. I do not agree with the omnibus package which was passed. They were both profligate and unfocused, money being spent inappropriately and inefficiently. But I am willing to accept the fact in the short run there has to be a spike in our national debt in order to address this recession.

What is not tolerable, however, is that under this budget, after the short run—after this period from 2008, 2009, say, through 2011, when the recession, by all estimates, will hopefully be over—we will still be running the debt up radically, as sent up by this President. In fact, it doubles in 5 years, but it triples in 10 years, which means there is—I am not aware that a recession in the last 5 years of this budget is being proposed; I certainly hope it is not being proposed, but certainly there is nothing that requires that type of a radical expansion in our debt over that period.

The practical implications of this doubling of the debt are that by the time the budget gets into the year 2013, the public debt of this country will be, as a ratio of GDP, 67 percent of GDP. I suspect when CBO scores the President's numbers at the end of this week it will probably be close to 70 percent of GDP. What does that mean? Well, try to put this in perspective.

Prior to the recession, our public debt—that is the debt held by people such as the Chinese, for example, and the Europeans—our public debt—the debt which we sell to the world in order to finance our Government—was about 40 percent of our gross national product. That is an acceptable level. Most economists will say we can tolerate a debt to gross national product ratio of 40 percent. But when it gets up to around 70 percent, when it gets over 60 percent—when it gets into those numbers—it is not tolerable. You might be able to tolerate it for a little while, for a few years, but you cannot tolerate it for an extended period of time. What the President is proposing is that 67 percent of public debt to GDP ratio—which will be over 70 percent, I suspect, when it is rescored that goes on forever.

In addition, the deficit, beginning in the year 2012, under the President's budget, will be at 3 percent to 4 percent of gross national product. Now, historically, over the last 20 years—prior to the recession—the deficit has been around 2 percent of gross national product. Why is it important to keep that down? Because every time you run a deficit, you add to the public debt. When you get into the 3- to 4-percent range of annual deficits as a percentage of GDP, you are essentially adding so much debt so quickly every year that basically your Government becomes unaffordable. That is the bottom line here.

What happens, as you go into the outyears when you triple the debt and keep the deficit at around 3 percent or 4 percent of GDP the currency starts to be under pressure. The dollar becomes questioned as to its value. People start asking, especially in the international community: Do we dare buy American debt? In fact, you heard, regrettably, the Chinese Premier raise that issue already. If you cannot sell the debt and you cannot finance the Government, you do not have too many choices. You must move to inflation. That is not a good choice for Americans.

So basically what you are putting in place is a structural debt and a structural deficit under the President's proposal which simply is not affordable, which means our children are either going to be overwhelmed by a tax burden or they are going to find a country where inflation is rampant or basically the standard of living has dropped significantly.

Why does this all happen? Well, it happens primarily because under the President's budget he is taking spending up radically. Sure, in the short run that may be acceptable because we are trying to address this recession. But he does not bring spending back down to its historic levels.

This chart I have in the Chamber shows you that the historic level of spending of the Federal Government has been at about 20 percent of gross national product. We have been up and down around 20 percent for years. But under President Obama's proposal, he radically moves the Government to the left, greatly expanding the Government role in all sorts of areas: in energy, in health care, in education. As a result, he takes Federal spending up to 23 percent of gross national product and keeps it there for as far as the eye can see and revenues stay down at about 19 percent, so you have this big structural deficit in here.

Even if you were to take revenues up to 23 percent of gross national product, the practical effect would be that you would be wiping out most people's incomes with taxes. The President says he is only going to raise taxes on the wealthiest in America. That, first, is inaccurate because he has put in this proposal a massive carbon tax, which is basically a national sales tax on electricity, and every time you turn on your electric lights, you are going to end up with a new tax, a new national Federal tax. But independent of that, he cannot get this debt under control with this type of spending level unless he radically increases the tax burden on working Americans—all Americans—to a point where basically productivity would drop significantly in this country, and that would be a self-fulfilling event, of course. Once productivity drops, your revenues drop, and you never get back to an efficient marketplace and, therefore, you probably aggravate the deficit.

But the problem is, this huge debt he is running up and passing on to the next generation—this tripling of the Federal debt, about which he says: We do not pass problems on to the next generation—this is a pretty darn big problem that is being passed on to the next generation—is driven almost entirely by spending, spending at the Federal level, which he greatly expands.

Under the proposal which he has put forward as a blueprint—this budget proposal—his way of solving the health care problem is to essentially nationalize health care. His way of solving the educational problem is to essentially nationalize the student loan program. His way of solving the energy problem is not to produce more energy in America, it is basically to significantly increase the cost of energy in America to all Americans by putting in place a carbon tax, which is a national sales tax.

His way of addressing the issues which we confront, which are reasonable, philosophical approaches, is to significantly increase the size of Government and, thus, the cost of Government and, thus, to create this huge debt, this massive debt, which we are not going to be able to finance and which is, therefore, going to threaten the economic strength of our Nation and clearly give our children something less than we received. Therefore, when he says he is not going to pass the problems on to the next generation, the exact opposite is true. He is creating a huge problem for the next generation in the way he wants to spend this money.

Now, there is a second issue I want to address today. That goes to the issue of the substance of the points made today at the press conference. This could be addressed, of course—this issue of spending and those questions regarding these major public policies—if he wanted to reach across the aisle and approach things in a bipartisan way.

Senator CONRAD, the Chairman of the Budget Committee, and I have proposed an idea calling for a commission with fast-track authority which essentially would talk on the big issues which drive this spending problem—health care, specifically; Social Security, also; and tax policy—and would allow us, in a bipartisan way, to come forward and grapple with these issues and put forward ideas as to how to solve them and bring under control these numbers so they are affordable and so we do not run up this massive debt on our children. That is a bipartisan initiative which I am totally committed to.

In the area of energy, there are a number of bipartisan initiatives which make sense. But we are now hearing that rather than proceeding on a bipartisan path to try to address these issues, they are going to think about using something called reconciliation. That is a term of art around here. Most people do not know what it means. But what it essentially means is that you say here in the Senate that the Senate will function as an autocracy, it will function like the House of Representatives, that you will have the ability to bring to the floor a bill which will not essentially be amendable and which will only take 51 votes to pass.

Reconciliation was a concept enacted as part of the congressional budget process, and its use has evolved. Its purpose was to reconcile the budget. In other words, if the numbers on spending around here did not meet the budget, then there would be a bill to correct that, so that if the appropriations numbers were not correct or the entitlement numbers were not correct or the tax numbers were not correct, there could be a bill that comes through called reconciliation, which would follow the budget resolution.

Sometimes over the years, it has been used in an aggressive way. It was used to adjust already existing programs—authorized programs, entitlement programs, and tax proposals. President Bush used it aggressively on taxes. In 1997, President Clinton used it aggressively, along with a Republican Congress, on everything—entitlements and taxes—but it was always directed at existing policy and adjusting that policy. In other words, we were raising the tax rate or dropping the tax rate, changing an entitlement program in some way that already existed or not changing an entitlement program.

Reconciliation has never been used for the purposes of putting in place a dramatic new Federal program which will fundamentally shift the way the Government functions in this country. It has never been used in the sense of an ab initio event or program.

The carbon tax—or, as I call it, the national sales tax on electric bills—is a massive exercise in industrial policy, totally redirecting how energy is produced in this Nation and affecting everybody in this Nation because everybody's energy bill will be increased as a result of this tax, especially in the Midwest and in the Northeast. It is a brand new program—something we have never seen before. It is a huge program. Obviously, rewriting the health care system of this country is a dramatic exercise affecting absolutely everyone in this Nation at all sorts of different levels. It is a brand new, major program. These are initiatives of significant size and import. Reconciliation was never conceived to undertake those types of events, those types of initiatives.

You can't bring to the floor of the Senate a bill which totally rewrites the way people produce and pay for energy in this Nation with a brand new national sales tax, under a rule that says you will get 20 hours of debate and no amendments, and have the Senate function as is its purpose, which is to be a place of discussion and amendment. It would function like the House of Representatives, that is true, but it would basically eliminate the Senate as a concept and it would go right directly at destroying the purposes of the Senate. The same, of course, is true, to bring a major initiative—to basically rewrite health care completely—basically quasi-nationalize it, as far as I can see, is the proposal—but to have a massive health care initiative which would affect everything that has to do with health care brought to the floor of the Senate under reconciliation would be to fundamentally undermine the purposes of the Senate, which is to discuss, debate, and have the right to amend major public policy. I can't think of two things which would be more significant public policy than those initiatives.

Yes, if they used this system of reconciliation, they would take serious risks because they would be subject to something known as the Byrd Rule on public policy, but just the concept that they would be thinking about this is the reflection of their willingness to ignore the concept of bipartisanship which we hear so much about. If you are going to talk about reconciliation, you are talking about something that has nothing to do with bipartisanship; you are talking about the exact opposite of bipartisanship. You are talking about running over the minority, putting them in cement, and throwing them in the Chicago River. Basically, it takes the minority completely out of the process of having a right to have any discussion, say, or even the right to amend something so fundamental as a piece of legislation of this significance. It also, I would note, takes anybody who disagrees, even on the majority side, out of the discussion, anybody who disagrees with the actual document brought to the floor under the reconciliation instructions.

So using reconciliation in this manner, on this type of an issue, would do fundamental harm—fundamental harm—to the institution of the Senate. Why even have a Senate if you are going to use reconciliation on something this significant? You might as well just go to a unicameral body and be like Nebraska: just have one body. It would be the House of Representatives because that would be the practical effect of using reconciliation. It is such a dangerous precedent to set or to even discuss because by discussing it, you basically devalue the purposes of the Senate, which is to amend and debate and have an open forum; one where, as Washington said, the hot coffee can be poured from the teacup into the saucer. The Senate is supposed to be the saucer. It is supposed to be where we get an airing, and certainly on issues of this size we should have it.

So I certainly hope we have no further discussion of the idea of using reconciliation for the purposes of pursuing either a national sales tax on energy called the carbon tax and the policies it would imply for industrial policy relative to energy production in this Nation or for the massive rewrite of health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I agree wholeheartedly with the warnings issued by my friend, the Senator from New Hampshire, whose service on the Budget Committee has been very valuable, and I hope everyone has taken careful heed of his words for what we need to do in the future.

Mr. President, I ask unanimous consent to proceed as in morning business.

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

AMERICAN CREDIT CLEANUP PLAN

Mr. BOND. Mr. President, I wish to talk about something that is happening at this moment and a problem we have to solve before we even look at what we do in the future. Like so many others—and I assume the occupant of the chair and all of my colleagues have heard the same thing—the phones in my office in the District of Columbia and across the State are ringing off the hook. Americans are outraged that their hard-earned taxpayer dollars are being used to pay bonuses at AIG. Yesterday afternoon and today, there have been countless press reports about these bonuses paid to some of the same people who may have been responsible for putting AIG into this mess. I agree. I, too, am outraged. It is unacceptable to pay bonuses after the American taxpayer was forced to bail out an institution without reforming it—without reforming it—without demanding any changes.

While I share Americans' fury over this latest idiocy, I am, quite frankly, a little surprised to see the President and his Treasury Secretary so outraged by these bonuses when they had the opportunity to prevent them before they gave AIG the latest installment of taxpayer dollars. That is right, the Obama administration could have refused to pay the remainder of the $170 million in bonuses to failed AIG executives as a condition to providing that company the additional money it sought from the Treasury. Earlier this month, the Obama administration gave AIG another injection of $30 billion of taxpayer funds to keep this failed institution from failing even further. There is a rat hole, and we have thrown $170 billion down it.

At the same time, Treasury Secretary Geithner should have and could have ensured that taxpayer dollars wouldn't be used to pay any of these bonuses, but he didn't. This is another example, I regret to say, of the Secretary's failed leadership. When he was President of the Federal Reserve of New York, he had oversight responsibility over AIG, Citi, and other of the major failed institutions. What was done? Obviously, the answer is ''not much.''

The outrage over the bonuses really, in some ways, kind of misses the point. I believe that capping corporate pay and taking away business and private jets is not enough for the failed executives who got us into this problem. We need to go further. The failed senior executives and the board of directors should have been fired, should have been replaced when the Government first had to step in and rescue the company. Don't throw good money after people who are not running their institutions well.

I can assure my colleagues that if any worker in Missouri or any other State across the Nation drove their company into the ground, they would have been and should have been fired. They wouldn't be receiving a bonus. I believe this double standard for Wall Street versus Main Street is another reason Americans are so mad about how their taxpayer dollars are being used.

What is particularly troubling is that AIG's intention to pay these bonuses had been no secret, and the administration was completely aware of these payments. Now that Americans are outraged about how their taxpayer dollars are being spent, Secretary Geithner and President Obama are suddenly shocked and outraged as well. The real outrage is their ad hoc and knee-jerk reaction to the crisis. The administration's adhocracy amounts to spending billions—that is right, billions with a ''b''—of good taxpayer dollars on the failing banks.

What we really need, as I said last week, is to follow the words of that old country music song: ''We need a little less talk and a lot more action.'' We need to focus on the failing banks and others, and I have laid it out. It is called the American Credit Cleanup Plan. It is really very simple. It uses existing authorities for the banks, existing authorities within the Federal Deposit Insurance Corporation.

There are three main steps that need to be taken: We need to identify failing institutions; we need to remove the toxic assets, protect depositors, and remove the failed leadership; and then return healthy, clean banks or portions of those banks into the private sector and get the Government out of running the businesses. Government doesn't do a very good job of running private business. I hate to say it, but our record in Congress on running our own business is not something one would hold up as an example of good executive management.

Unfortunately, we don't seem to have any executive management in the administration, but we can send the FDIC in to clean up the banks and put the banks back into the private sector—at least in various pieces, whatever is sold off, whatever the market will buy—and let the market judge whether these new institutions, or institutions with these new portions in them, are working. There ought to be discipline in the marketplace. There has been no discipline.

I agree with Americans who don't want to see their tax dollars going to failed executives at AIG or any other failing institution. Our plea is stop throwing good tax dollars at bad banks. The zombies should not be propped up without being cleaned up. We have well-established principles. We need bold action that fixes the root problems and a clear exit strategy in mind such as the American Credit Cleanup Plan. Get in, take out the bad assets, protect the depositor if it is a financial institution, clean out the boards of directors if need be, and put the bank or parts of it back in the marketplace.

It is time the President and the Treasury realize that throwing good

money after bad is not the way to solve this crisis. We saw in the late 1980s and 1990s where prompt action cleaned up the savings and loan crisis. It was actually savings and loans and banks. They went in, cleaned them up, sent them out, and the economy recovered.

Japan tried what we apparently are trying to do now. They spent a decade throwing more Government money at failing institutions, and what did they get? They got a decade of stagnation. There is no reason for that to happen to us when we know how it is done.

I have talked to Bill Seidman, who ran that operation. I have talked with former Chairman Greenspan and the presidents of the Federal Reserve of Kansas City and St. Louis, and they all say the same thing: Get in, clean them up, get the toxic assets out, get the Government out of running the banks and telling them where they spend their money and where they don't. Get them out and the economy will recover because the credit crisis will clear up. Until we do that, we will see more and more wasted dollars.

I have talked with the leadership, and I hope they will bring up a measure I have cosponsored along with the chairman of the Senate Banking Committee, Senator DODD, as well as Senator CRAPO, to give a line of credit to the FDIC to do its vital cleanup work. They should expand their powers to go after bank holding companies if they are in bad shape. If we can pass that, they will have an additional tool. The FDIC has the basic tools. There is expertise there. Let's use the expertise and clean up rather than flooding these zombies with more dollars.

Mr. President, I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AIG BONUSES

Mr. SCHUMER. Mr. President, I will speak on a letter that myself and a number of colleagues are sending to the head of AIG, and I believe a few other colleagues will be here in the next half hour to speak on the letter as well.

I rise today to express my outrage and the outrage of the American taxpayers at the bonus payments the American International Group intends to make to the employees of its Financial Products division.

Yesterday, we learned that AIG is in the process of paying $165 million in bonuses to the employees of its Financial Products division as part of the plan that will pay them $450 million in bonuses by the end of 2009.

This is disgraceful, this is unacceptable, and it is an offense to millions of hard-working Americans whose tax dollars are the only reason AIG continues to exist as a going concern.

Today, I rise to assure you, the leadership of AIG, my fellow Americans, and my colleagues, that we intend to do everything in our power to prevent those payments from being made and to recoup the money that has already been paid. As of now, eight of my colleagues and I have joined in a letter to Edward Liddy, the chairman of AIG, demanding that he renegotiate these contracts, and letting him know that we will not stand by. If Mr. Liddy does nothing, we will act, and we will take this money back and return it to its rightful owners—the American taxpayers. We will take this money back by taxing virtually all of it. So let the recipients of these large and unseemly bonuses be warned: If you don't return it on your own, we will do it for you.

In the letter, joining me are the majority leader, Senator REID; secretary of the caucus, Senator MURRAY; Senator KLOBUCHAR; Senator CARPER; Senator LINCOLN; Senator MENENDEZ; Senator JOHNSON; and the occupant of the chair, Senator BEGICH. The number is growing, and I believe many other people will put their names on the list.

In the past year, we have learned much about the reckless behavior within our financial system. No firm was more reckless than AIG. What they did was not only irresponsible but, from a business perspective, it was immoral. They took what was a very solid, well-made business that sold insurance to individuals and firms around the globe and turned it into a gambling den that they used to enrich themselves. They sold credit default swaps and other derivatives to all comers as though they were playing with monopoly money, but it was real money. When their deals went sour, when they actually had to pay, they had nothing with which to pay anyone.

As Warren Buffet said, ''When the tide goes out, you see who is swimming without a bathing suit on.'' The leadership of this unit of AIG was doing just that.

Just this month—in fact, less than 3 weeks ago—AIG reported that in the final quarter of 2008, as a firm, it lost $61.7 billion. Let me repeat that. In a single quarter—in just the last 3 months of 2008 alone—this firm lost over $60 billion. That is by far the largest single quarterly loss in corporate history. For all of 2008, AIG lost $99.3 billion, nearly $100 billion. Nearly all of those losses were caused by the actions of the employees of the Financial Products division. But, yesterday, we learned the firm intended to pay nearly $165 million in ''bonuses'' this year and a total of $450 million in bonuses over the next year for the employees in the very same unit—not only bonuses but performance bonuses—a performance bonus for a firm that lost $100 billion.

I will repeat that. This is a performance bonus for a firm that lost $100 billion. If anything defines ''Alice in Wonderland'' business practices, this is it. It boggles the mind.

In the past 6 months alone, the American taxpayers have been forced to commit over $170 billion to AIG. If the Government had not stepped in, if it had not repeatedly acted to fill the hole in the financial system created by this firm and these employees' behavior, AIG would have been bankrupt. All these employees would have received nothing—zero.

We keep hearing that AIG is contractually bound to pay these bonuses; that if they don't, these supposedly talented people—those whose talent created this disaster—will leave. Here is what I would like to know from Mr. Liddy: Did he even attempt to renegotiate these contracts? Did he approach these individuals and point out to them the health of AIG and the condition of the United States and global economies and their own culpability in creating this mess? Did they respond by saying: I don't care, I want my bonus? Is that what Mr. Liddy is suggesting?

Well, Mr. Liddy, I urge you to fix this mess because, let me tell you something: We are all fed up. If you don't fix it, we will.

Here is what we are doing: My colleagues and I are sending a letter to Mr. Liddy informing him that he can go right ahead and tell these employees who are scheduled to get bonuses that they should voluntarily return them because, if they don't, we plan to tax virtually all of it. He should tell these employees if they don't give the money back, we will put into place a new law that will allow us to tax these bonuses at a high rate so it is returned to its rightful owners—the taxpayers.

For those of you getting these bonuses, be forewarned: You will not be getting to keep them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, in the past few days, we have learned that the American International Group—known as AIG—has awarded $165 million in bonuses to its high-end employees—the employees of its Financial Products group. These are people responsible for the fancy wheeling and dealing that nearly destroyed the company and wreaked havoc on our entire financial system.

The American public is outraged by the arrogance and the abuse of taxpayer funds, and so am I. I was just in my State, where there are people barely holding onto their homes, people who have had their hours cut, and who are just one step away from their home going into foreclosure or from losing their car, and now we learn this today.

Last year, under desperate but necessary circumstances, the U.S. Government had to rescue AIG from total collapse. This was done not to rescue the company itself but to rescue our financial system. AIG would not even continue to exist today except for the infusion of $170 billion in taxpayer funds. The American people now own essentially 80 percent of the company, and AIG is supposed to be doing everything possible to right itself. Well, they haven't.

There is no rational way to justify these bonuses to people who have caused untold damage to our economy. This is not pay for performance, it is pay for failure, which makes no sense at all. Why should they get the golden parachutes when their company and our financial system have been crashing to the ground? The bonuses these individuals are receiving for their failure is more than most Americans make in a lifetime. The American people simply should not be in the position of rewarding the failure of high-flying Wall Street bankers who brought their company and our economy crashing down.

That is why I have joined today with Senator SCHUMER and other colleagues in writing to Edward Liddy, the chairman and CEO of AIG. We are telling him if these bonus contracts are not renegotiated immediately, we will offer legislation that will have the effect of making American taxpayers whole. AIG needs to step up and do the right thing. But if AIG doesn't take action on its own to correct this outrage, we stand ready to take the difficult but necessary step of enacting legislation that would allow the Government to recoup these bonus payments through the Tax Code.

If we are forced to do this, we will impose a steep tax, possibly as high as 91 percent, that would, in effect, recover nearly all the bonus money. Now, I am like most Americans; I don't like to see taxes raised. But in this instance, I think all of us can make an exception. If they refuse to do the right thing, then it is only fair to impose this kind of tax against the people who have done such great harm to our financial system. They can't walk away with millions of dollars.

They may be laughing all the way to the bank right now, but if AIG can't or won't fix this problem, these people will soon be crying all the way to the tax office. These people seem to think they can operate with a height of arrogance and irresponsibility. This is not just a business outrage, it is a moral outrage.

I am also concerned that in addition to the bonuses already handed out, AIG has plans to spend an additional $450 million in bonuses over the next 2 years. Based on what we know now, can we trust that these bonus payments go to the people who deserve it—the people who fix the problems rather than people who just make the problems?

AIG is set to go into the history books as a company that symbolizes the type of greed and recklessness that has weakened our economy. Where I come from, we reward those who work hard and play by the rules and we take responsibility when we screw up. I believe the administration and Congress should do everything in their power to block these payments and demand accountability.

Now, we know this is also an insult to the many good, strong, healthy financial institutions across this country—the small banks such as those we have in Minnesota; healthy financial institutions that didn't engage in these high-flying dealings that shouldn't be punished. Their stockholders shouldn't be punished because of what companies such as AIG did.

As a prosecutor for 8 years, I dealt with criminals all the time. I have to say the white-collar crooks were often the worst to deal with because they claimed their crimes were an honest mistake and that there weren't any victims. As far as I am concerned, it didn't matter if someone stole with a crowbar or a computer or that they committed their crimes in a nice office or out on the streets, they need to be held accountable under the law.

Time will tell, and the Justice Department and other prosecutors and police will sort this financial wreck out to see when and where crimes were committed, but it is clear that what we need is accountability. If AIG's leadership won't demand it, we will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise to join some of my colleagues to express our deep frustration with the financial institutions that have made the very poor decision of handing out multimillion dollar bonuses at taxpayers' expense—AIG being the latest in the line of continuing irresponsible behavior coming from Wall Street.

I have hard-working families—and there are hard-working families all across this great Nation—who are saying: Enough is enough.

This is not the kind of behavior Americans should be accepting at this time. It is completely irresponsible. Times are tough and people are sacrificing. People all across this country are sacrificing. Many employees in my State are seeing their hours cut or they are finding themselves out of work altogether. How are they caring for their families? They are working hard to look for that next job to put dinner on the table or to get their kids to school or making sure they can keep their families together.

I have talked to recent retirees who have been devastated because the nest egg they have been saving all these years has been slashed by 40 or 50 percent in just a matter of months. Now they are having to dramatically downsize their quality of life or go back to work, if they can even find work. I met a gentleman this weekend who is beginning to have college-age kids. He spent his entire life working to save for those college funds only to find that in these last several months they too have been slashed in half.

These people are realizing the impact of what is happening not only in our country but globally. They are standing up as Americans. They are willing to make sacrifices. They are working hard to keep body and soul together. But it is absolutely, unequivocally totally unacceptable for failed financial institutions that have received taxpayer assistance to be rewarding their employees with bonus payments at this time. It is outrageous and it will not be allowed.

We are the stewards of the taxpayers in our States and of the dollars we have provided in good faith as an investment in these companies to try to make sure they, too, can make ends meet. But this isn't making ends meet—handing out tremendous bonuses to just a select few. It is absolutely irresponsible.

During the debate of the recovery package, Senator WYDEN and Senator SNOWE and myself offered an amendment that put an excise tax on bonuses and financial institutions that had received TARP dollars. We did so because we feared this very thing would continue to happen. Unfortunately, our proposal was taken out of the package in the conference. So I am pleased to hear many of my colleagues who are now in agreement that something must be done to correct this travesty.

Make no mistake, if these companies handing out multimillion dollar bonuses do not rectify the situation, do not change their ways, we stand ready to work to enact legislation that recoups these tax dollars and these taxpayers' funds. Our taxpayers have worked hard and they are suffering as much as anybody else. But we do not need to see these major corporations and financial institutions that are handing out these unbelievable enhanced bonuses at a time when we should all be pulling together, pulling together to make our economy strong, to set it back on track and to make sure we can embrace and continue the kind of quality of life that all Americans need to be able to realize.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 7 minutes as in morning business.

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

NEWSPAPER INDUSTRY

Mrs. MURRAY. Mr. President, we have a lot of interesting landmarks in my home State of Washington, especially in Seattle. But one of my favorites has always been the globe that sits on top of the Seattle Post Intelligencer's building on Elliott Bay. The words, ''It's in the P.I.'' wrap around that globe, and it is more than just another quirky part of our skyline. It has symbolized the importance of the paper to generations of readers.

For 146 years, the Seattle P.I., as everyone in Seattle calls it, has informed, investigated, enlightened, entertained, and, yes, sometimes irritated the people of our community. The P.I. staff has put politicians, businesspeople and bureaucrats to the test, and their work has distinguished the paper and won them well-deserved awards—from our cartoonist David Horsey's Pulitzers to a long list of prizes for public service journalism.

But, today the P.I. published its last print edition. Its owner, the Hearst media chain, put it up for sale and hasn't been able to find a buyer.

Hearst has said it will replace the paper with a smaller online edition, but it won't be the same.

We have been lucky to live in a two-newspaper town. Two-newspaper communities used to be common, but they are rare these days.

In Seattle, the Times and the P.I. had a Joint Operating Agreement for 26 years, but they were always rivals when it came to breaking news.

Competition made both papers dig a little deeper and push a little harder. That competition meant everyone from corporate leaders to school officials to sports team owners were held to a higher standard.

Our community is a better place as a result.

Unfortunately, the P.I. is not the first major paper in our country to stop publishing this year. Last month, Denver's Rocky Mountain News closed its doors. And the P.I. may not be the last to close either.

The reality is that newspapers have been struggling and cutting back for several years now. Many of the major papers across the country are worried about whether they will make it through the economic downturn.

Like so many other companies, they are victims of the recession and a changing business environment.

The depth of the problem hit home for me earlier this year when I visited the press in Olympia, our State's capital city.

In 2001, there were 31 reporters, editors, and columnists covering the state house there. Now there are nine—nine.

We have all noticed the shrinking press corps here in Washington, DC, too.

Not too many years ago, we had more than a dozen reporters here covering the Washington State delegation. We have seen that number shrink to just a couple in the last year.

This is really troubling to me because at the end of the day, newspapers aren't just another business. And if more close—and there is nothing to replace them—our democracy will be weaker as a result.

For generations, newspaper reporters have been the ones who have done the digging, sat through the meetings, and broken the hard stories.

A newspaper broke the Watergate scandal—and the story about horrible conditions at Walter Reed Medical Center.

Newspapers have exposed graft and corruption at every level of government. They have uncovered environmental threats posed by strip mining, hog farming, and contaminated waterways.

They have used the power of the press to expose injustice, prejudice, and mistreatment of people who don't have the power to speak up for themselves.

And most importantly, newspaper stories have led to real change.

In my community, the P.I.'s reports on asbestos led me to introduce my legislation to ban it and the P.I.'s investigation on the shortage of FBI agents in the Pacific Northwest has led to my work to increase the number of agents in Washington State.

We need reporters to root out corruption, shine a light on the operations of government, and tell the people what is really going on in our communities.

We need them to go to school board meetings, cover local elections, and attend congressional hearings.

And, yes, we need them to push for information, to investigate, to request public records—and to fight when the government stands in the way.

We are still working out what role the Internet will play in the Fourth Estate—and what role TV and radio have in the new media environment.

There has been a lot of talk recently about whether online publications can—or will—adequately replace the paper editions.

While there is something comfortable about the fact that we can pick up a paper, spread it out on the kitchen table, and cut out articles to stick on the fridge, what's most important to me is that if the media environment is really changing, someone will be there to step in and do the work newspapers do for our communities now.

I really hope what we are seeing is just an evolution in the news business.

I hope that when it all shakes out, the media will end up as strong as ever. I am going to miss the Seattle P.I., and I know all of Seattle and the Pacific Northwest will as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 614 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Iowa is recognized.

2010 BUDGET TAX INCREASES

Mr. GRASSLEY. Mr. President, today is St. Patrick's Day. St. Patrick, the patron saint of Ireland, is revered by Irish and non-Irish alike, for many things. Among the many legends is one regarding snakes. St. Patrick drove snakes off the Emerald Isle. In looking at the President's budget, you could see that we might need St. Patrick to come back and drive all the extra taxes out of the budget. Certainly, like the snakes in Ireland, all of these new taxes, if left unchecked, could bite a lot of hard-working American taxpayers.

Nineteen days ago, President Obama sent his first budget up to Capitol Hill. The deficits and debt proposed in that budget are eye-popping. President Obama is correct when he says that he inherited a record budget deficit of $1.2 trillion. I have a chart here that shows the pattern of the Federal debt.

But, from the statements from the congressional Democratic leadership, you would think they just got the levers of power this January. You would think they had no role in creating that deficit President Obama inherited. In fact, congressional Democrats and the last Republican administration agreed on the fiscal policy in the last Congress. The congressional Democratic leadership, together with the George W. Bush administration, wrote the stimulus bills, housing bills, and the financial bailout. The congressional Democratic leadership wrote the budgets and spending bills in 2007 and 2008. So let's be clear. President Obama inherited the deficit and debt, but the inheritance had bipartisan origins—the Democratic Congress and the last Republican administration. What's more, the budget the President sent up would make this extraordinary level of debt an ordinary level of debt. What is now an extraordinary burden on our children and grandchildren would become an ordinary burden.

In the last year of the budget, debt held by the public would be two-thirds, 67 percent of our gross domestic product.

The President's budget does contain some common ground. Whenever President Obama wants to pursue tax relief, he will find no better ally than we Republicans. Likewise, if President Obama wants to embrace fiscal responsibility and reduce the deficit by cutting wasteful spending, Republicans on Capitol Hill will back him vigorously. From our perspective, good fiscal policy keeps the tax burden low on American families, workers, and small businesses and keeps wasteful spending in check. For the hard-working American taxpayer, there is some good news in the budget. President Obama's budget proposes to make permanent the lion's share of the bipartisan tax relief plans

that are set to expire in less than 2 years. Republicans have been trying to make this bipartisan tax relief permanent since it was first passed.

It will mean families can count on marriage penalty relief and a doubled child tax credit. It means workers will be able to count on lower marginal tax rates. It means low-income seniors, who rely on capital gains and dividend income, will be able to rely on low rates of taxation as they draw on their savings. It means middle-income families will be able to count on relief from the alternative minimum tax, AMT. President Obama will find many Republican allies in his efforts to make these tax relief policies permanent.

Unfortunately, President Obama's budget also contains bad news for the American taxpayer. For every American who puts gas in a car, heats or cools a home, uses electricity to cook a meal, turn on the lights, or power a computer, there is a new energy tax for you in this budget. This tax could exceed a trillion dollars. The budget also raises taxes on those making over $250,000. That sounds like a lot of money to most Americans. But, we are not just talking about the idle rich.

We are not talking about coupon clippers on Park Avenue. We are not talking about the high-paid, high-corporate-jet-flying, well-paid hedge fund managers in Chicago, San Francisco, or other high-income liberal meccas. Many of the Americans targeted for a hefty tax hike are successful small business owners. And unlike the financial engineers of the flush liberal meccas of New York, Chicago, or San Francisco, a lot of these small businesses add value beyond shuffling paper.

There is bipartisan agreement that small businesses are the main drivers of our dynamic economy. Small businesses create 74 percent of all new private sector jobs, according to the latest statistics. My President, President Obama, used a similar figure of 70 percent yesterday. Both sides agree that we ought not hurt the key job producers, small business. President Obama also mentioned his zero capital gains proposal for small business startups. Republicans agree with him on that.

We are still scratching our heads on why the Democratic leadership doesn't agree with the President on that small business-friendly proposal. So if we all agree that small business is the key to creating new jobs, why does the Democratic leadership and the President's budget propose a new tax increase directed at the American small businesses most likely to create new jobs?

How do I come to that conclusion? Here's how. According to a recent Gallup survey, about half of the small business owners employing over 20 workers would pay higher taxes under the President's budget. I have a chart that shows that nearly 1 million small businesses will be hit by this tax increase. Here is another chart that shows that roughly half the firms that employ two-thirds of small business workers, those with 20 or more workers, are hit by the tax rate hikes in the President's budget.

According to Treasury Department data, these small businesses, account for nearly 70 percent of small business income. In addition, the budget would reduce itemized deductions for donations to charity, home mortgage interest, and State and local taxes. Combating tax shelters and closing corporate loopholes can be good tax policy, but higher general business taxes during a recession doesn't make much sense.

If these higher taxes were dedicated to reducing the deficit, the Democratic leadership could argue this was their version of fiscal responsibility. We Republicans would disagree with this approach, but at least we would agree with the goal. But, a close examination of the budget reveals higher taxes and higher spending. So, from an overall standpoint, deficits will remain as far as the eye can see. Drawing on our principles, Republicans will work with President Obama on making permanent tax relief for families.

We, however, will oppose tax increases that harm America's small businesses. We Republicans also will scrutinize and question a broad-based energy tax that cuts jobs and could, according to MIT, cost consumers and businesses trillions. In these troubled economic times, we ought to err on the side of keeping both taxes and spending low and reduce the deficits. That will be a necessary condition to returning our economy back to growth and providing more opportunities for all Americans.

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

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. Mr. President, I rise to talk about the pending bill. I understand we will have a unanimous consent agreement that the majority leader and I have worked out on the omnibus lands package. Having spent 10 years in a legislative body, I understand how things work, and I know we have a bill that is a compilation of 150-plus other bills that is so peppered with individual parochial interests that the hopes of defeating the bill are somewhat diminished. However, I would be remiss in the oath I took to the Constitution to not try to inform my colleagues in the Senate as well as—and more importantly—the people of this country what is coming about with this bill.

Yesterday, one of my constituents sent me a news article described as the following: ''Natural Gas Rig Shutting Means Prices May Double.'' Natural gas right now is under $4 a million British thermal units. It was as high as $13 in the height of what I would say was the manipulation of the commodity market but also in the height of the expansion we saw in economies around the world.

Why is that important to the American public? When people look for natural resources, they look for natural resources—to find them—so they can sell them at a profit. Natural gas exploration in the continental United States—not offshore—is fraught with great difficulties in terms of finding great supplies. However, what we do know in terms of the law of economics is: If you cut exploration in natural gas by 45 percent—and that is just through February of this year versus July of last year—what is going to happen? What is going to happen to natural gas prices? Well, they are going to rise and they are going to rise significantly and, most probably, they are going to approach $10 a year from now.

Is it a great policy we are going to pass a bill that is going to make it harder to find additional natural gas resources in this country, that shuts off 13 trillion cubic feet of known reserves right now? That is enough to supply our country for 2 years. Is it smart for us to pass a lands package that is going to take 2.8 million acres and say: You cannot ever touch it for energy, regardless if natural gas is $45 a million Btu's, you cannot touch it?

But at the same time, if our demand rises, what are we going to do? We are going to import it. So we are doing two things highly negative in the long run that will have major effects on the average American family. One is, we are going to limit the ability to go find it; and, No. 2, we are going to continue to fund imports with our dollars to burn the same natural gas we could have developed here.

The same thing could be said for oil. We all remember oil at $140 a barrel. We pretty well like that gasoline—in my hometown, I filled up with regular unleaded gasoline for $1.64 a gallon this weekend versus the highest it got in Oklahoma, I think, was $3.90 a gallon. We like that. But we are getting ready to pass a bill that says the likelihood of us going back to that era of demand—supply inequality—will be increased and that to pay for that will be a tax on every American family's budget. It is a pretty tough tax if you are commuting or if you are heating your home with natural gas our if you are buying heating oil. Many of our families in the Northeast and upper Midwest bought their heating oil at the peak of prices.

So the opposition to this bill, from my standpoint, comes from a lot of areas, and I am going to spend some time outlining that today. But I want to be a predictor of what is going to happen. What is going to happen is energy prices are going to rise. If you are the greenest of green and think we can provide all our energy from renewables,

great. But what you cannot deny is the fact that it is going to take us 20 years to get there. What this bill is going to do is markedly hamper our ability to supply needed energy products for American families. It is not just oil and gas.

Ninety percent of the known geothermal and absolutely clean, safe, environmentally friendly way to produce steam and power a turbine to produce electricity is taken off in this bill—90 percent of the known geothermal reserves. So when we say we want to use renewables and we want to get away from a carbon-based source, there are some things we have to do. One is to recognize how long it is going to take us and make sure we do not have a disruption in our supplies; No. 2, markedly increase the supplies we need in the meantime; and, No. 3, not hamstring our ability to use completely renewable sources from sources we know are available to us right now.

There have been a lot of claims this bill is not controversial. Well, coming from an energy-producing State, it is controversial as all get out for Oklahoma. When we say we are going to shut off large portions of this country forever to future energy exploration, it does not just impact—Oklahomans have cheap energy. We are the least impacted by it. What the American citizens ought to be asking is: What did we get individually that can put 150 bills together that will make your Representative in Congress vote for something that in the long term is damaging to our energy independence and will keep us more dependent on people who are supplying energy who do not necessarily believe in freedom, do not necessarily like our way of life, and do not necessarily believe we ought to have the standard of living we have?

This bill has 1,248 pages—1,248 pages. There is a total of 170 unique, different bills. This bill, also, is going to cost the American taxpayer—our kids—$10 billion, and it has $900 million of mandatory spending that is going to be spent no matter what anybody in Congress says. So we are going to add another $11 billion to our spending. It is opposed by over 200 different groups. Whether it is property rights groups, the Chamber of Commerce, energy-producing groups, recreation interests across the country, they are uniform in their opposition to this bill.

It is not necessarily just in their own self-interests they are in opposition to it. They know what is coming. They are not thinking short term. They are not thinking about how I look good at home. They are thinking about what is in the best long-term interests of our Nation.

One hundred of these bills have no effect on us as individual Americans. They will not have an effect on energy. They will not have an effect on property rights. There probably is no problem with them. But 70 of these bills will markedly impact every American.

When this bill went through the House on suspension—and it is important you know what ''suspension'' means: You get a vote on it, but you do not get any opportunity to amend it—it did not pass the requirement to pass the House without amendment.

This bill has been smoldering here for 2 years. I wish it would smolder a whole lot longer. I will have to admit that. This is the first time in 2 years we are going to be able to offer an amendment to change this bill. It is going to be a limited set of amendments: six amendments on 1,248 pages of legislation, on $11 billion worth of spending, but, more importantly, on a significant decline in the American people's standard of living because energy costs are going to rise. They are going to rise anyway, but they are going to rise dramatically because of what we are going to do in this bill.

It is a massive collection of unique provisions, some quite controversial. There is actually a section of wilderness area in one Congressman's district that nobody from his district wants and neither did he, but it got put in the bill, and he has no ability to amend the bill. So we are going to take a section out of one of our States and put it in a wilderness area, where the citizens do not want that to happen and the Congressman does not have the ability to try to stop it. That is what happens when you start playing games in trading things in Congress to pass a bill that cannot pass any other way except for buying off votes with something that looks good at home.

It creates 10 new National Heritage Areas. It creates three new units of the National Park Service. We have a $9 billion backlog in just keeping the buildings maintained in our national parks right now, and we are going to add three new parks—at a time when we are going to have an over $2 trillion deficit. We are going to have a deficit that will add $7,000 per man, woman, and child, $28,000 per family this year alone—this year alone.

It creates 14 new studies to expand or create more national parks. It creates 80 new wilderness designations or expansions. It takes 2.2 million acres of direct Federal land and says: You can never touch this, regardless of how much oil is there, how much natural gas is there, how much geothermal is there. You can never touch it. No matter what our need is, we will never be able to access it.

How stupid are we when we are going to tell the rest of the world's suppliers of oil we are going to limit our ability to influence their pricing to us?

It creates 92 wild and scenic river designations—that is more than we have total wild and scenic rivers now—1,100 miles of shoreline. It is going to kill an LNG, liquefied natural gas, port in Massachusetts that is not a scenic river at all because we are so green we do not want to use natural gas, one of the cleanest carbon-based fuels we have, and we are going to eliminate the ability for people in the Northeast to have cheap natural gas. But we are going to do it.

It creates six new National Trails. I will tell you, the trails it creates have eminent domain. Even though this bill says they are not going to use it, the bureaucrats are still going to have the ability to take private property from individuals without their consent.

The Wild and Scenic Rivers Act will prohibit any gas transmission lines, any electrical lines, any utility lines, that may be in our Nation's best interest, to either pump oil from Canada or natural gas. You cannot go near the river, so you cannot cross the river. So what we are going to do is, not only are we going to raise the cost, we are going to increase the cost of getting it here because we are going to have to go circuitous routes to bring energy to people in this country.

It includes 19 specific instances where Federal lands are permanently—permanently—withdrawn from future mineral and geothermal leasing. Three million acres are impacted by this permanent withdrawal. In the Wyoming Range that is in this bill, according to the National Petroleum Council, 12 trillion cubic feet of natural gas is proven and sitting there right now—and that is enough to run our country for almost 3 years—300 million barrels of oil. That is the most up-to-date study by the BLM. Each of the 19 withdrawal provisions of the 3 million acres also excludes future geothermal leasing. Studies performed by the Bureau of Land Management confirm geopotential on many of the designations in this bill. In other words, it has been studied. I will have a chart later to show that. We know where the geothermal sources are in this country—clean energy, cheap, abundant—yet we are going to take it away. We are going to say we are not going to use it.

The threats posed by this bill to American energy independence have grown since the last time we considered this bill. Secretary Salazar has withdrawn 77 major leases in Utah. He has withdrawn eight—and these are leases that are already completed, signed, and paid for—energy leases in Wyoming, outside of this bill. He has delayed any increase in offshore drilling because it ''needs more study.'' We do it with perfection in the Gulf of Mexico. The vast quantity of our oil that we produce domestically comes from there. He has delayed the development of oil shale because it needs more testing, except all the prototype plants have been highly effective in how they have utilized it.

The bill is another direct challenge from Congress to President Obama's pledge to clean up the earmark process. There are multiple earmarks in this bill for things that none of us would be proud of and none of us would say would meet with any common sense, especially in light of the fiscal and monetary difficulties in which we find ourselves.

There is $1 billion for a water project in California to repopulate 500 salmon. There is $5 million for a wolf compensation and prevention program for

wolves that we reintroduced in the wild that are now killing cattle. So we are reintroducing wolves, and then we are going to pay the ranchers for the cows the wolves killed.

There is $3.5 million to celebrate the 450th anniversary of St. Augustine in 2015. Do we really think right now we ought to spend $3.5 million to plan a birthday party in 2015 when we are stealing every penny we are going to spend this year—in the remaining portion of this year—from our kids and our grandkids? Is that really something we want to do?

We are going to spend a quarter of a million dollars to study whether Alexander Hamilton's boyhood estate in St. Croix, the U.S. Virgin Islands, is suitable as a new national park. Well, let's do it after we get out of the mess we are in; let's don't do it now. Let's not spend a quarter of a million dollars. What would a quarter of a million dollars do? It would buy at least 20 families health insurance for a year, 20 families who don't have it. It would supply lots of small businesses with the working capital they require to keep going and keep their employees on board instead of laying them off.

This bill gives $5 million for the National Tropical Botanical Garden to operate and maintain new gardens in Hawaii and Florida. Is that really a priority for us right now? Is that something—if we were a family, would we be making those kinds of decisions? It gives us a new ocean exploration program which has as its No. 1 job to locate, find, and document historic shipwrecks. It may be a good idea in a time of plenty, but in a time of hurt it is a terrible idea.

There is $12 million for the Smithsonian to build a new greenhouse for a national orchid collection. Is that something we should do now? A full waiver for the Cave Institute in New Mexico to be fully funded by the American taxpayers rather than by the State of New Mexico. It just happens to be one of those little things snuck into the bill.

What about property rights? There is little transparency. It is estimated the Federal Government now owns 653 million acres, 1 out of 3 acres in the United States, and 1 out of 2 acres in the Western United States. The 10 national heritage areas—what does that mean? The Park Service funds advisory committees in these heritage areas which means they have an advantage over the local residents because they have money. So they come in and pass requirements and code changes that impact private property rights in all of these areas.

So if you are in the heritage area or if you are abutting it, you now have the Federal Government funding a group that may be counter to your own private property rights. Eighty wilderness areas and another 2.2 million acres. Recent court decisions have now said being in the wilderness area isn't enough. If you are close to it, you can't have your rights; we will decide what you do with your land.

Ninety-two national scenic rivers—again, eminent domain—anything touching it or anything they want to have touch it, they have eminent domain to take private property, and we are creating 92 of those. So if you live along one of those rivers, you should worry about whether you are going to have the freedom to do with your property as you want, whether you are on the river or not. You just have to be in proximity.

Six national trail designations. The underlying National Trails Act grants land acquisition and eminent domain authority. So if they want to put a national trail through your backyard, they can come and take your home. Do we really want to give that kind of capability, and is now the time to do it?

Here is a quote from the National Property Rights Advocates:

> This bill is a serious threat to all property owners in this country. Over the past several decades there has been a proliferation of programs dedicated to the preservation of land that has extended the grasp of the Federal Government and its influence over private property rights.

Amen.

> As a result of this legislation, landowners will see their property value diminish due to increased land use regulations and outdoor recreation enthusiasts will find new restrictions on both public and private land.

So you can have private land where you allow people to horseback ride, but if you are next to one of these areas and they are not allowed in that area, you are not going to be allowed. So you may actually even lose income because you no longer have that as a capability of your property.

The experts go on and say:

> This legislation should never arbitrarily attempt to seize land from the public and restrict its use as this package will.

The problem is, there is no priority in this bill—there is no priority for energy independence or less dependence. There is no priority to protect rights that are guaranteed under the Constitution.

Let's think for a minute about what we have tasked the American agencies with. The National Park Service, here is what they are responsible for: 84 million acres of land in the National Park Service, 391 different units; 54 national wilderness areas which include 44 million acres; 15 wild and scenic rivers, and we are getting ready to add 92 to that; 40 national heritage areas, and we are getting ready to add 12; 28 national memorials, 4 national parkways, 120 national historic parks, 20 national preserves and reserves, 24 national battlefields, 18 national recreation areas, 74 national monument areas, 10 national seashores, 4 national lake shores, 3,565 miles of national scenic trails, 12,250 miles of unpaved trails, 46 miles of Canadian border, 285 miles of Mexican border to patrol and manage, 27,000 historic structures—27,000 historic structures that are falling down—26,830 camp sites, 7,580 administrative and public use buildings, 8,505 monuments and statues, 1,804 bridges and tunnels, 505 dams, 8,500 miles of road that they have to maintain yearly, 680 waste water treatment systems, and 272 million visits annually.

The National Park Service has a $9.6 billion maintenance backlog, so severe that the backlog grew $400 million since the time we first passed this bill and its coming back to us. The backlog has grown by $400 million, which includes some of our treasures—the USS Arizona Memorial, where 1,117 American sailors were killed—and faces a backlog of $33.4 million. It is not getting fixed; Gettysburg National Battlefield, 51,000 casualties in 3 days, $29 million backlog; the Grand Canyon National Park, $299 million backlog; the Statue of Liberty Park, $197 million backlog; The National Mall in Washington, DC—The Mall that is just west of here—$700 million backlog. There is even miscellaneous and supposedly noncontroversial provisions in the bill that could pose a threat to American families. It is not intended; it is just that it is a consequence.

In this bill is a little provision that if you are on Federal lands and you happen to pick up a rock—not intentionally to steal a fossil, but if it is a fossil, 5 years in jail, and they can confiscate your automobile, plus a fine. One of the amendments we have tries to fix that. We don't have a big problem with fossils being stolen, but we are going to fix a problem that isn't great by this amendment, by this bill, and we need to clean it up.

There is a provision to codify an existing agency program at the Bureau of Land Management which will, in fact, consolidate power over 38 million acres of land onto a few anti-energy, anti-recreational bureaucrats. This jurisdiction will extend the wilderness study areas lands, many of which have been deemed already nonsuitable for wilderness.

I am going to make a point later in the presentation just to show my colleagues—as a matter of fact, I will make it right now. One of the things the law requires is that we, in fact, do studies on the applicability of lands for wilderness area. My staff just had time to go through California, Oregon, and Washington. By law, it is mandated there has to be a study to see if it is suitable. I am going to read through some of these.

Granite Mountain, CA. It is not suitable for wilderness recommendation because resource conflicts in the WSA include modern to high geothermal resource potential. It should never get a wilderness designation. We are going to designate it a wilderness area.

Spring Basin, oil and gas, moderate potential for occurrence based on several factors. Soda Mountain wilderness study area, California; again, the entire wilderness is considered to have a moderate potential for the occurrence of oil and gas. So we know in many of

these areas there is tremendous energy potential for us, and we are going to shut it off forever.

Sabinoso wilderness study area, oil and gas; Pinto Mountain, CA, zero acres—this is by the Bureau of Land Management—zero acres were deemed suitable for wilderness. Yet we are going to put that area in a wilderness classification. Beauty Mountain, CA, no wilderness is recommended for this wilderness study area. The wilderness values for most of the area are not outstanding at all and commonplace.

Little Jackson, Big Jackson, wilderness study area, Idaho, natural gas pipeline between it and a supposed source of minerals; Bruno River wilderness study area, geothermal resources are found at the northern and southern ends of it. The solitude of this area is frequently disrupted by flying military aircraft utilizing the U.S. Air Force bombing range just east of the wilderness study area.

I can go through Oregon, Idaho, Washington—and we will go through the rest of them before this debate is over—but the fact is, we are not even paying attention to what the law says. When we have a study that says we shouldn't be, we are putting them in wilderness areas anyway.

One of the things I would like to do is commend to my colleagues highlights of GAO–09–425T, a study released March 3, 2009, on the Department of the Interior by the GAO. I would bet my colleagues a nickel against a penny, or any multiple of that, that less than one person in the Senate besides myself has read this report because you can't read this report and come out and vote on this bill. This is the Government Accountability Office. What they say is, the Department of the Interior is essentially poorly run, poorly managed, and the safety and welfare of our people who are on BLM lands and in the national parks is at risk because of the poor management and the lack of oversight that has been carried out by Congress. It is the very same committee that brings us this bill.

Mr. President, I also commend to my colleagues the testimony of Mary Kendall, the acting inspector general for the Department of the Interior, her statement before the U.S. House of Representatives Committee on Appropriations Subcommittee on the Interior, Environment, and Related Agencies. When you read it, it will scare you to death. Here is what the internal inspector general is saying, and it mirrors what the GAO is saying. Yet this has received zero consideration from the authors of this bill; otherwise, we would see an opportunity to fix the problems that are outlined in these two documents in this bill. There has been no consideration to fix the problems and no significant oversight.

What does it find? At no point during their testimony did they agree that it was a good idea to add any additional responsibilities to the Department of the Interior, based on what has been found: We find ourselves in the biggest mess in terms of maintenance. There is actually a public safety and health issue for people who are visiting our parks highlighted throughout both of these reports. There is no attempt to fix that, no attempt to authorize the money to get the backlog caught up with what we presently have and should be taking care of. There is no attempt whatsoever.

In the GAO report—I quoted almost $9 billion—they are saying it is between $13.2 billion and $19.4 billion to get our national parks up to date and manage the things we should be managing. In contrast, the entire budget for the Department of the Interior in 2007 was under $11 billion. We are going to take significant moneys that should be spent on the backlog of repair and maintenance and we are going to use that to implement this 1,243-page bill. I don't get it. I don't understand the lack of common sense. I understand the political drive. I understand we want to do things for people back at home. But I don't understand why there hasn't been a change in behavior given the economic situation we are in. I flat don't get it. I guess I have a lot to learn about politics.

The GAO wasn't necessarily critical of the management of the Department of the Interior, they were really critical of Congress. They said that although Interior has made a concentrated effort to address its deferred backlog, the dollar estimate of the backlog has continued to escalate. It sounds as if they need help. The last thing they need is another 3 million acres for which they have to be responsible. They classify the backlog into four categories: roads, bridges, and trails, between $6 billion and $9 billion; buildings, including historic buildings, between $2 billion and $3.5 billion; irrigation, dams, and other water structures, between $2.4 billion and $3.6 billion; recreation sites and fisheries, between $2 billion and $2.93 billion.

The Department of Interior by itself manages more than 500 million acres of Federal land, more than 1.8 billion acres of the Outer Continental Shelf, and its 70,000 employees working in 2,400 locations. Yet congressional leadership intends to add another 3 million acres and hundreds of new commitments to DOI in this bill.

In one instance of mismanagement, in this GAO report, GAO points out that the Fish and Wildlife Service is responsible for 132,000 acres of farmland, most of which it doesn't manage. However, even though these farmlands are unwanted, the Fish and Wildlife Service cannot sell these lands because they are now part of the National Wildlife Refuge System. So Fish and Wildlife owns thousands of acres of good farmland that it doesn't manage and doesn't even inspect. It is less than 13 percent of the land they inspect yearly. It is land we could use for agricultural production, but we don't use it because we in the Congress have handicapped them.

What the GAO report also said was, in describing the maintenance backlogs, that the deterioration of these facilities can impair public health and safety, reduce employee morale and productivity, and increase the cost for major repairs and early replacement of structures and equipment.

Other groups have made similar observations. According to the National Parks Conservation Association, ''From neglected trails to dirty or deteriorating facilities, national parks across the country are showing the strain of budget shortfalls in excess of $600 million annually. . . .'' It will be greater than that this year. ''The visitor center at the USS Arizona Memorial in Hawaii is overcrowded, its foundation is cracking, and it is sinking. . . .a shortage of staff and funding limits the ability of the Park Service to maintain campgrounds at Nevada's Great Basin National Park. Broken benches, dilapidated buildings, and a crumbling boardwalk greet visitors to Riis Park in Gateway National Recreation Area in New York and New Jersey. Chaco Culture National Historical Park in New Mexico lacks funding to maintain and repair the park's 28 miles of backcountry trails. As a result, trails are damaged by heavy use and weather, compromising the experiences of visitors and the integrity of cultural resources and nearby natural resources that become trampled when visitors cannot follow the trails.'' They are not maintained, and that becomes an ecological problem.

According to Acting IG Mary Kendall, ''Our work has documented decades of maintenance, health and safety issues that place the Department of Interior employees and the public at risk.'' She listed the following examples of where poor management has led to safety concerns:

The U.S. Park Police, responsible for maintaining security at national icons, ''failed to establish a comprehensive security program and lacks adequate staffing and formal training for those responsible for protection [of those assets].''

Opportunities for improvement remain in the security of our Nation's dams.

The Department's Office of Law Enforcement, Security, and Emergency Management still struggles with issuing centralized policy and providing effective oversight of DOI law enforcement.

In 2006, they found a National Park Service visitor center literally falling apart, severe deterioration at the Bureau of Indian Education elementary and secondary schools, and Fish and Wildlife employees working for almost 7 years in two buildings that were condemned and closed to the public.

That is how good the oversight is that we have done.

They identified abandoned mines where members of the public had been ''killed, injured, or exposed to dangerous environmental contaminants''

by abandoned mines, and Congress is prioritizing a massive increase in the public lands without funding or prioritizing the true national concerns in DOI.

What was also found in the GAO report is that despite increasing firefighting funds fourfold, there is incompetent forest fire management. The fact is that they are made worse because of poor management. We have done nothing for that.

Her statement was:

In other words, DOI has not managed to even develop goals for maximizing fire management and prevention funds.

Another statement is:

High prevalence of waste and fraud in the procurement and Federal assistance process.

They also found problems throughout the solicitation process: a lack of presolicitation planning, a lack of competition, selection of inappropriate award vehicles, and poor administration of contracts and grants.

Mary Kendall said:

Financial management has remained a top challenge for the department.

Why don't we fix it? You cannot fix what you cannot measure. Yet we are going to add this bloated bill.

There is something everybody should know. For the Native American schools in this country, we are spending a billion dollars a year for 50,000 kids. And when you look at performance, what you see is something akin, in many areas, to Washington, DC—not all but in many. The cost per student running through that is $20,000. We could put them in the best private schools, with the best private teachers, and bunk them, for $20,000 a year. Yet we continue to allow this.

BLM grazing fees collected were $12 million in fiscal year 2004—that is the latest year for which we have numbers, which tells you something about the accounting—even though the cost to implement the grazing program was $58 million. We would be better off eliminating the grazing program and saving $46 million.

So what is it about this bill that has had me so persistent? I will tell you. It is a great example of what we do wrong. It is a great example of the worst tendency of Congress. We were in an energy-short environment, and even though it doesn't feel that way today, it will feel that way 10, 12, 18 months from now. We are going to eliminate the potential for us getting out of it. We are going to add significant responsibilities to an agency that both the GAO and their own IG says is in trouble. Yet we don't approach anything to fix it.

We are going to make everybody feel good in this body because they all have something in the bill and they can go home and say: Look what I did, look what I accomplished. I got something that is important for our State. The problem with that thinking is that, when we only think in a parochial manner—if I only think about Oklahoma or if the Senator from Texas only thinks about Texas or any other Senator thinks only about their State and themselves—the whole country loses. Not once in our oath does it say that our allegiance is to our State. What it says is that our allegiance is to our country. And if our country is not healthy, no State can be healthy. Yet we have allowed parochialism and the politics of the Senate to design a bill that, for sure, will pass but which in the long run is going to be harmful to the country. It is going to pass. It will have 65 or 70 votes, maybe even 80 votes, because the press release at home is more important than the principle in Washington. Consequently, not only will we spend this $11 billion and overburden an agency that is struggling to keep itself above water, we will commit the Department of Interior to further backlogs, further problems, and we will strangle our ability to respond both with clean energy and the energy we know we are going to need for the next 20 years the next time the supply-demand balance gets upset.

The question the American people ought to ask is, Is it worth it? Is it worth it for somebody from Oklahoma to get something and to do this to the Nation as a whole? Is it responsible? Is that how our country is going to work in the future? Are we going to always place parochial interests first or are we going to go back and grab ahold of the heritage which made this country great, which says the politician doesn't matter; the principles and forbearance of our forefathers in accomplishing what is best for the nation, is that going to win the day? My thoughts are that it won't. When it doesn't win the day, I don't lose—I fought for it—but my kids lose, my grandkids lose, and so does everybody else in this country. In the name of playing the good game, what we are doing is undermining our country.

We have a lot of financial problems in front of us today. We as a nation can get out of those problems. As a matter of fact, we will get out of those in spite of the U.S. Congress because what makes America great is its people, not its politicians. What makes America great is the fact that the people get up every day, and no matter what is ahead of them, they will struggle to try to defeat the problems in front of them to make a better life for themselves, their kids, and their neighbors. We could learn a great deal from the average American citizen as we approach the legislation.

This little bill, which I assure you nobody in this body has read, is a compilation of 170 bills—some good; some don't have any of the negative effects I have described. But 50 of them are going to have devastating effects. And how we respond, how the American people respond to our doing this, is going to reflect on the character of the American people. They need to become informed about what we are doing.

Later today, we will have a unanimous consent that I thank the majority leader for. He has the toughest job in the Senate, and I recognize that. I have given him fits on this bill. I don't apologize for that. I think this bill is the wrong thing at the wrong time for the wrong reason. But we will have a unanimous consent agreement that allows six amendments, which I will offer either later this evening or tomorrow, which eliminate some of the stupidity in this bill. It won't fix the bill. It won't fix the problem I have described.

We are then going to walk out of here happy, because it will go back to the House, not have a chance to be amended in the House, and the President is going to sign a bill that is going to hurt our energy independence. We are going to hear all sorts of statements to the contrary, but that is not true. The fact is it is going to hurt our capability of becoming more self-sufficient for our own energy needs.

So a year or 18 months from now, when you are no longer paying under $2 for gasoline, and it is $4, I hope the American people will remember this bill, because this is the start of the battle against undermining utilizing our own resources in our own country for what is in the best long-term interest—not the short-term—for our country. And it doesn't have anything to do with climate change or global warming. Because if it did, we wouldn't worry about 20 years of carbon usage when we know we are going to go away from it.

Mr. President, I thank you for your patience and the time today. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I have a unanimous consent agreement that I am going to propound, and I believe it is acceptable on all sides.

I ask unanimous consent that all postcloture time be yielded back, and the motion to proceed to H.R. 146 be agreed to; that once the bill is reported, the Bingaman substitute amendment, which is at the desk, be called up for consideration; that once the substitute amendment has been reported, it be considered read; that the following list of amendments be the only first-degree amendments in order; that upon disposition of the listed amendments, the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate then vote on passage of the bill, that passage of the bill be subject to a 60-vote threshold; that if the threshold is achieved and upon passage, the motion to reconsider be laid upon the table; that the

title amendment, which is at the desk, be considered and agreed to and the motion to reconsider be laid upon the table; provided further debate time prior to a vote in relation to each amendment be limited to 60 minutes, equally divided and controlled in the usual form; and that no amendment be in order to any amendment prior to a vote in relation thereto; that if there is a sequence of votes in relation to the amendments, then prior to each vote in a sequence, there be 4 minutes of debate, divided as specified above, and that after the first vote in any sequence, subsequent votes be limited to 10 minutes each.

Here is the list of amendments: Coburn amendment No. 680, regarding barring new construction. The second is Coburn amendment No. 679, regarding striking provisions restricting alternative energy. The third is Coburn amendment No. 683, regarding striking targeted provisions. The fourth is Coburn amendment No. 675, regarding eminent domain. The fifth is Coburn amendment No. 677, regarding annual report. And the sixth is Coburn amendment No. 682 regarding subtitle D clarification.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to proceed is agreed to.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

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

AMENDMENT NO. 684

(Purpose: In the nature of a substitute)

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 684.

(The amendment is printed in today's RECORD under ''Text of Amendments''.)

Mr. BINGAMAN. Mr. President, at this point I believe I intend to put a quorum call in. My colleague from Idaho is going to speak in a few minutes, as I understand it, to discuss some of the issues involved with the legislation. I plan to speak myself and then we will await Senator COBURN's return to the floor so he can call up the first of his amendments.

I am informed that the Senator from Oklahoma wishes to speak. Accordingly, I will not put in a quorum call at this time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, a lot of my colleagues have come down and talked about the outrage at the excessive bonuses for AIG executives after, then, the $180 billion bailout. I think we should be mad at a lot of people, I guess, right now—certainly the executives who were the ones who ran what was once a great company into the ground. But that is not where the blame ends. It is not where the buck stops. I know I will upset some of my colleagues when I remind them and the American people that much of the blame should be directed right here in this Chamber to Members of this body, the Senate, and to the other side of the Capitol, because that is where it all started in October.

It was October 10 when 75 percent of the Senators voted to give an unprecedented amount of money to an unelected bureaucrat to do with as he wished. This happened to be $700 billion, the largest amount ever authorized, if you could use that word, in the history of the world. So 75 percent of the Senators in this Chamber said to both Treasury Secretary Hank Paulson and Tim Geithner—let's keep in mind he was in on this deal, too—when voting in favor of the massive bailout, to go ahead and take the $700 billion and do anything with it you want.

How can they support giving money to a bureaucrat to ''do anything you want''? There was nothing there. He gave a promise. He said it was to go buy damaged assets, but he didn't do that. Instead, that money went to banks and I don't know that there are any positive results in the way of credit as a result of that effort.

When it comes to AIG, outrage doesn't even come close. I have said from a long time, from the outset, in fact, that the Federal Government needs an exit strategy for its entanglement in the financial system. The revelation that AIG is trying to give hundreds of millions of dollars in bonuses at the same time it is the recipient of the largest government bailout in history shows why. How can you give out bonuses when the taxpayer has to rescue you from sudden failure? What are these bonuses for exactly?

I understand bonuses should be a reward for a job well done. It is pretty clear when they are getting bailed out by the taxpayers it was not a job well done. What could possibly justify the bonuses? I normally would not support having the government try to micromanage pay packages in any industry, but these are not normal times. AIG has received almost $180 billion in U.S. taxpayers' bailouts. The U.S. Government owns 80 percent of the company. How the executives at AIG do not get the fact that these are not normal times is absolutely mind boggling.

I have been saying for a long time we need a change of course in our approach to the financial bailouts. President Obama's Treasury Secretary came out over a month ago, February 11, and he said he had a plan for changing course. We have been waiting since February 11 for that plan. Nobody has it. We do not have any idea if anybody has a plan out there, but certainly we have not heard anything from Tim Geithner.

I don't know how people at AIG, giving out or receiving a bonus right now, can look themselves in the mirror, but my colleagues and I in Congress can look you in the eye right now and say if we do not see action on this and action on it soon from the administration, you can be sure we will do all we can to right this wrong to get these bonuses back.

There are several people working on how, mechanically, that would work. But above all, we need the people to demand a change in course when it comes to a financial rescue approach.

I hesitate saying this but—and I hope this will never happen again—at the time, October 10, when a decision was made to influence 75 percent of the Senators in this Chamber to give $700 billion to an unelected bureaucrat to do with as he wished and then we turned around and complained about what he did with it was not reasonable. I hope this never happens again.

With that, I believe there are some things in the works now that are going to change this situation. I hope we can be successful. It is unconscionable what has happened.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CRAPO. Mr. President, I am very pleased today to stand in behalf of and support of H.R. 146. This is what we passed earlier in the Senate as S. 22 and now, because of the procedural necessities between the House and the Senate as we seek to provide an opportunity for this legislation to reach the desk of the President, it has been amended to H.R. 146.

To call this legislation bipartisan is an understatement. This bill contains over 150 individual provisions sponsored by almost 50 different Members, almost half of our colleagues in this Senate. It represents every region of the country and has almost an equal number of bills from each side of the aisle. It is going to provide significant protections to existing public lands, improve recreation, cultural and historic opportunities, and provide important economic benefits for rural economy States such as my home State of Idaho.

Every bill in the package has gone through regular order. Most have had multiple hearings and markups in the Energy Committee. All are fully supported by the committee chairman and the ranking member. In fact, many of the provisions, such as my top legislative priority, the Owyhee initiative, are the result of years of extensive collaboration at the State and local levels

in conjunction with elected officials, businesses, community leaders, outdoor enthusiasts, and other stakeholders. This legislation has been in preparation, also, for years. In fact, many of the provisions included in this legislation were initially worked on by the Energy Committee when the Republicans were in control of the Senate and Senator Pete Domenici was the chairman of the Energy Committee.

Additionally, there is no direct spending in this authorizing bill. The package does not have any bills that have a CBO score without an offset, meaning that the spending authorized in this bill is offset. This is not to say that the legislation is without controversy or that it is unanimously supported. Few pieces of legislation that pass through this Chamber are. However, while any omnibus package by nature will contain elements that are troubling to some, the Energy Committee negotiated the inclusion of each bill in this package to successfully reach a compromise on which both sides of the aisle could agree.

As with my Owyhee wilderness legislation, not everyone got exactly what they wanted, but both sides made concessions and believe the result is something they can put their support behind. As a result, this omnibus lands bill is widely supported and represents a diverse group of interests from every region of the country. Because of this, I strongly urge my colleagues to support its passage swiftly this week.

Some are attacking the bill by saying it is a huge omnibus bill that contains over 150 separate individual pieces of legislation and that because it is so large, that is a reason to oppose it. Frankly, I am one of those in this Senate who does not like the notion of taking smaller pieces of legislation, in general, and packaging them into large omnibus bills without allowing those bills to go through orderly process and without allowing the committee process and the amendment process on the floor to fully work. This is not the first time this legislation has seen the floor of the Senate, however. As I said earlier, it has already passed the floor essentially in the same format as the proposed amendment of the Senator from New Mexico, as S. 22. It was on the floor previously and essentially in the same shape and we debated it multiple times.

As I said, the individual pieces of this legislation have moved through the Energy Committee and have been approved by the Energy Committee as this process was followed.

Historically it has been the way the Energy Committee approaches public lands legislation, to put them into large groups. Why? As I said, there are 150 pieces in this particular bill. Previous to this bill was another one which I believe had somewhere over 70 different pieces, and I will bet the Energy Committee today has another 50 or 70 or 100 pieces of legislation waiting for consideration. If every single one of them moved individually on the floor of the Senate, we would have little time on the floor for any other type of business.

It has become a working procedure that these bills are grouped together and moved in one unit as we work among ourselves with regard to land management issues in our respective States so we can move forward.

Let me give an example of what I am talking about, relating to my own specific state, Idaho. As I have indicated, my top legislative priority, the Owyhee initiative, is included in this bill. I am going to talk further about it in a few moments. But that is not the only bill relating to Idaho that is in this legislation. As a matter of fact, there are five or six bills in this legislation that relate to my home State of Idaho. Let me give an example of what they are so you can see why it is these bills are collected together and moved as one unit.

One of them is S. 2354, the Twin Falls Land Exchange.

This bill transfers four specified parcels of land in Twin Falls, ID, from the BLM to the city of Twin Falls, ID, for use to support the Auger Falls Project, which is a community park and recreation area.

Again, many people who are not from the West, who do not realize how large the areas of public land are that we have out here, do not realize that when we make adjustments to land ownership between the Federal Government and the city or the county or other private entities, it requires an act of Congress. That is what one of these provisions in the bill is, an uncontroversial bill for this land exchange between the BLM and the city of Twin Falls.

Another one is S. 262, to rename the Snake River Birds of Prey National Conservation Area as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, who is an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area—the change of the name of a conservation area.

Another of those pieces of legislation relevant to my home State of Idaho is the boundary adjustment to the Frank Church River of No Return Wilderness, another huge area in Idaho which has been previously, years and years ago, designated as wilderness, where we need to make a few boundary adjustments to include and exclude some specific lands.

Another one is S. 542. The name is Snake, Boise, and Payette River Systems studies. This legislation authorizes the Secretary of Interior, acting through the Bureau of Reclamation, to conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River Systems in Idaho that are considered appropriate for further study by the Bureau of Reclamation water storage assessment report; in other words, to help us manage our water issues in Federal lands that are managed in the State of Idaho. This legislation authorizes this important water study for the people of our State.

Another of the bills in this package relating to the State of Idaho is the reauthorization of the National Geologic Mapping Act of 1992. This amends the National Geologic Mapping Act to extend the deadlines for development of a 5-year strategic plan for the geologic mapping program and for appointment of an advisory committee.

That applies a little bit more broadly than just to Idaho, but it is very important in Idaho that we have the proper and final conclusions of this mapping process for our State's land management.

There are other pieces of legislation within this package that are not specific to Idaho but are very relevant to the citizens of other States. For example, one of the bills, S. 2593, is called Forest Landscape Restoration Act of 2008, which establishes a collaborative forest landscape restoration project to select and fund ecological restoration treatments for priority forest landscapes, an important part of our forest management policy that we have been working on for some time to get a more collaborative and effective way to manage our forests in our country.

Another piece, the Ice Age Floods National Geologic Trail Designation Act—this one designates the Ice Age Floods National Geologic Trail, a trail from Missoula, MT, to the Pacific Ocean, to proceed for the public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods.

Again, I point these out simply to show the broad variety of the types of land management decisions and acts, pieces of legislation that are included in this bill, which is being attacked as something that was just thrown together in a haphazard fashion by those who wanted to expand the role of the Federal Government in controlling the public lands.

I can tell you, in my home State of Idaho, there is very strong resistance to increasing the reach of the Federal Government. The decisions that we have made in supporting these types of legislation have been made in terms of trying to protect and preserve those very kinds of issues.

I will mention one more, S. 2875. This is one that is very important to us in the West, probably not that big of an issue in the East. It is called the Wolf Livestock Loss Prevention and Mitigation Act, introduced by Senator TESTER of Montana. I am a cosponsor of it. It authorizes the Secretary of the Interior and the Secretary of Agriculture to establish a 5-year demonstration program to provide grants to States and Indian tribes to assist livestock producers with respect to losses they may acquire on Federal, State, private, or Indian land, to undertake proactive,

nonlethal activities to reduce the risk of livestock loss as a result of predation by wolves.

The reason the predation of wolves has become an issue is because under the Endangered Species Act, the wolves have been reintroduced into this area. Now a conflict has arisen as to wolves that, frankly, are predators with regard to livestock. This legislation in some States is not an issue, might be irrelevant. To people in my State, it is a huge issue. The bill continues with issue after issue in other States where Senators, with the renaming of recreation areas, the adjustment of boundaries, the establishment of water studies and the like, have been working with land management issues in their States to proceed with rational, well thought out policy changes that they and their States support. I do not believe there is a single piece of legislation in this bill that is not supported by the Senators from the States in which the land sits, where the legislation impacts.

Now, let me take a few minutes while I wait for my colleagues who want to come and bring amendments. I would say right now to my colleague from Oklahoma or any others who would like to come and either debate this matter on the floor or bring forward an amendment and be given the amendment consideration process, that I am prepared to work with them as soon as they arrive on the floor for that purpose. But until they arrive, let me talk a little bit about the Owyhee Initiative.

I said earlier it was my No. 1 priority for this legislation. Many people, when I say ''Owyhee,'' wonder if I am saying ''Hawaii.'' It is Owyhee, O-w-y-h-e-e, and it is named after the Owyhee Canyonlands in southwestern Idaho, one of the most beautiful places that you can find in many parts of this country, but one of the most beautiful parts of the country with a tremendous and rich environmental and cultural heritage.

It is also an area where we have been having conflicts over land management policies for decades. Conflict among whom? Well, in this area, this beautiful gorgeous area of Idaho, not only do we have a rich environmental heritage and flora and fauna that abound, but we have livestock owners and ranchers. We have two Indian tribes. We have an Air Force training range both on land, as well as the air rights that impact on the area.

We have, as you might guess, hunters and fishers, and those who would like to recreate in the area in off-road vehicles or backpacking or rafting on the rivers or any number of other ways. And the types of uses that people want to put this gorgeous land to occasionally—not occasionally, regularly—come into conflict. Because of that, 8 years ago I was asked by a number of those from different interests in this land to see if I would host a collaborative effort to bring together those interested in all different perspectives, and instead of fighting in court or fighting in public hearings to sit down around the table and see if we could not collaboratively work out a solution.

I agreed to do so, and we started the Owyhee Initiative. That was literally about 8 years ago. Since that time, I am pleased to tell you that this collaborative effort between all levels of government, multiple users of public land and conservationists to resolve these decades-old heated land use battles in the Owyhee Canyonlands have come to a conclusion by all who support this legislation.

Now, I cannot tell you that literally every interest group possible supports it, but I can tell you that with the exception, in my opinion, of those in extreme positions, the vast majority of the people of Idaho and people across this country with interests in this great land are supportive of this land management act which has been proposed in Congress.

Owyhee County contains some of the most unique and beautiful canyonlands in the world, and offers large areas in which all of us can enjoy its grandeur. Now, 73 percent of the land base in this county is owned by the United States of America, and it is located within 1 hour's drive of one of the fastest growing areas in the Nation, Boise, ID. This combination of all of this incredible bounty, the closeness to a very large, growing population and the large amount of land ownership by the Federal Government, together with all of these other multiple uses to which the people who love the land want to put it to, has resulted in an explosive effect on property values, community expansion development, and ever-increasing demands on public land.

Given this confluence of circumstances, Owyhee County can certainly be understood to be a focus of conflict over the years, with heated political and regulatory battles that many thought would never end. The conflict over the land management is both inevitable but also understandable. And the question we face is, how do we manage it?

The wonderful people I will mention who worked on this effort came together and were able to find win-win solutions where everybody was better off with this legislation than with the status quo. The county commissioners said enough is enough, and I have to give credit to them for their tremendous work.

As we went forward, we ran into some sharp turns and steep inclines and burdens and hurdles in the roads, sharp rocks, deep ruts, sand burrs, what have you. But we worked hard for the last 7 or 8 years to come up with this legislation which I now support.

The commissioners appointed a chairman, an extraordinary gentleman, Fred Grant. They formed a work group that included the Wilderness Society, the Idaho Conservation League, the Nature Conservancy, Idaho Outfitters and Guides, the U.S. Air Force, the Sierra Club, the county Soil Conservation Districts, Owyhee Cattleman's Association, the Owyhee Borderlands Trust, People for the Owyhees, the Shoshone and Paiute Tribes, and others to join their efforts. They all worked together, and we came up with this legislation.

Now, I see that others have come in, and I believe they may want to begin making remarks, so I will wrap up rather quickly. I have a list of the names of the individuals who worked so hard over the years to bring together a win-win situation for the people of Idaho.

These people came from groups and institutions and interests that historically have been battling head to head. Instead, they were willing to work through this in a way that I believe sets a tremendous example for how we should approach land management decisions and conflicts in this Nation.

That is another reason this important legislation should pass. This legislation, some call it a wilderness bill, and it does have wilderness in it—I call it a comprehensive management bill, not just wilderness, but wild and scenic rivers. It deals with cattle and ranching. It deals with private property ownership. It deals with off-road vehicle use. It deals with travel plans. It deals with hunting and fishing and outfitters and the guides and all of the other different aspects of the way that people would want to use beautiful land like this.

I commend the commitment and leadership of everybody who has worked to make this legislation possible. Today is a very important day for them. Although we will probably still spend some time on the floor of this Senate working on this and the other important issues in this legislation, it is my hope we can expeditiously handle the amendments that have been proposed to this legislation and then move forward with just as expeditious activity and send this legislation back to the House for, hopefully, its final consideration.

Again, I thank my colleagues for their forbearance and for listening to this one more time. I am looking forward to the debate that we will have on the authorized amendments that have been made in order. I will work with my colleagues to assure that we pass this legislation as quickly as possible.

I would like to recognize and thank the people who have been the real driving force behind this process: Fred Grant, chairman of the Owyhee Initiative Work Group, his assistant Staci Grant, and Dr. Ted Hoffman, Sheriff Gary Aman; the Owyhee County Commissioners: Hal Tolmie, Chris Salova, and Dick Reynolds and Chairman Terry Gibson of the Shoshone Paiute Tribes. I am grateful to Governor Jim Risch of the Great State of Idaho for all of his support. Thanks to Colonel Rock of the U.S. Air Force at Mountain Home Air Force Base; Craig

Gherke and John McCarthy of the Wilderness Society; Rick Johnson and John Robison of the Idaho Conservation League, Inez Jaca representing Owyhee County; Dr. Chad Gibson representing the Owyhee Cattleman's Association; Brenda Richards representing private property owners in Owyhee County; Cindy and Frank Bachman representing the Soil Conservation Districts in Owyhee County; Marcia Argust with the Campaign for America's Wilderness; Grant Simmons of the Idaho Outfitters and Guides Association; Bill Sedivy with Idaho Rivers United; Tim Lowry of the Owyhee County Farm Bureau; Bill Walsh representing Southern Idaho Desert Racing Association; Lou Lunte and Will Whelan of the Nature Conservancy for all of their hard work and dedication.

I would also like to thank the Idaho Back Country Horseman, the Foundation for North American Wild Sheep, Roger Singer of the Sierra Club, the South Board of Control and the Owyhee Project managers, and all the other water rights holders who support me today. This process truly benefited from the diversity of these groups and their willingness to cooperate to reach a common goal of protecting the land on which they live, work, and play.

The Owyhee Canyonlands and its inhabitants are truly a treasure of Idaho and the United States; I hope you will join me in ensuring their future.

Mr. WHITEHOUSE. I ask unanimous consent to speak as in morning business for 5 minutes and, at the conclusion of my remarks, the Senator from Vermont, Mr. SANDERS, be recognized.

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

AIG EXECUTIVE COMPENSATION

Mr. WHITEHOUSE. Mr. President, I come to the floor to talk about the question of executive compensation triggered in particular by the recent round of bonuses paid to executives at AIG who had such a significant role in putting America into the economic distress we are in now. I have vented probably 50 times over this already, so I have calmed down a bit, but it is truly infuriating. I believe all my colleagues share how frustrating and infuriating it is. What is it about these people? They don't seem to get it. At long last have they no sense of humility? Have they no sense that their wretched corporation would not even exist today if it were not for the good will of millions of American taxpayers whose own economic future is being put at risk to prop up this corporation? Then they turn and do this?

It is not only I. I was in Rhode Island over the weekend. I stopped at Coffey's service station to have the oil changed. It was the one thing the mechanics were furious about. People don't come up to me and talk about issues all the time. I am a pretty normal person. We bump into each other, and we talk about various things. They were all over this. I stopped at Amenities Deli in Providence to pick up coffee and a muffin. Rosie, who runs it, all over this. I went to a meeting with the police chief and some community organizers in Olneyville. There was the local media, the radio stations, all over it. People are so angry.

What has happened is, the view has appeared that there isn't anything we can do about this. What I would like to say is, I believe that view is wrong. I am pleased President Obama has directed Treasury Secretary Geithner to use the Treasury's leverage and pursue every single legal avenue to block these bonuses and make the American taxpayers whole.

It is not just these bonuses. There is more out there. The Wall Street Journal reported weeks ago that there is $40 billion in deferred executive compensation waiting to be paid to recipients of the TARP plan of Federal taxpayer generosity. We are not doing anything about that either. The problem is fairly simple. In the ordinary course, these companies which have wrecked themselves would ordinarily be insolvent and would ordinarily go into bankruptcy. In bankruptcy, you would have a judicial forum. The court would make determinations about who gets paid under a regular schedule. These executive compensation schemes—deferred compensation is a tax dodge, so how wonderful that that should be favored now—these compensation schemes come at the very end. You line up at the back of the line with the unsecured creditors and you may get paid only pennies on the dollar. But because of their importance, because they were too big to fail, because we had to keep our financial system going, we could not allow them to go into bankruptcy. That was the decision. That took away that judicial forum.

Because we haven't replaced it under American law, where you can't undo a contractual obligation, you can't willy-nilly take it away, not without providing due process of law, all the way back to that case that all of us learned in the first year of law school, Fuentes v. Shevin. When the sheriff came to take away Mrs. Fuentes' stove because she hadn't paid for it, the Supreme Court said: You can't take Mrs. Fuentes' stove away, even if she hasn't paid for it, not without giving her a chance to be heard. So we have to create a place where the Government can go to contest these executive compensation schemes and have a proper due process hearing and air it out before the people.

The legislation I have proposed is called the Economic Recovery Adjustment Act of 2009. It would permit the Government, after notice and a hearing, consistent with due process principles, to reduce excessive executive compensation obligations at financial institutions that have received Federal bailout funds. It would also create an office of the taxpayer advocate in the Department of Justice to take the other side in the contest between the executives and the public, the Department of Justice would represent the public. Finally, you would set up a temporary court, a temporary recovery oversight panel of sitting bankruptcy judges. You don't have to create new positions. You take sitting bankruptcy judges and create a temporary panel and you can get this heard.

I don't wish to speak long. I know the distinguished Senator from Vermont is waiting. I do wish to assure my colleagues that if we want to ventilate about this, if we want to wring our hands about it, if we want to give speeches about how it is outrageous, we can do that. But if we actually want to do something about it, within the constitutional restrictions of the United States, I believe the bill I have proposed will allow us to do it. Frankly, I don't see another way. I invite colleagues to discuss it further with me. I don't think I have an exclusive piece of wisdom here. I do think there may be ways the bill could be improved. I am willing to listen to anybody.

I can't tolerate a situation in which we do nothing, in which we unilaterally disarm the U.S. Government from doing anything about this compensation by failing to set up the basic judicial method through which we could take a look at this and try to make things right.

Again, I invite my colleagues to be in touch on this, if they are interested in pursuing it. I think it is necessary. I appreciate the indulgence of the Chair. I appreciate the indulgence of the distinguished Senator from Vermont.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, it is hard to know how to begin because there is such a huge sense of outrage today in our country at what Wall Street has done through their greed, through their recklessness, and through their illegal behavior. The so-called masters of the universe, the best and the brightest, have plunged our Nation and, in fact, the world into a deep recession and taken us to the edge of a major depression.

In my State of Vermont and all over the country, what we are seeing is good, decent people losing jobs, losing homes, losing savings, losing their hopes for a future because of the greed and recklessness of a small number of people on Wall Street.

Everybody understands that one of the major institutions that has taken us into the financial mess we are in today is AIG. Over the past several years, AIG has moved away from being the largest insurance company in the world to becoming the largest unregulated gambling hall in the world. That is what they have done. As a result of the risky bets that AIG had made and lost on, the taxpayers have spent $170 billion bailing them out. That amounts to some $600 for every man, woman, and child.

During much of this period, Hank Greenberg, former CEO of AIG, was

able to amass a personal fortune of close to $2 billion. In 2007, he was one of the wealthiest people in the world. Even after the collapse of AIG, Mr. Greenberg is still worth close to $100 million, according to Forbes magazine.

Having helped cause this financial disaster as a result of their reckless and irresponsible behavior, it is beyond comprehension that these same people, the best and the brightest, would actually believe they are entitled to millions of dollars in bonuses. Think for a moment. These are the people who have caused one of the great financial disasters in the last 70 years, and they are sitting back and saying: For all of my fine and excellent work, I am going to be rewarded with a $3 million bonus or whatever it may be.

It goes without saying that we have to hear the outrage of the American people and say: Enough is enough. I have signed on to two letters which essentially tell these people who have received their bonuses to give them back. If they don't give them back, we are going to pass a surtax on those bonuses so the taxpayers will, in fact, receive back what we gave them. In my view, what we have to move to is legislation, to what I proposed, along with Senators LINCOLN and BOXER, which was called ''stop the greed'' legislation on Wall Street.

The President is paid $400,000 a year. I think the President will survive on that sum of money. It seems to me that when taxpayers are spending hundreds of billions of dollars bailing out large Wall Street firms, we should make it very clear that none of their executives should be entitled to earn more than the President of the United States. They can, in fact, get by. I know it will be hard, but I expect they can survive on $400,000 a year when the taxpayers of this country are bailing them out.

More importantly and, in fact, for another lengthier discussion, we need to move to a new concept of what Wall Street should be doing. Bankers historically in our country and in the world play a very important role in providing credit to businesses that then create jobs, providing credit to individuals who can purchase homes and other necessities. That is what bankers historically have done. But over the last number of years, what Wall Street has become is not a place where responsible loans are made but a gambling hall where these guys have made huge sums of money in very risky investments that have failed. The taxpayers are now bailing them out.

We need to rethink the function of Wall Street. I, personally, believe that all these CEOs who are responsible for the crisis we are in right now should be leaving their positions. I would hope business schools will be educating financiers and business people to take the position that their job is to help this country, help create decent-paying jobs, help people get the homes they need, help people get the loans responsibly that they should have. That is a radical idea, I know. But I would hope we can move toward a Wall Street which has those values. The American people are sick and tired. They have had it up to here with a Wall Street that has seen their only responsibility being to make as much money as they possibly can in any way they possibly can.

Having said that, immediate action in stopping these bonuses is the order of the day. Longer term, we need fundamental reforms in the way Wall Street does business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank my colleagues from Vermont and Rhode Island for their comments. I certainly support what they have had to say.

When my kids were growing up, my daughter's favorite movie was the ''Wizard of Oz.'' It had that great ending, of course, when this massive wizard who held everyone in thrall, they finally pulled the curtain back, the little doggie did, and there was this gnomish character sitting in front of a microphone. Everybody stepped back and said: All these years that we have been afraid of the great Wizard of Oz, it turns out it is just a little fellow back there.

I wish to thank the bonus babies at AIG. They managed to trip up the curtain and we took a look and saw what was behind it. What was behind it was unvarnished greed. These are people who would not have a job today were it not for the hard-working taxpayers of America putting $160 billion of our tax money into their failed corporate experiment, an experiment that failed and they knew it would, when they went overseas to London and had 300 of their best and brightest dream up a plan to issue insurance policies that couldn't pass muster by the laws and regulations of the United States. Somehow they dreamed it up in London, executed it, and the next thing you knew American taxpayers were holding the bag. It was a big bag; some say $1 trillion or more of liability.

So the time came when Secretary Paulson and Chairman Bernanke called the leaders from the House and Senate into a private meeting last October and said, in a very quiet manner: If we don't do something and move quickly to do it, the American economy could collapse and the rest of the world may follow.

Now, that is the kind of conversation you do not forget around Capitol Hill. I will never forget it. We said: What do you need? They said: We need hundreds of billions of dollars to ride to the rescue of AIG and all these other entities that are teetering on collapse.

So what did we do? Most of us said: We have no choice. If the alternative is to do nothing and watch businesses and families fail, we cannot let it happen. So we gave this authority to the previous administration to try to move in and prop up the economy and get it moving forward again.

Well, about $350 billion later, people said: What happened? Did it solve our problems? No. We are still in a recession. Did it save banks? Perhaps some for another day. But the economy is still struggling. We ended up saying to American taxpayers: Now you will become investors in these teetering and failing financial institutions.

That is what brings us to today. It turns out we own about 79 percent of the value of AIG—once the world's largest insurance company. Now it is subsidized by American taxpayers. Were it not for that subsidy, it would have fallen flat on its face in bankruptcy, as Senator WHITEHOUSE mentioned earlier. In bankruptcy, the sanctity of the contract is set aside. The bankruptcy trustee and judge sit back and decide: What are we going to do with limited assets and dramatically larger liabilities at the end of the day? They rewrite contracts. They basically come to different conclusions.

We saved AIG from that fate as taxpayers, and what reward do we have to show for it? Millions of dollars in bonuses paid to employees who failed, bonus babies at AIG who could not get enough. After $160 billion of taxpayers' money, they wanted their own personal bonuses to take home. As families across America struggle, losing their jobs, losing their homes, watching their savings accounts diminish to virtually nothing, these folks wanted to walk off with a bonus. For good work? No. A bonus for bad work.

So this morning a couple people ventured out to defend them. I could not wait to read those articles. One of them said: These people know where all the bodies are buried. They know the intricacies of these insurance policies. We need them. They know the secret rocket fuel formula. If they leave, someone else may never discover it, and we could lose even more money.

I am not buying it. America should not be held hostage by the bonus babies at AIG. The fact is, what we have seen here is greed at its worst, incompetence rewarded, and people bold enough on the Federal subsidy to want to take a million dollars or more home for a job not well done.

Well, there are several ways we are going to try to send a wake-up call to these bonus babies at AIG. One of them is a provision that Senator BAUCUS of the Finance Committee has proposed, which is virtually going to impose taxes on them so, at the end of the day, after they pay their tax bill, there is nothing left. After they have paid their Federal and State and local taxes, there will not be anything left of these bonuses.

I do not know if they will have the good sense to realize this was a terrible corporate decision, but we have to send this message loudly and clearly. If America's taxpayers are on the line, then, frankly, these people, who now

work for us and work for this Government, are not entitled to a bonus for their misconduct and incompetence.

(The further remarks of Mr. DURBIN pertaining to the introduction of S. 621 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Arizona.

Mr. KYL. Madam President, I would like to discuss the legislation before us, the so-called public lands bill and, in particular, four of the amendments that have been offered by Senator COBURN.

I think four of these amendments are—I have not concluded my study of the other two, but four of these amendments I would commend to our colleagues and suggest that at least a couple of these amendments should not deter passage of the bill. If they are adopted by my colleagues—and I think they should be—they are in no way a poison pill. They should not cause the House of Representatives to reject the bill in any way. The bill should go on to the President. So for those who are supportive of the legislation, I think these amendments simply improve the bill, and they are offered, I know, by Senator COBURN for that purpose.

If I could discuss each of these amendments—I am sorry I do not have the numbers for them, but I will describe them briefly.

One is an amendment that would specifically strike out spending in four or five specific areas that are earmarked in the bill. It would save about $25 million. This is symbolic, but $25 million is still a lot of money to some of us anyway.

They are five specific areas: to celebrate St. Augustine's birthday, a party for that purpose; botanical gardens in Hawaii and Florida; salmon restoration in California; Alexander Hamilton's boyhood estate in the Virgin Islands; and something called the Shipwreck Exploration Program.

I am sure the authors of those provisions will come to the floor and describe in detail why these are such important programs and should be included in the legislation, and I will look forward to those explanations. Perhaps they will be persuasive. At this point, without further explanation, they look like the kind of thing that should not be a part of an omnibus bill such as this and could be stricken, as a result of which I am inclined to support my colleague's amendment to save $25 million by striking those particular items.

The next deals with the subject of eminent domain. The Federal Government acquires a great deal of land under this legislation for different purposes, including wilderness areas. There are other provisions to protect other kinds of property short of wilderness areas. The point of Senator COBURN's amendment on the use of eminent domain is to just ensure that in no case is private property being taken against the wishes of the private landowner.

I think we would all agree that if the Government is acquiring a piece of property for a public purpose—let's say for a military base—the use of eminent domain is appropriate in that case. The Government has to establish that there is no reasonable alternative to the taking of the particular private property, and then if it can establish that, it can take possession of the property and then a trial ensues as to what amount of money is the proper compensation to the owner for the land. That is the usual and appropriate use of eminent domain.

However, we are told that with respect to this legislation, it is not necessary to use eminent domain to acquire land in that way. The reason is because in every case—at least my staff advises me—the land that is owned by private landowners that would become publicly owned under this legislation has the approval of the private landowner. Specifically, a staff report says that:

> None of the component parts of the omnibus land bill anticipate the use of eminent domain, and all land exchanges and conveyance provisions include willing seller-buyer provisions, or were advocated by the private landowners in each specific provision of the bill in which they are involved.

It is further noted by the staff of the committee that:

> Great attention was given to private property rights issues. They were addressed on a case-by-case basis.

This omnibus bill is comprised of tens or scores of individual bills that were then added together into this one giant omnibus bill. So we are told that:

> On a case-by-case basis as to each particular bill, private property rights were protected and respected. In many instances, the land designations only affect land that is already publicly owned so it is not even an issue, and for those bills that may affect privately owned land, some of the purchases were actually authorized at the request of the landowner and some contain language that allows land to be purchased only from a willing seller.

My point is that apparently, at least according to the minority staff, great attention was taken to ensure that the Government in no case in this bill is taking land against the wishes of the landowner. The point of Senator COBURN's amendment is to ensure that that is the case, that he would prohibit the use of eminent domain for the acquisition of land under the bill. So if it is true, as the staff suggests, that none of this land needs to be acquired by eminent domain, there is absolutely no harm in including the language that prohibits the use of eminent domain. The language in the bill is very brief. I think it is one or two sentences long. In fact, let me read it. It simply says:

> Notwithstanding any other provision of this Act or amendment made by this Act, no land or interest in land other than access easements shall be acquired under this Act by eminent domain.

That is it, short and sweet.

The reason I think it is important is that it establishes an important principle: that the Congress will not allow land to be taken against a landowner's wishes for purposes other than the usual purposes for which eminent domain is used, where the Government has to have the property. There is no other alternative, as in a military base, as I said, where you are simply acquiring property because it is a good idea. You want to protect a particular riparian area of a river, for example. What we do there is we acquire that land either by purchasing it from a willing seller or engaging in a land exchange. Those are the two typical ways of accomplishing this—both very appropriate. But it is not a case where the Federal Government has to have the land in the public's interest, as with the military base. So we don't use eminent domain ordinarily in a case such as this.

All Senator COBURN is trying to establish here is that we are not going to change that principle and that the Senate adheres to the principle we have had in the past. We want to establish this precedent and continue to live by it—that eminent domain isn't used in circumstances such as this.

I think that is a worthy amendment, and I think, frankly, if we reject it, it raises a question of why. Why would we want to preserve the right to use eminent domain if apparently there is no reason for us to do so? It, as I said, leaves hanging the question of whether we might use eminent domain in a situation where otherwise it wouldn't be called for.

There is another amendment that I think clearly ought to be approved by my colleagues. I don't know why this hasn't been done—I know it was done a long time ago and it needs to be done again—and that is to simply require a report that details the amount of Federal land we have. This would be a public report that would be done—it would be updated each year, and it would detail Federal land ownership and the cost to maintain that land and the relative percentage of that land to the total, which would be very helpful information.

I understand Senator COBURN has added one other amendment to this because there was a question raised about the fact that some Federal land serves a military purpose or an intelligence purpose which cannot always be disclosed publicly. So, correctly, he provides for a classified annex that would provide the ownership of the lands used for classified purposes. Members who are entitled to see that would be able to see it, but it wouldn't be available to the public generally, and that is frequently the way that classified material is handled. So I think that is a good amendment. There is no reason to oppose this. It is important for us to know how much land the Government owns.

Let me put it this way: You are a landowner. Somebody says, How much

land do you own? You know exactly how much land you own. You know where it is, what it does, how much it costs to own it, what the taxes on it are, and so on. It is important, if the Federal Government is going to be a good steward of both the land and taxpayer money, that it know what it owns—what we own. Do we need it all, would be one of the questions. Are there pieces of land that could be sold? The Government could use the money. Maybe we could dispose of some of this. In fact, there has always been a list of disposable lands owned by the U.S. Government, and frequently we acquire land in trades and so on, and there is a lot of buying and selling going on, and that is perfectly appropriate. So let's have an inventory of what we own and we can make decisions better as to whether some of that land could be sold or whether we need to retain it all, but at least we will know how much it costs to retain it and how much we have.

I think that is a very good amendment. I can't imagine anyone voting against it. And, if it is adopted, it in no way should affect the legislation being passed by the House of Representatives. I know there is an intention that when the bill passes here in the Senate—assuming it does—it would immediately be taken up in the House and would be passed in the House in the form passed by the Senate and then would go to the President for his signature. There is nothing in here requiring a report of Federal lands that would upset that issue.

The final amendment is technical and it may be considered to be a minor matter, but it is an improvement in the law we have. Again, I think it does no damage to the overall piece of legislation—the omnibus lands bill. It corrects a little piece that needs correcting, and here is what it does. We all know that if you take fossils or other valuable artifacts or rocks from a national park, for example, and you collect that or you try to sell it, you are guilty of a very serious crime, and we intend to prosecute people who do that. We have had far too many thefts of valuable things, including fossils, petrified wood, Indian artifacts, and that sort of thing from our Federal lands, and it is important to have legislation that continues to criminalize that. However, if I take my grandkids on a vacation and one of them picks up a rock and brings it home to show his buddies and it may or may not contain—maybe it is a little teeny piece of petrified wood, for example, should he be prosecuted in the same way that a person who is deliberately doing this to sell would be prosecuted?

The law is sufficiently unclear on this. The underlying bill attempts to correct that problem and it comes within one word of correcting it properly. What it says is that the Secretary ''may'' write rules that allow for the casual collection of these items; and that is a good thing, for the Secretary to write rules that provide some exception if a little child happens to pick up a rock and it has theoretically some value to it. In order to ensure that this is done, Senator COBURN simply changes the word ''may'' to ''shall,'' that the Secretary ''shall'' write rules that allow for the casual collection of these kinds of rocks. That makes sure it gets done. It doesn't tell the Secretary what he has to do, how he has to do it, or anything else. The Secretary could theoretically write a rule that says the only time this ever happens is if it is exactly midnight on a Tuesday or something such as that. So we are not telling him he has to make this a widespread thing; we are not saying he should not protect our precious assets—and indeed we want him to—but we do want him to write these rules so that a casual collector would not be penalized under the relatively harsh penalties that exist in the law today, and as I said earlier, appropriately so. It is a technical change. It is a minor chink. It should not cause anyone to not vote for the larger bill if, in fact, the amendment is adopted.

So those are the four amendments. As I say, my colleague has two other amendments and I need to study them more carefully to know whether I will support them, but I urge my colleagues to support these four amendments of Senator COBURN. I think they all make an important contribution to the bill. I am delighted he has been able to offer the amendments. I appreciate the cooperation of the majority leader in agreeing for him to be able to do that.

My understanding is we will continue to debate these amendments this afternoon and this evening and then tomorrow there will be votes on all of these amendments prior to the vote on final passage of the bill, which I think is supposed to occur tomorrow evening, but in any event, in the not too distant future. So I urge my colleagues to consider these amendments.

If you have questions about them, I urge you to talk to Senator COBURN so he can explain in detail what they are and are not intended to do. If you think in any way that they are deficient or need to be modified in some way, approach him with regard to that. I did that last night and he responded to some of my suggestions about, for example, adding the provision in the report that would allow a classified annex for those portions of the land that need to be protected. I am sure he will be willing to listen to folks if they have any concerns about his amendments, but don't vote against them on the theory that you don't care to know what is in them or if there is any change to this bill, it won't pass the House. That is not true. These are important amendments and, in some cases, benign amendments and I think they deserve our attention. I hope my colleagues would be willing to give these their serious consideration when the amendments are voted.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AIG BONUSES

Mr. CASEY. Madam President, I rise first to talk about an issue so many of us have been deeply concerned about—frankly, beyond concerned but outraged by—and that is what is happening with AIG and the effect of the decision the executives made there about bonuses, in relation to our economy. I think it is important to step back from the obvious frustration we have. So many Americans are expressing their outrage and anger, and a deep sense of betrayal has been generated almost because of this action. I want to step back for a second and review where we are.

Basically, what we have is an American company of international reach that has said to the American people: We know you gave us $170 billion, at last count; you gave us your tax money because we were in trouble. And we have to ask them: Why were you in trouble?

One of the big reasons is because a group of employees in one division of AIG developed schemes. That is the best word to describe what they developed. These were sophisticated schemes to make money, which caused the near collapse of this company. That is what we are talking about. This isn't complicated. It is that simple. The employees of that division concocted these schemes to make money, and now the company is in near collapse, while the American people—the American taxpayers—were asked through their elected representatives, through their Government, to provide tens of billions in help—by one count, $170 billion in help. And what do we get for that? We got little in the way of accountability with all these transactions AIG has entered into, very little in the way of accountability, and now we find out this past weekend that the very division—not just a broad section of employees but the very division that concocted the schemes that led to the problems is getting tens of millions in bonuses—$160 million, $165 million in bonuses. So this is beyond the insult of getting billions and tens of billions and hundreds of billions in taxpayer help and then asking for bonuses for anyone. This is much worse than that. This is giving bonuses to the people in the very division that caused most, if not all, of the problems at AIG that taxpayers were then called upon to provide some remedy or rescue. That is the outrage here. That is the insult to the American people, that this company now is thumbing its nose at the American people.

This comes at a time when, for example, in Pennsylvania, our employment rate hit 7 percent. I never thought we

would get to an unemployment rate that high. Thank God we have been a little lower than the national rate, but 7 percent is a very high number in any State, and many States have been there for a year or more. So we have been spared somewhat in Pennsylvania. But at the very time we have an unemployment rate of 7 percent, when people have lost their homes, they have lost their jobs, they have lost their hopes and their dreams, we have a major international company that got what comes from the sweat and blood and work of the American people, they got the benefit of all that, the $170 billion in taxpayer help, and what do we get for it? We get the insult and the betrayal of bonuses to the very people who caused the problem. You couldn't write fiction as disturbing as this or as outrageous as this.

So I and others have said to the company very plainly—as I said in a letter today when I gave them two choices, neither of which they may go along with—I said have these employees forgo the bonuses or fire them. Simple as that. And if you are not going to take the step and ask them or somehow compel them for the good of the country, if not for the good of their own well-being, their own ethics, to forgo these bonuses, then they should be fired.

Now, I realize they may say: That is an interesting suggestion from Congress, but we are not going to do either. Well, if they want to go down that path, then Congress will act. The Finance Committee of the Senate, as the Presiding Officer knows, is working on a piece of legislation right now. If there is legislation that says we are going to tax these bonuses at 70 or 80 or 90 percent, I, along with other people, am going to vote for it. Whatever it takes to impose the maximum amount of penalty or punishment—pick your phrase—as long as it is legal and constitutional, we are going to support it. The American people have every right to demand that Congress take action because they are the ones who have been insulted at the worst time. They have been kicked in the face at a time when they have been struggling month after month, despite all of the promises from companies that they would get back on track with taxpayer help.

So that is what is happening. The American people will monitor this. And stay tuned, because it is not over today. We can do more than express outrage. We can take action, and I think that is appropriate in this instance.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MERKLEY.) Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

AIG BONUSES

Mr. DORGAN. Mr. President, most Americans have read in their newspaper and heard on news accounts the story about the company called AIG that has been the recipient of some $170 billion of guarantees by the American taxpayers, because of an unbelievably failed business strategy and being involved in very risky financial products.

They had an outfit in London with several hundred people in it who were involved in trading credit default swaps and steered that company right into a ditch. We have recently learned that that company, which has lost a substantial amount of money, just paid $165 million in bonuses to executives in its financial products unit, and the American people are furious about it and should be.

I think it is a disgrace that a company that has been engaged in the kind of essential wagering that has been involved in here is now paying bonuses. What do they teach in business school, that a company that loses money and helps create a significant problem for this country's economy ought to be paying bonuses, especially after they received American taxpayers' funds, to employees who helped the company lose money?

I want to mention one additional point. I think it is disgraceful to have those kinds of bonuses being announced for AIG employees. But we have another circumstance that is even worse. Merrill Lynch lost $27 billion last year and still paid $3.6 billion in bonuses to its employees last December.

There were 694 employees of that company got more than $1 million each in bonuses. Think of it. And then, by the way, a week or two later, the company that took them over, Bank of America, got tens of billions more of TARP funds from the American taxpayer.

All of this is disgraceful. My colleagues and I have decided we are going to do everything we can to try to claw back those bonuses. They do not deserve bonuses. Where is the responsibility here on the part of people who helped steer this economy into the ditch? Where is the responsibility on the part of people who made bad business decisions, that in Merrill Lynch's case lost $27 billion in a year, and then decide, you know what, let's decide how much we should pay in bonuses this year?

Well, you know what, the answer ought to be, zero. Where do you get the notion you pay bonuses for losing money? Where do you get off deciding you are going to pay bonuses after you have taken tens and tens of billions of dollars of the taxpayers' money, through TARP funds and other emergency assistance, and then sit around and say, all right, now we have had to take all of this taxpayer money because we have lost a bunch of money because we gambled, we had several hundred people in that office in London who had massive gambling enterprises going on and credit default swaps, and so now we decide we are going to pay them bonuses. I do not understand that.

By the way, there is another issue, a very short issue. All of the counterparties who are getting money that the taxpayers are sending into AIG are being recompensed to the tune of 100 percent. Where is this notion about everybody sacrificing a bit? Why is it that the big interests that are counterparties to this are getting a 100-percent return on their investment? How about taking a haircut here? But nobody is doing that. Everybody is sitting around trying to figure out, how do I get mine, even in circumstances where employees now are getting big bonuses for losing money.

There has to be some accountability at some point. What is happening is disgraceful. And we have every right and responsibility as a Congress to decide that we are going to try to claw back these ill-gotten bonuses.

The AIG bonuses for the employees in its financial products unit could total as much as $450 million. Fifty-five million was paid in December. The outrage right now is about $165 million paid last week. But there is another $230 million in AIG bonuses that could come later this year or next. It is time for this Congress to take a stand on behalf of the American people. We need to claw back those bonuses. We need to say to all of those companies: No more. We are not going to put up with it anymore. This is disgraceful. How about some economic patriotism? How about standing up for the interests of this country and the interests of these taxpayers?

I will have more to say about it tomorrow, but I wanted to point out that the anger around this country, reading this kind of nonsense, is palpable and real. This Congress understands it and we are going to do everything we can to try to claw back these bonuses that, in my judgment, are disgraceful.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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.

Mr. REID. Mr. President, following my presentation, I ask unanimous consent that Senator BROWN be recognized for up to 5 minutes. Following Senator BROWN, I ask unanimous consent that Senator COBURN be recognized. I see

Senator THUNE on the floor. Does he wish to be recognized after Senator COBURN?

Mr. THUNE. Reserving the right to object, as of right now, BROWN for 5? COBURN?

Mr. REID. I understand he wants to speak for about 40 minutes. I am sure, knowing Dr. COBURN, if you have a short statement, he would not care. How long do you wish to speak?

Mr. THUNE. For 7 minutes.

We will work it out on our side.

Mr. REID. I ask that Senator THUNE be recognized. Senator COBURN wants to lay down his amendments. I will renew this consent request in a minute. I withdraw the consent at this time.

The PRESIDING OFFICER. The request is withdrawn.

REPEALING AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS

Mr. REID. The recently passed Omnibus appropriations bill completed unfinished business from the Bush administration, which funded the Government to provide critically needed services for the American people. The omnibus that was signed into law last week also eliminated the congressional cost-of-living adjustment for 2010.

During debate on that bill, I sought unanimous consent of this body to take up and pass freestanding legislation to permanently end the automatic cost-of-living adjustment and instead require Members of Congress to vote for or against all future adjustments.

Especially in this hour of economic crisis, the overwhelming majority of Democrats and Republicans would agree that we should end this practice of automatic adjustments. Senator FEINGOLD has championed this cause for a long time, 17 years to be exact. I applaud him for his leadership. Others have tried to take this issue from Senator FEINGOLD, but it is his issue and has been, I repeat, for 17 years. This should have passed last Tuesday when I asked unanimous consent for the bill to pass. One week later, let's see who objects to passing this bill. It should have been done last week.

An overwhelming bipartisan majority of Senators is undeterred by the obstruction that took place last week. Passing this legislation to permanently end the automatic cost-of-living adjustment for Members is the right thing to do.

Absent any further objections, we should do so right now and pass it.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 620, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 620) to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

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 and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this bill be printed in the RECORD.

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

The bill (S. 620) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 620

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

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

Mr. FEINGOLD. Mr. President, I commend our majority leader for moving this legislation through the Senate. I have introduced legislation like this for the past six Congresses, and am delighted that, because of Senator REID's leadership, this proposal has finally passed the Senate.

Congress has the power to raise its own pay, something that most of our constituents cannot do. Because this is such a singular power, Congress ought to exercise it openly, and subject to regular procedures including debate, amendment, and a vote.

But current law allows Congress to avoid that public debate and vote. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. The annual pay raise takes effect unless Congress acts.

That stealth pay raise mechanism began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation.

On occasion Congress has voted to deny itself the raise, and the traditional vehicle for the pay raise vote is the Treasury appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. As I have noted in the past, getting a vote on the annual congressional pay raise is a haphazard affair at best, and it should not be that way. The burden should not be on those who seek a public debate and recorded vote on the Member pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end.

I was pleased to join with the junior Senator from Louisiana, Mr. VITTER, in offering an amendment to the Omnibus appropriations bill recently. That amendment received strong support, support which was all the more remarkable because many of the amendment's potential supporters felt constrained to oppose it in order to keep the underlying legislation free of amendments. I commend Senator VITTER for his efforts to end this system. Now, thanks to our majority leader, we have a real chance to do so.

This issue is not a new question. It was something that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. On September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan Legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th amendment to the Constitution now states: ''No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.''

I honor that limitation. Throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any cost-of-living adjustments or pay raises during my term. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th amendment, and at the very least the stealth pay raises permitted under the current system certainly violate that spirit.

This practice must end, and I am delighted to say that thanks to Majority Leader REID, we have a real chance at ending it. I urge the House of Representatives to take this bill up and pass it right away, so we can assure the American people that we are serious about ending a system that was devised to provide us with regular pay increases without any accountability.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—Continued

Mr. REID. Mr. President, I now ask unanimous consent that Senator BROWN be recognized for 5 minutes—

Mr. THUNE. Mr. President, if the leader would yield, I think the Senator

from Oklahoma will lay down his amendments, which would take up to a half an hour, 40 minutes. Whenever he concludes, I ask that I proceed.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be recognized for up to 5 minutes; that Senator COBURN be recognized to lay down whatever amendments he chooses, and speak up to one-half hour; that following that time Senator THUNE then be recognized.

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

The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

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

AIG

Mr. BROWN. Mr. President, the unemployment rate in my State of Ohio is 8.8 percent. The poverty rate is 13.1 percent. Lines at food pantries snake around buildings and down the street. In AIG, executives are receiving $1 million bonuses. Failed executives, executives who have made a mess of their company, are receiving $1 million bonuses. When the house of cards AIG built eventually collapsed, the Bush administration, then the Obama administration, provided financial support. They had no choice; doing nothing in the face of AIG's collapse could turn a national economic downturn into a full-blown, decades-long economic collapse. But what do you tell a Cincinnatian who has lost her job or a Clevelander who has lost their home or someone in Mansfield, OH, who is standing in line at a food pantry when they hear that AIG executives are earning millions in bonuses as they suck up taxpayer dollars, tens and tens and tens of billions of taxpayer dollars like a vacuum?

I am going to tell them we are not only going after those bonuses, we are going after the corporate-centric, consequences-free culture that fueled those million-dollar bonuses. Many of my conservative colleagues don't believe in regulation. I would like one of them to stand with a straight face and tell the American public that overregulation is the reason AIG accepted taxpayer-funded Government aid and then gave million-dollar bonuses to its employees.

How did AIG dig itself into this hole? How did the Bush administration, which simply didn't do the regulation they should have done, let it happen? In the short-term, either AIG CEO Edward Liddy, installed by the Bush administration months ago, needs to renegotiate these bonus contracts to get taxpayer money back or the employees need to give up their bonuses voluntarily or Congress and the administration need to act to get these dollars back. That means we impose a one-time tax on these employees on so-called retention bonuses. If we impose a one-time tax on these employees that approximates their net bonuses, so be it.

Usually after a statement that begins ''in the short-term,'' there follows a statement that begins ''in the long-term.'' Not this time. In the short-term, we need to return these bonuses to taxpayers, and in the short-term we need to change the rules of the road so no company, no matter how big, such as AIG, which accepts TARP funds, can fritter away those dollars on huge pay packages and lavish bonuses, as the Senator from North Dakota pointed out, while passing through those tax dollars and making whole companies such as Goldman Sachs of New York, Barclays in London, Societe Generale in Paris, Deutsche Bank in Germany, American taxpayer dollars passing through AIG executives' hands going directly to those foreign and domestic banks making them whole, when they made bad decisions just like AIG made bad decisions. In the short term, not the long term, maybe most importantly of all, we need to rewrite Federal regulations to prevent the arrogance and recklessness and the greed and self-aggrandizement from turning financial institutions into a weight around America's neck and pickpockets robbing the American people. It is what we have to do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. I ask unanimous consent that instead of going in the order that the unanimous consent had requested, Senator VITTER from Louisiana be recognized for 5 minutes, then followed by myself, and then followed by Senator THUNE.

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

The Senator from Louisiana.

AUTOMATIC PAY RAISES

Mr. VITTER. Mr. President, I rise to applaud the action the Senate took by unanimous consent, passing my language to get rid of the automatic pay raises for Members of Congress through the Senate. I thank Senator REID for joining in this effort after my amendment was made in order on the Omnibus appropriations bill. I thank everyone who cooperated in passing this by unanimous consent. I was happy to give that consent for my part since my vote on an amendment on another bill was no longer at stake, so it wouldn't drain votes away from my amendment. We did come together to do that, and we did pass this through the Senate. Obviously, this is a bicameral legislature so the story is not over. I encourage everyone to come together and encourage—no, do more than encourage—pressure the House of Representatives to do the right thing and pass this reform. The last week has proven what can be changed when we come together and listen to the voice of the people.

A week ago this wasn't on radar. This was not a possibility. Today it has passed the Senate. How did that happen? It happened because we brought up the issue. We came together. I joined with Senator FEINGOLD, who has been an advocate of this issue for some time. We had an open debate. The people's voices from around the country were heard, and we reacted to that in a positive way. I say that because it proves what can happen in the House. The House leadership has made clear they don't want to bring up this matter. They certainly don't want to pass this bill into law. But we can change that, even more than that, the American people can change that and call their House Members and demand that the leadership have a fair vote and pass this into law.

I thank Senator REID for changing his language from last week and adopting mine so there would be no further automatic pay raises in the near future, if this bill is adopted. Under his standalone bill filed last week, there would have been at least one more autopilot automatic pay raise to go into effect. Under my original language, which he adopted in this latest version which just passed through the Senate by unanimous consent, that is not the case. It would change the autopilot automatic pay raise system immediately. That was an important and necessary correction on his part. I thank him for making that correction.

We are on a bipartisan roll. Let's keep it up. Let's bring that spirit, that public debate, let's bring that public pressure to the House of Representatives. When the people are involved and when their voice is heard, it is amazing what can change around here and what can get done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 680 TO AMENDMENT NO. 684

Mr. COBURN. Mr. President, I will spend some time tonight offering two amendments to the bill under consideration.

I begin by asking: Why is it in the midst of all the problems that face the country, the Senate is going to spend time on an omnibus lands package? It is no emergency. There is no crisis. There is nothing critical about it. Instead of working on the problems that are in front of this country, we will spend the next 2½ days or next 1½ days on a 1,243-page bill that has 170 separate bills in it that, in fact, for the average American doesn't come anywhere close to being a priority. One has to ask that question. Why are we doing this? We don't have anything better to do. We don't have anything more important to do. If that is the case, we probably should go on until we do have something that can make a significant change in the country.

I call up amendment No. 680.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 680.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that the general public has full access to our national parks and to promote the health and safety of all visitors and employees of the National Park Service)

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON NEW CONSTRUCTION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the ''Secretary'') shall not begin any new construction in units of the National Park System until the Secretary determines that all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—

(1) fully operational;

(2) fully accessible to the public; and

(3) pose no health or safety risk to the general public or employees of the National Park Service.

(b) EXCLUSIONS.—Subsection (a) shall not affect—

(1) the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs; or

(2) any new construction that the Secretary determines to be necessary for public safety.

Mr. COBURN. I spent about an hour this afternoon talking about the problems of the National Park Service. They are severe. I introduced into the record the GAO report on the problems at the Department of Interior, as well as the testimony of the acting inspector general, Mary Kendall, about the significant problems that parks are experiencing. Our parks are falling down. The maintenance backlog, according to the Park Service, is $8.9 billion. But according to the testimony of the GAO, it is somewhere between $13 and $19 billion.

This is a very straightforward amendment. What it says is, before we start anything new and new parks, we are going to bring up-to-date what should be brought up-to-date in the parks we have today. That is important because they need to be fully operational. They need to be fully accessible to the public which many are not now because of maintenance backlogs. They need to pose no safety or health risk for both the employees of the parks and the Department of Interior as well as the American citizen, some 270 million who visit them every year.

This is a very straightforward amendment. It says we are going to do something we don't often do. We are going to prioritize how we spend money in the parks. What we are saying is, we are not going to do any new construction in terms of units of the national park system until the Secretary—and this is left to the Secretary, not us—determines that the existing sites, the structures, trails and transportation infrastructure of the National Park Service are fully operational, fully accessible to the public, and pose no health or safety risk to either the public or park employees.

We have thought about other things. We want to make sure there is an exclusion in there. If something is going to cost more to repair than to build something new, we say build something new. The other thing, anything that the Secretary deems is important for public safety that is new, we let them do that as well. All this is saying is with this $10 billion of new authorizations and $900 million of mandatory spending accompanying this bill, the first thing we ought to do is take care of what we have before we start off on another project.

The crown jewels of our national parks are fading. They are fading because we won't take care of them. The backlog since the last time we considered this bill has grown by $400 million. That is just what we know since the last time we considered this bill. The other thing we know from the GAO report is there is a marked risk to both employees and the public in many areas of our national parks. The other thing we know is many of our best parks, the Grand Canyon, for example, a large number of the trails are in such disrepair that they are closed. The people can't access them because we haven't said put the money where it needs to go to make sure we keep the things we have today operational and pristine. So it is straightforward.

What we also know is that the agency needs some help in terms of priorities. In spite of what we have had, oftentimes we are sending them messages to do something else that is not within these priorities. All we are saying is, we have these wonderful assets. Before we go create new assets and new things to enjoy, let's take care of the ones we have. We would not build a new addition onto our own homes when the whole rest of the home is collapsing from lack of maintenance. The first thing we would do is take care of the home, the maintenance of the home.

The bill in front of us actually has the potential to make the situation in our parks worse. It is because we are going to mandate certain things in the bill that will take away from true priorities of maintaining our existing structures.

A recent memo prepared by the Facility Management Division of the National Park Service reveals at least 10 States where the National Park Service backlog exceeds $100 million. At least 20 States have facilities with deferred maintenance exceeding $50 million. That excludes $4 billion that is sitting there for roads and bridges in our national parks. This is in spite of the historically high appropriations levels we have sent to the parks.

I listed earlier—and I will not list again—all the things the National Park Service is responsible for. But it is a litany that, when you look at it, is almost incomprehensible that one agency can take care of everything we have asked them to take care of.

The USS *Arizona* now faces a maintenance backlog of $33.4 million; the Gettysburg National Battlefield site, $29.4 million; the Statue of Liberty Park has a backlog of $196 million. Are we going to let it fall apart while we create something new or should we take care of what we have first?

What we do know from both the inspector general's report and the GAO is the Park Service is denying access in an increasing number of areas because of the growing maintenance backlog.

Representative ROB BISHOP is from Utah. The Dinosaur National Monument is largely inaccessible due to its overwhelming backlog. The center is designed so a kid can go in there and see, within the mountainside, the fossils that are there and see what scientists say about those fossils and then be able to put all that together in their mind. Unfortunately, no one has been able to access this building for 10 years—for 10 years—because we do not have enough money to fix the building and it has been condemned.

So here is an area where there is great educational value, great historical value and for 10 years the building has been condemned and we have not put the money there. This amendment is meant to fix what is wrong now before we spend money on new things.

According to the inspector general of the Department of Interior, financial management has remained a top challenge for the Department, and their work—this is the inspector general—has documented decades of maintenance, health, and safety issues that place Interior Department employees at a health and safety risk, as well as the public.

A report by the Coalition of National Park Service Retirees found widespread evidence of major problems that will be evident, including decreased safety for visitors, longer emergency response times, endangerment of protected resources, and dirtier and less well-maintained parks. The problem will only grow worse in the coming years if we pass this bill and do not prioritize the maintenance backlog.

It is noted that at the Grand Canyon, the cross-canyon water line is deteriorating so badly that it had 30 leaks this year and is in danger of failing entirely. Yet we did not spend any money on that in this bill. We did not authorize them to fix it. We are not about taking care; we are about solving our own political situation.

At Yellowstone, 10,000 gallons of raw sewage this past year leaked from a broken pipe and flowed into a trout-spawning stream in Yellowstone National Park. It is the absence of maintenance. We know the life expectancy of many of these infrastructures, and

yet we have not done anything about it.

Carlsbad Caverns—a great experience. Sewer lines were actually leaking into the caves because of deferred maintenance. Superintendent Benjamin said: Believe me, if there's sewage dripping down into the cavern, people are not going to believe we are doing a good job.

No kidding. Well, that starts with us.

The National Park System has grown to almost 400 units, 84 million acres, and a $9.6 billion maintenance backlog. That is according to the Park Service. It is much higher if you look at the GAO's numbers.

We appropriated $540 million for new land acquisition from 2001 to 2008. We have increased the number of National Heritage Areas since 2000 from 18 to 40. We added 10 more in January of this year. In the 110th Congress, 35 bills were introduced to expand the National Wild and Scenic Rivers.

The National Park Service already manages over 3,000 miles of scenic rivers. This bill includes 1,200 miles. But yet the maintenance dollars, the dollars put there to take care of what we have, are not there.

In April of 2008, the Congress passed and the President signed the Consolidated Natural Resources Act. That was another big lands bill that impacted land and property rights in over 30 States. It authorized $380 million in new spending and not one way of paying for it and none of it for maintenance backlogs.

What we also know is this agency, the Department of Interior, is unable to prioritize the maintenance of existing obligations over new commitments. They get mixed signals. We say: Go do this new one. And then we send appropriations dollars and say: You have to spend it on this rather than taking care of a rotting sewage line.

Until we in Congress and the administration prioritize the maintenance of our existing national parks, these problems are going to grow. There is no excuse for it.

AMENDMENT NO. 679 TO AMENDMENT NO. 684

So I would put forward this is a simple amendment. It does not cost us anything. It actually saves us money because to repair something that is falling down—before it gets to that stage—is much cheaper than waiting until it is a catastrophe. Consequently, if we were to plan appropriately, and if we were to direct the funds appropriately, we would be repairing that which we need to repair so we do not spend extra dollars once they have failed.

My hope is we will get positive consideration of this amendment. This is a commonsense amendment. People at home would do the same thing. They take care of what they have before they go and add something else that is going to take away money that is required to maintain what they have.

I would say, again, individuals do not build additions to their homes when the roof and the foundation is caving in and neither should the Park Service and neither should Congress.

Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 679 be called up.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 679 to amendment No. 684.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: to provide for the future energy needs of the United States and eliminate restrictions on the development of renewable energy)

At the appropriate place, insert the following:

SEC. . DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LAND.

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy on public land, including geothermal, solar, and wind energy and related transmission infrastructure.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. Mr. President, I wish to read this amendment because it is very short and very straightforward:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy—

''Renewable energy''—

on public land, including geothermal, solar, and wind energy and related transmission infrastructure.

Very straightforward. We had a great experience with the harsh reality that we are energy dependent this past summer. It is going to come back again. Unfortunately or fortunately—depending on how you look at it—in the West, where the Government owns 1 out of every 2 acres, the vast majority of geothermal land resides.

What you will see—as indicated on this map—through this area, through southern California, along the coast of California, and Oregon, Idaho, Nevada, Colorado, New Mexico, some areas of Montana, Wyoming, and Arizona, is where the vast resources of a clean renewable energy exists: geothermal.

The only problem is, in this bill we gut a large portion of that and say we can never touch it. Well, why would we, if we believe in climate change—and I am a skeptic, but I will take that point for a moment. Let's say we believe in climate change and we want to have energy produced that does not increase the CO_2 content of the atmosphere. Why would we pass a bill that takes and restricts a large portion of this area from geothermal?

We know in Nevada and Arizona, for example, solar is a massive source for clean energy. Yet in this bill, in both the wilderness areas and the heritage areas and all these other areas, we are going to restrict not only the utilization of geothermal and wind and solar but also the ability to capture it and move it somewhere else.

Well, if we take all this area for geothermal, and if you concentrate Nevada and Arizona in terms of the solar and then you look at the wind corridor that comes up through here, as shown on this map, and say you cannot send a transmission line anywhere across any of these properties, what we are doing is shooting ourselves in the foot. We do not want carbon-based energy. And now, where the Government owns 650 million acres, we do not want wind, solar or geothermal. Why would we do that?

I guess we are going to go all nuclear. We do not see any nuclear coming from the President. We do not see any nuclear coming from anywhere else. So what are we going to have? We are going to have no energy.

So we are going to limit hydrocarbon energy, and then we are going to take our greatest sources for wind, solar and geothermal and we are going to say: Sorry, that is off limits. You cannot use it here. You cannot extract it.

Geothermal is so powerful because it is a direct conversion. We capture steam and we capture a temperature gradient that turns a turbine that puts off nothing but water vapor—no CO_2, no nitrous oxide, no sulfur dioxide. It is free energy. Yet in this bill we are going to take 2.2 million acres out of these areas and say: You cannot touch it for renewable energy. Why would we do that? So all this amendment says is you can do whatever you want on all these areas, as what we have done in the bill, but you cannot exclude it from renewable energy.

I am reminded, everybody wants renewable energy, but they just do not want it in their own backyard. Everybody wants us to have wind. We love wind. We have turbines like crazy in Oklahoma, like they do in North Dakota and South Dakota and several other States. We are happy to have it. But if you applied the same thing to Oklahoma, in terms of wilderness areas, we would not have any of the windmills that are generating a significant portion of our alternative renewable energy today in Oklahoma. More importantly, you would not be able to transport the energy you are creating that is renewable, that does not create CO_2, that does not supposedly contribute to ''climate change.''

We are going to pass a bill that is going to significantly restrict that.

What are we thinking? Why would we limit alternative renewable energy access in all these Federal lands, this extra 2.2 million to 3 million acres? Why would we do that? It is almost like we have a death wish. Either that or we are not thinking, we are not considering what we are going to need in the future. We are considering the short term, but we are not considering the long term.

So this map shows us specifically where geothermal is available. If you look down in southern California, we have heritage areas. Knock it out. If you look in Oregon, Idaho, Montana, Colorado, Arizona, New Mexico, we have heritage areas. We knock it out, saying: You can never utilize this land to capture clean alternative renewable energy. That is ludicrous.

So all this amendment does is say: Yes, you can. We are going to do everything else under the heritage areas, under the wilderness areas, under all the other restrictions we put in this bill, but we are going to capture renewable, clean energy for the American people. We should do nothing, given the fact that we are in trouble on energy and we don't even know it right now.

What we know is the supply-demand glide is going like this and we are in a recession now, and we don't feel it, but as we lock in and cut exploration for natural gas in this country, we will see a twofold increase in natural gas within the next 18 months. We know that because we have built reserves every year until this year in natural gas. We know we consume 4.6 trillion cubic feet of natural gas every year in this country. As they shut down the exploration for known areas of natural gas because the price is under $4, what we know is the demand is not going to decrease significantly over what it is because we have gone to alternative sources for power generation—a lot of it natural gas—that the demand is going to increase and the supply is going to become static.

What is going to happen? The price of natural gas is going to go up. What is that going to do to utility bills? Before we do a monstrous cap-and-trade that is going to severely raise everybody's electrical rates in this country, we are going to limit an alternative supply for electricity with this bill, because we are going to limit the access to geothermal, we are going to limit the access to wind, and we are going to limit the access to solar, and solar thermal electricity generation.

I have trouble figuring it out. It must be my commonness being from Oklahoma, but I can't figure out why we would—I know we are going to cut one leg off in terms of going green over the next 20 years. I can't figure out why we are cutting off the other leg. I am wondering what we are going to use for power in this country. If we are going to severely limit alternative renewable, nonpolluting energy that is clean and we are going to massively limit—as the Department of Interior is already—exploration for hydrocarbon-based fuels, and we are going to limit the significance of coal, of which we have over 300 years available to us, what are we going to use for energy? We are also going to slow down the permitting process and the loans for nuclear, so what are we going to use? What is going to keep the lights on?

This amendment is about keeping the lights on in a way that nobody should be able to object to. It is not carbon based. It is a renewable, it is essentially almost free, it is something we can capture without any significant greenhouse effect. Yet we are going to limit it with this bill. I think it is significantly foolish on our part.

What we know is that this 140 million acres we see here, if we add in what is already in wilderness areas, what is already off limits in terms of national forests and Federal lands, you add in—and this does not include except a small portion of Alaska—we are going to markedly limit our resources. Ninety percent of all the geothermal capability in this country—a clean source for renewable energy—is found on Federal lands. As we grow the limitations on Federal lands, what we are going to do is take that 90 percent and we are going to take anywhere from 50 to 70 percent of that and say you can't have it. There are 29 million acres with solar potential in six southwestern States—these six States. If you can't transmit the power through power lines, if you can't disturb the soil to build, whether you put it above ground or underground, if you can't cross a river with a power line either overhead or under the river, how are we going to transmit the power? What we are saying is we believe in renewable, clean energy, but we don't.

The other point I wish to make is we now have in this country in wilderness areas alone 108 million acres. Do you know how many acres we have in developed land in this country? It is 106 million. Not counting the Federal lands outside of wilderness, which is 650 million acres, we have 108 million acres of wilderness and only 106 million acres of developed land. Where do we stop to the point where we don't steal away from the future potential energy production in this country? I am not talking carbon based; I am talking noncarbon based. How do we get the power from geothermal from these concentrated areas to the west coast and back to the upper Midwest if we can't cross any of these areas? And then, what is the cost and what is the line loss load when we have to do something such as this and then go underground and then come back up? It becomes prohibitive, and then we lose all advantage from renewable energy.

The other area we know where we have tremendous potential in all of these areas and others is biomass. We have a tremendous source. Approximately one-third of the 747 million acres across the United States is covered in forest land. Fifty-seven percent of those forests are owned by the Federal Government. Also, 590 million wet tons of biomass are available in the U.S. annually—590 million tons. Sixteen percent of renewable energy generated right now from electricity comes from biomass and 3 percent of our total energy in the year 2000. I don't have the dates for where we are today.

Here is what the U.S. Forest Service says: ''The technology to generate energy from wood has entered a new millennium with virtually limitless possibilities.''

Yet, even if we generate it, we can't transmit it under this bill, or the difficulty of costs for transmitting it will be prohibitive.

Each of the designations in this bill—somebody challenge me on this—each of the designations in this bill specifically withdraw the land from future mineral and geothermal leasing. That includes the wilderness areas, the wilderness study areas, and the wild and scenic rivers. They are withdrawn. They can't be used. Right now, there are 708 federally imposed wilderness areas totaling 107 million acres of land in 44 States. That will go to 1.92 million acres with the passage of this bill. It is a small portion of the 2 billion acres in this country, but it still denies the fact that we have more land now in wilderness than we have developed. The prohibition from capturing clean energy, renewable energy, and nonpolluting energy is unfortunate.

One of the things that is wrong with this bill also is that we are viewing tomorrow's energy potential on all of these lands with today's technology. Just like when you go back and look at the old BLM studies and the Department of the Interior studies on the land, if you use old technology, you can say there is no energy there. When you use new 3D seismic and electromagnetic seismology, what we see is a whole great potential for all other sources, including geothermal.

The other concern I have with this bill, and the reason I have this amendment, is we recently had a Federal judge in Washington, DC issue a restraining order to halt the development of major oil and natural gas reserves on 100,000 acres of Federal land in portions of Utah, not because it was in a wilderness area, not because it was in a heritage area, not because it was along a scenic river, but because it was near there. So we are going to abrogate to the courts and the aggressive environmentalists the ability to stop even clean renewable energy sources by the wilderness area designations.

Secretary of the Interior Ken Salazar, a former colleague of ours, recently ordered a secretarial order calling for the production, the development, and delivery of renewable energy; that it would be a top priority of the Department of the Interior, but this bill restricts that order. So here we have the Department of Interior Secretary saying this is our priority

and we are going to pass a bill that undermines that authority and that priority.

Secretary Salazar claims that this effort will include the identification of areas of high potential renewable energy, including geothermal, wind, solar, and biomass. It also includes mapping out transmission infrastructure to connect power to consumers.

Well, as we create all of these wilderness areas and heritage areas, guess what we are doing. We are limiting the ability to map out power transmission lines. In total, the lands bill will withdraw over 3 million acres from energy leasing, placing them outside the scope of Secretary Salazar's endeavors.

Majority Leader HARRY REID summed up the difficulties imposed by these designations when he discussed energy resources in Nevada. He said:

We know that our State has immense clean energy resources. However, the Federal Government's management of 86 percent of Nevada lands makes it challenging to explore and develop our enormous renewable resources.

The only area in this bill that does not affect geothermal is in the State of Nevada. It is the only area.

If we are serious about alternative energy, this amendment should be accepted, should be voted for, allowing us to have a wilderness area, but at the same time utilizing clean energy as a way to bring us to energy independence in the 21st century. So this is a very simple amendment. It says, OK, let's have what we have, but let's don't restrict it as far as renewable, clean energy. Let's use the renewable, clean energy that is available. This happens to be geothermal, but we know where the solar is, we know where the biomass is, and we know where the wind corridor is in this country. Why would we restrict it?

AMENDMENT NO. 675 TO AMENDMENT NO. 684

(Purpose: To prohibit the use of eminent domain and to ensure that no American has their property forcibly taken from them by authorities granted under this Act)

Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 675.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 675:

(Purpose: To prohibit the use of eminent domain and to ensure that no American has their property forcibly taken from them by authorities granted under this Act)

At the appropriate place, insert the following:

SEC. ___. EMINENT DOMAIN.

Notwithstanding any other provision of this Act (or an amendment made by this Act), no land or interest in land (other than access easements) shall be acquired under this Act by eminent domain.

Mr. COBURN. Mr. President, that is a straightforward amendment. The authors of this bill said we are never going to use eminent domain for any of this, even though they reference two or three statutes that give eminent domain. Well, if that is the case, if we are never going to use eminent domain to accomplish the purposes of this, there should be no trouble accepting this amendment. This amendment just says we can't. On this bill, you can't use eminent domain to take the property away from somebody who doesn't wish to give their property.

Amendment 5 of the U.S. Constitution says:

No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken without just compensation.

That is the Constitution. But the father of the Constitution said it a different way. He said, in a word:

As a man is said to have a right to his property, he may be equally said to have a property in his right.

Eminent domain is necessary and appropriate at times in this country for national defense, for the health and well-being of the country, for priorities that protect the public at large, and that makes sense. There are times when we have to use it. There is not a time associated with any of the parts of this bill that we should have to use eminent domain.

I have been assured by the authors of this bill that they have no intention of using eminent domain. If that is the case, then support this amendment, and we will never have a problem with it. The property rights folks in this country, of which about 100 support this amendment, would say that is great, so let's vote it up or down.

But if we vote against it, what is it going to tell them? What it is going to do is erode the confidence of landowners in this country. We say we are not going to take your land away from you without your permission, without there being a willing seller, but we have kind of a king's edge. We have our fingers crossed behind our backs because there may be some time when a bureaucrat has made a decision other than what we are saying tonight.

So the way to enforce that would be a straightforward message that says, according to this amendment, ''notwithstanding any other provisions of this act, or any amendment that is made to this act, no land or interest in land, other than an access easement, shall be required under this act by eminent domain.''

That is straightforward. Let's give them confidence that we are not going to take their land away against their will.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, I ask unanimous consent that I be allowed to speak for up to 12 minutes.

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

FISCAL YEAR 2010 BUDGET

Mr. THUNE. Mr. President, the Senate will in a couple of weeks take up the fiscal year 2010 budget. It is a defining document. In many cases, the budget establishes a blueprint for the agenda, what is going to happen in the Congress.

We normally get a budget proposal from the President, and the Congress takes it up and acts on it. We have gotten that blueprint from the new administration. The Congress will, as I said, in a couple of weeks take up our version of that budget, put it into legislative form, and take action on it.

I think what most Republicans in the Senate are going to take issue with in this budget is the fact that it does spend too much, tax too much, and borrow too much. We believe the budget as proposed is going to be very harmful to the economy at a time when we ought to be looking at creating jobs. In fact, this budget could do the exact opposite. It could cost the economy a significant number of jobs because it is going to impose all kinds of new burdens on that economy.

The first point I would like to make with respect to the issue of spending too much—as I said, it spends too much, taxes too much, borrows too much, but if we look at the amount of spending in the bill on the surface, discretionary spending would increase by $725 billion over 10 years. Mandatory spending would increase $1.2 trillion during the same period.

Total spending in this year's budget for fiscal year 2010 is $3.9 trillion or 28 percent of our gross domestic product. That means we would be spending more as a percentage of our gross domestic product than at any time since World War II.

That is a stunning and staggering fact when you think about it. At a time when a lot of Americans are being asked to tighten their belts in a difficult economy, this budget grows the size of Government by 9 percent for nondefense programs in fiscal year 2010, for a total of 20 percent growth in these programs since the year 2008.

There has been a lot of talk about revising the history of the past 8 years. But this budget spends more than the Bush budget every single year, and that is even after adjusting for inflation.

For those on the other side who have been critical of the overspending on the Republican side—and I don't deny the Republicans spent more than we should have when we were in control of this place, but this budget is staggering in terms of the amount of spending it includes—$3.9 trillion for fiscal year 2010, and, as I said, 28 percent of GDP, which would represent the highest level of share of GDP at any time in this Nation since World War II.

With respect to the issue of taxes—and as I said, it spends too much which, obviously, any person who looks

at this would agree with, but it also taxes too much. If you look at the taxes in the proposal, there is on the surface a whole lot of new revenue that is raised just by allowing previous tax policy to expire. We are going to see tax rates increase on people at the higher income levels.

The argument by the Democrats in the Senate has always been—and by the President, for that matter—that 95 percent of the people in the country are going to get tax cuts, and these new taxes on the economy are not going to impact that many people.

We are going to take issue with that because if you look at the total amount of new taxation—and when I say ''new,'' I am talking about net new taxes because that is independent of the tax relief. What they call the make work pay tax credit that is included in this bill does reduce the tax burden on some Americans by a certain amount. But the overall tax burden on the American economy is going to grow by $1.4 trillion.

Again, to put things in perspective, $1.4 trillion is equivalent to the annual GDP of Spain. We are going to raise taxes by $1.4 trillion in an economy that is in the middle of a recession.

Much has been made about the fact small businesses are going to be saddled with new taxes under this budget. There have been statistics thrown around. Make no mistake about it; if you are a small business with more than 20 employees and you are organized as a subchapter S corporation or an LLC and, therefore, the income you derive from that business flows through to your individual income statement, you are going to pay a higher level of taxes if you have a certain amount of income coming in.

So any company that makes $200,000 or $250,000 a year adjusted gross income because it flows through to the individual tax form, that individual could be facing much higher taxes. In fact, what has been determined through the analysis that has been done is that 60 to 80 percent of small businesses in this country will see their tax burdens go up because of the taxes included in this budget—$1.4 trillion in new taxes, which, as I said, is the equivalent of the annual GDP of Spain in the middle of a recession.

The other point I would make to those who say this is not going to impact average middle-income Americans is, if you look at the energy tax in this bill, I don't know how you can get around the fact that is going to hit everybody across the board.

The administration has said the revenue raised on the cap and trade—we call it the energy tax component. It is going to be a tax on utilities because the utilities are going to pass this on. It is not going to be borne by the utilities. It will be passed on to consumers. The administration has indicated $646 billion or $650 billion in revenue will come in from this new cap-and-trade proposal or this new energy tax proposal. I would argue that based upon additional analysis that has been done, it will be significantly more revenue coming in from that, which means it is going to cost the economy significantly more as well.

I refer my colleagues to an MIT study that was done in 2007 where they looked at a proposal, the Boxer-Sanders proposal—S. 309, I believe it was—and made an assessment as to what that would cost the economy. Bear in mind the President, while he was a Senator, cosponsored that proposal, and his proposal for a cap-and-trade regime is modeled very much after that legislation.

What MIT found when they modeled this was that it would cost the average household in this country $3,128 in the year 2015 if this sort of cap-and-trade proposal were implemented and put into law.

As I said before, that assumes a much higher level of taxation, a much higher level of revenue coming in from this cap-and-trade proposal than does the President's budget.

I would argue that the President's budget dramatically underestimates the impact of the cap-and-trade proposal in terms of cost to the economy and the additional taxes that will be passed on, and that this represents a much more accurate review.

The Congressional Budget Office also has in their analysis concluded that by the year 2020, this could cost somewhere between $50 billion and $300 billion a year. The MIT study suggests it would cost more than $300 billion a year. I think as more and more analysis is done and more and more data is captured about this cap-and-trade proposal, we are going to find it is extremely more expensive than what has been anticipated and what has been assumed in the President's budget.

The energy tax piece of this is going to be passed on to everybody. If you are a middle-income taxpayer, a lower income taxpayer, or a small business, energy costs are going to go up. The argument has also been made the make work pay tax credit would offset that. That is true up to a point, but that is up to $400 for a single filer and $800 for a couple filing jointly and phased out so that people in the middle-income categories are still going to be faced with this significant energy tax that is paraded by the new cap-and-trade policy that is assumed in the President's budget. Not only does it directly raise taxes—the $1.4 trillion that I mentioned earlier which equals the annual GDP of Spain—the tax increase is going to be passed on to a lot of small businesses in this country. But there is this cap-and-trade tax, which is the secret job killer in this budget in terms of the enormous burden and cost it will impose on our economy, on small businesses, and on working families in this country.

As I said before, this budget spends too much, it taxes too much, and the other point I will make is that it borrows too much. If we look at the amount of borrowing that is entailed as a result of this budget and what it does to our national debt over time, again, the numbers are quite staggering.

This budget doubles—doubles, Mr. President—the public debt in 5 years and triples it in 10 years. The amount of borrowing that we are passing on to future generations is going to double in 5 years and triple in 10. Just to put this in perspective, this creates more debt. The President's budget creates more debt than was accumulated under every President in this country from George Washington through George Bush. In other words, from the inception of our country, from our very first President, George Washington, to George Bush, his Presidency included—a lot of people have criticized the previous administration for adding to the Federal debt. In fact, during the Bush administration, it was about $2.9 trillion that was added to the Federal debt. This is going to dwarf that by multitudes. It doubles the publicly held debt in 5 years and triples it in 10 years and accumulates more debt than was accumulated from the time of George Washington through the Presidency of George Bush.

That is a stunning amount of borrowing. We are getting to where even if the President's budget proposals and economic assumptions are accurate—and I would take issue with those—where the total amount of borrowing, the total amount of public debt is going to be about two-thirds of our GDP, those are numbers we have not seen at any time in this country since World War II.

There are incredible amounts of spending, incredible amounts of taxation, incredible amounts of borrowing, and lots of policy changes that we think are very bad for the country and very bad for our economy at a time when we need to be putting policies in place that will create jobs, stimulate the economy, and help expand it in a way that will make this country more prosperous and stronger for the future.

In the debate that will ensue in the next several weeks—and it will get underway in a couple of weeks—we are going to be making lots of arguments, as both sides will—those who are in favor of the President's budget proposal and those of us who are opposed to it—about the substance of it. I hope when we focus on the substance of it, the American people will tune in because they ultimately are the ones who pay the costs.

For the taxpayers of this country who bear the burden and responsibility of financing the many new initiatives that are paraded in this, it does create a lot of new initiatives. It does away with guaranteed student loan lending, a program that has been very successful across this country and moves everything back into direct lending of the Federal Government. It, as I said, creates an entirely new energy program, a cap-and-trade program, which

is a tax. Let's call it what it is. It is going to impose an incredible cost on our economy, not to be borne by corporate America; it will be passed on to the American consumers. If the MIT study that was done a year ago is right, there will be $3,128 per household in this country to comply with the additional costs that will be imposed as a result of this new cap-and-trade proposal included in the President's budget.

It assumes some $600 billion for health care reform. We have not seen specifics and details about that, but we are concerned as well about the direction in which that may be headed. There are lots of reasons to be opposed to this budget. There are lots of things we could and should be doing to get this economy growing again, but clearly, raising taxes, spending more money here in Washington, DC, borrowing more from our children and grandchildren is not the way to go about this.

I wish I could say I was presenting the worst-case scenario. The numbers we are seeing here are probably optimistic. I think the President's economic assumptions with respect to inflation, unemployment, GDP growth, and all those sorts of things are overly optimistic. I think they have dramatically understated, as I said, the cost of the cap-and-trade proposal. They have understated savings that will be achieved by reductions in our military spending as a result of drawdowns in Iraq. I don't think that is going to be nearly what they assume it is going to be. I think the actual deficits and debt that are going to come as a result of this budget proposal that the President is putting in front of us is going to be way beyond anything we are even contemplating now.

I have to say, what we are contemplating now is way beyond anything we have seen throughout our Nation's history. It is not fair to future generations for us to be saddling them with this enormous amount of debt. As I have pointed out before on the floor, we have had a tradition in this country of one generation sacrificing for another; one generation going without things so that future generations can have a better life. We have turned that ethic completely on its head with this budget by the amount of borrowing and spending that we are doing and in the amount of taxing. We are taking from future generations and asking them to sacrifice so we can have a better life today because we have not been willing or able to live within our means.

It is high time that Congress started taking the steps necessary to get this budget under control, to not buy into the spending spree. Since we have been here—and it has been a little over 50 days in this new Congress and the new administration—the level of spending is now at $1.2 trillion—$24 billion a day or $1 billion an hour that we have spent already—and that is before we even get to this fiscal year 2010 budget, which includes historic levels of spending, historic levels of taxation, the largest tax increase in American history, and historic levels of borrowing that asks future generations to make sacrifices which are not fair to ask of them.

It is our responsibility to live within our means. We can do that. We can put policies in place that will be additive in terms of creating jobs and growing our economy and making our country stronger. Going down this path is not going to do that. I hope as we debate this in the next couple of weeks that it will become clear to the American people who is standing up for the American taxpayer and what the costs are—the actual costs—that we are asking not only them to bear but asking their children and grandchildren to bear.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

ST. PATRICK'S DAY 2009

Mr. DURBIN. Well, Mr. President, it is St Patrick's Day, and you might notice a lot of green ties on the floor of the Senate. I notice the Presiding Officer has a nice one on.

I wish to just say for a moment how proud I am to have a grandmother, who passed away, named Mary Margaret Gaul, who was always proud of her Irish heritage and convinced us as kids that is where God would hang out, that great Republic of Ireland. It meant a lot to us growing up as kids to celebrate St. Patrick's Day with my grandmother and to try to continue that tradition in our own time.

But it goes beyond just family connections. It is almost impossible to overstate the importance of Ireland's contributions to America. From our earliest days as a nation, Ireland and America have been united by unbreakable bonds of friendship, family, and a shared commitment to liberty and freedom.

There is a great quote from George Washington, who once said:

> When our friendless standard was first unfurled for resistance, who were the strangers who first mustered around our staff? And when it reeled in the fight, who more bravely sustained it than Erin's generous sons?

In the more than two centuries since then, America has been enriched immeasurably by the contributions of the Irish, and Irish Americans, in every field and every walk of life.

And the contributions go both ways. It just was not the ''sons of Erin'' who stood and fought on our side with George Washington in the Revolution, it was a son of America, Brooklyn-born Eamonn deValera, who, in 1921, became the first President of a free Ireland.

And it was another son of Irish America, former Senate majority leader George Mitchell, who helped broker the Good Friday Peace Accord nearly 11 years ago.

That hard-won historic agreement laid out a path to end more than 30 years of sectarian bloodshed in Northern Ireland and create a new province, a new government, and a new dream.

For more than a decade, the Good Friday agreement has inspired people around the world to believe it is possible to resolve old hatreds, it is possible to heal old wounds.

To paraphrase the great Irish poet and Nobel laureate, Seamus Heaney, it is possible—with courage and diplomacy—for cooperation to replace confrontation and hope to triumph over history.

We have been horrified in recent days by the reprehensible murders in Northern Ireland of two unarmed British soldiers and a police constable. The two soldiers were days away from being dispatched to Afghanistan. They were the first British soldiers killed in Northern Ireland since that Good Friday agreement. The police constable's death was the first terrorist killing of a member of Northern Ireland's new, carefully balanced police force. The police force was created a couple years ago, and it is an important symbol of political reconciliation.

Their deaths appear to be the work of isolated extremists who have no place and no support in Northern Ireland today.

If it is possible for any good to come from these despicable acts, it is in the reactions of people in Northern Ireland. In the wake of the killings, we have seen a renewed commitment to peace and reconciliation. Former enemies on both sides of ''the Troubles'' have condemned the killings and vowed not to retaliate with violence.

Martin McGuiness, Deputy First Minister of Northern Ireland's power-sharing Government and leader of Sinn Fein, the political wing of the IRA, called the perpetrators of these killings: ''traitors to the island of Ireland.''

Leaders of Northern Ireland's two largest loyalist paramilitary groups—the Ulster Volunteer Force and the Ulster Defence Association—have also condemned the killings and vowed that they will not return to violence.

Most poignantly, we have seen the commitment to peace in the resolve of thousands of ordinary people in Northern Ireland.

Last Monday, on the morning after the killings of the two British soldiers at a military base, hundreds of people gathered in the nearby town of Antrim for a prayer service at the police cordon where the shootings took place.

The worshipers included members of the local Catholic, Presbyterian, Church of Ireland, and Methodist Churches—all praying together.

A Catholic priest told a reporter his parishioners were determined to show their outrage over the murders, but they wanted to do so collectively with their neighbors from other churches.

The priest told a reporter:

In the past, if something like this happened, people would withdraw into their own [separate] community. This time, everybody was united because it was an attack on everybody—on the peace we all own.

Last Wednesday, thousands more people attended dignified, silent ''peace rallies'' in Belfast, Derry, and other towns in Northern Ireland. Young and old, men and women, Protestants and Catholics stood shoulder to shoulder in the cold to express their horror at these killings and their resolve to maintain the Good Friday peace.

Signs carried by many of the more than 2,000 people who gathered at Belfast City Hall seemed to express their collective resolve. The signs read simply: ''No going back.''

Many of us remember how difficult the Northern Ireland peace negotiations were, how often they seemed on the verge of collapse. But their collective determination, and the wise leadership of George Mitchell, led them to an agreement, led them to use diplomats and politicians but also the faith and courage of ordinary people to bring organizations and institutions that had been at war for decades together in peace.

Last weekend, in Chicago, we had a great St. Patrick's Day celebration. We dyed the Chicago River green, drank a lot of beer, marched in parades. Everybody wore their green and had a glorious time.

I attended a breakfast honoring a great organization. The Irish American Partnership is working to create a more hopeful future for the children of Ireland—both north and south. They support educational and other efforts to replace old divisions with understanding and cooperation.

On this St. Patrick's Day, we want the people of Northern Ireland, the Republic of Ireland, and Great Britain to know America shares their grief and outrage over these killings. We also share their resolve never to go back.

Just as it was in America's national interest to help broker the Good Friday peace agreement, it is in our interest now to help the people of Northern Ireland reclaim that peace.

Now, before I yield the floor, I cannot let St. Patrick's Day pass without saying a word about a great man whose family has become synonymous with Irish America, with peace in Northern Ireland, and with so many other noble causes.

Senator TED KENNEDY—KNOWN AS SIR EDWARD by those of us who are honored to call him a colleague—is not here on the Senate floor today. But we see his pride in his Irish heritage in the shamrock sugar cookies and green punch he had delivered to the Democratic cloakroom today, as he has done on every St. Patrick's Day for decades.

More importantly, we feel TED KENNEDY's influence in this Senate's efforts to promote justice and opportunity in our own Nation—to provide more Americans with jobs, health care, and education, so they can make a good life for themselves and their families.

On this St. Patrick's Day, I know I speak for all my colleagues in the Senate in wishing Senator KENNEDY slainte.

To your health, TED. We look forward to seeing you back soon.

A few months ago, Senator KENNEDY's wife Vicki, at the Democratic Convention in Denver, handed me this little blue plastic bracelet. It has a word on it they made up for the occasion, so all of us who stand by TED and think of him every day would carry this little reminder with a bracelet that says one word: Tedstrong.

Well, we are strong in our love for this great Senator. He has been strong in his love for this great country. It is a good thing to remember him on one of his happiest days, St. Patrick's Day.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, before my colleague leaves the floor, I wonder if he might answer a question, and that is whether some of us on this side of the aisle could also celebrate our colleague, TED's, appreciation for St. Paddy's Day, if there are any more of those cookies and punch left in the Democratic cloakroom.

Mr. DURBIN. I am going to check. If there are, we will bring some across because I know TED would do that himself.

Mr. KYL. I thank my colleague.

NOMINATION OF DAN ROONEY TO BE AMBASSADOR OF IRELAND

Mr. CASEY. Mr. President, I want to speak about a very happy and positive topic, something that is close to my heart but I think also close to the heart of a lot of Americans. Today, we have the double benefit of it being not only St. Patrick's day, but in my case, as a Pennsylvanian and one of Irish descent, I had the great news announced today by the President of the United States that Dan Rooney—from the great Rooney family of Pittsburgh, owner of the Pittsburgh Steelers and a great friend of the people of Ireland, who has been active in the peace process, as has his family for a generation or more with their time, their effort, their money, and their wisdom—has been nominated to be Ambassador to Ireland. He is a Pittsburgher and a Pennsylvanian, and we are so very proud today to be able to report that for those who haven't yet heard the news. I will work, as a member of the Committee on Foreign Relations, to get him confirmed because we should confirm him.

Dan Rooney is well known as the owner of the Steelers, the Super Bowl champs several times over in the last generation, and that is wonderful that he is, but he is a son of Pittsburgh, a very humble man, a very decent, kind, caring, and compassionate man, someone who has the kind of integrity and the kind of commitment to service you would want in an ambassador to any country but especially one such as Ireland. Pennsylvania has a pretty significant percentage of its population that traces its ancestry to that small island, and across the ages we have been proud of that connection, that affinity we have for the people of Ireland. In this case, if all goes as it should with the confirmation—and I am sure it will—we will have a son of Pittsburgh, a son of Pennsylvania, a resident of the Commonwealth of Pennsylvania serving as Ambassador to Ireland.

Dan is someone who not only has the character and integrity and commitment to his country, and his concern about the Irish people, but he is also someone who has broad experience in running a major organization and motivating people to meet goals. There is so much that our country can do together with the people of Ireland. That country will see, if they do not already know, what we have always seen in the character and the decency and the strength and experience of Dan Rooney. So we are very proud today that President Obama made that announcement, especially for someone who has the kind of character and commitment to public service that Dan Rooney has.

One final note about the celebration today of St. Patrick's Day. There are a lot of reasons to celebrate, even in the context of some of the recent violence in Ireland. There are more reasons than not to celebrate the enduring peace of Ireland, even in the midst of that setback, even in the midst of that violence. We have a lot to be thankful for, those of us who care about that kind of peace—one of the longest conflicts in the history of the world brought to resolution back in the 1990s. George Mitchell and the Clinton administration worked very hard on this, and I know the Obama administration will be equally committed to making sure that peace endures.

As we are thinking today about Ireland and thinking about St. Patrick's Day and thinking about the bond between our two countries—and earlier today I heard Senator DURBIN speak of the senior Senator from Massachusetts, Mr. KENNEDY, for a whole variety of reasons—I think of TED KENNEDY as someone who spent a lot of his time in the Senate working on peace issues the world over but in particular working on the peace process in Northern Ireland. Over his lifetime of service in the

Senate, he is someone who has given meaning to the values we cherish on a day like today—values of service, the value of peace over war, the value of integrity, and the value of trying to love one another the best we can.

TED KENNEDY has a long connection not just with the peace process and not just with the people of Ireland and his heritage, but his family has had a long connection with my home State of Pennsylvania—and not just on St. Patrick's Day but on a lot of other days. In fact, one of the reasons I highlighted Senator KENNEDY and am thinking of him tonight is because of all the work he has done on health care, on civil rights, on education, as well as issues as important as the peace process in Ireland.

I am also thinking of him tonight because of the Friendly Sons of St. Patrick of Lackawanna County, which has had many storied speakers, but one of the greatest speeches given at that dinner—really in the history of the American Irish—was given by then-Senator Robert Frances Kennedy of New York in 1964. So we are thinking tonight of the inspiration Senator Robert Kennedy provided to the American people, to the people of the State he served, New York, and to people across the country in his Presidential campaign in 1968 before his tragic assassination.

In a special way, I am thinking of the speech he gave not long after—literally just a few months after his brother, President Kennedy, was killed. I had the occasion a little more than a year ago to give an audio recording of that to Senator TED KENNEDY. I know he had heard of the speech and maybe even heard the actual recording, but I wanted to make sure he had a CD of that speech.

So we are thinking of him tonight and thinking of his family and the great sacrifice the Kennedy family has made for the American people; one as President, two in the Senate, and one of them in the Senate who served as Attorney General. That is just a highlight of the kind of service they have provided.

So on this St. Patrick's Day, we cherish the memory of so many things that are Irish, but we are also whispering a silent prayer for our country, whispering a prayer for the people of Ireland and for those who made this peace possible, people such as TED KENNEDY and George Mitchell, and others who worked so hard.

In this very special way today, I am grateful for the chance to be able to stand on the floor of the Senate and say that a friend of mine, a friend of Pennsylvania, and a proud son of Pittsburgh has been nominated by President Obama to be Ambassador to Ireland. That friend is Dan Rooney.

So congratulations, Dan. We are thinking of you and your family tonight as we celebrate St. Patrick's Day.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD. On March 16, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Ad Hoc Subcommittee on Contracting Oversight adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Ad Hoc Subcommittee on Contracting Oversight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

(2) QUORUMS.

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any matters or recommendations. Nothing herein shall be construed to authorize the consideration or reporting of legislation.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

MOLDOVA PARLIAMENTARY ELECTIONS

Mr. CARDIN. Mr. President, with the coming parliamentary elections scheduled for April 5, Moldova is once again at a crucial juncture in its domestic political development.

In recent years, Moldova's cooperation with the United States has deepened, with steady progress through the initial stages of the Millennium Challenge Threshold Program, which promises to bring significant material assistance to Moldova in the near future. Additionally, Moldova has advanced in its quest for greater European integration. To continue to build upon and consolidate these positive developments, it is crucial that the current campaign and voting on April 5 be conducted in a manner consistent with Moldova's commitment to meeting OSCE election standards.

Since achieving independence in 1991, Moldova has had a generally positive record in conducting and respecting the results of free elections. However, there have been shortcomings and it is essential that Moldova avoid repeating practices that have drawn criticism in previous contests.

Specifically, national and local authorities must make every effort to ensure a level and transparent playing field for all candidates during the campaign and avoid the use of administrative resources to hamper political rivals. It is also important that the authorities make efforts to ensure access to the media for all candidates and representatives of political parties. Finally, law enforcement bodies must safeguard the public's basic right to freely and publicly assemble to express their views in a peaceable manner.

As Chairman of the Commission on Security and Cooperation in Europe, I would underscore the importance that all involved in Moldova's upcoming parliamentary elections ensure compliance with international norms. This is crucial, not only for the future of democratic reform in Moldova, but also for the country's further economic development and progress along its chosen path of European integration.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with

me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My husband and I moved to Shelley in May of 2007, and drive to work in Idaho Falls Monday through Friday. Since we work different hours, we are unable to carpool. When we first moved here, we budgeted approx. $210 per month for gas and we now budget approx. $320. We do not drive new, gas-guzzling cars. My husband drives a 1987 Ford Bronco II (we are on our third engine) and I drive a 1995 Ford F–150 pick-up. Both cars have four-wheel drive, which is necessary in the winter months, and the pick-up is needed as we own 6 acres. Add this increase to the gas needed for a riding lawnmower and a quad (both are needed to maintain our property), we probably spend $350 a month in gas. I believe Congress has no idea of what the average wage earner/homeowner goes through every month just trying to get by and pay bills. There will be no vacations this year as we cannot afford to pay for gas and travel anywhere. Along with the increase in gas prices, we have found our grocery bills have increased along with just about everything else. (the trickle-down effect) Wages in Idaho are not high and the cost of gasoline seriously impacts our budget. I am in support of more domestic drilling and believe we depend too much on foreign oil.

LAURIE, *Shelley*.

My husband and I both work at the Idaho National Laboratory and also operate a small beef cattle ranch. The rising costs have been affecting us but really started hitting hard last year.

First, we live in Howe and work at the INL. We work at one of the closest facilities to Howe, yet, it is still 20 miles one way. I work a 4×10 schedule and my husband works a rotating 4×12 schedule. Our schedules do not coincide with one another so we are unable to carpool. So, we both have to drive separate vehicles 4 days a week. He is unable to carpool because no one else in Howe works his same schedule. I carpool with another neighbor who works 4×10s at my facility, so I drive twice a week. We are driving a minimum of 240 miles per week. All of our vehicles are ranch vehicles so they get between 8 and 16 mpg (with all the rising costs, we'd be hard pressed to afford a vehicle payment for an economy car). We try to ride our motorcycles when we can (40–60 mpg) but that is hard to do with a carpool. We are using 15–30 gallons of fuel a week, minimum, at a cost of $60–120/week or $240–480/month. That just for going to a steady paying job.

Second, our cattle graze on private ground 20 miles away. That was the closest we could get at a reasonable cost (which was 4 years ago). Because of the problems we have had with trespassers cutting fence lines, tearing up gates, cattle disappearing, and irrigation issues, we have to check on this daily from May to November. That is another 280 miles/week. So, another $140/week or $560/month.

The closest full-service shopping is 80 miles away in Rexburg, Idaho Falls, or Blackfoot. We have tried to keep the trips to town to a minimum, but, that too is hard to do with cattle, owning a home, and just plain living. We carpool to town to do our grocery shopping and only go every other week. That is another 180 miles once you spend the day driving all over town to get everything in one trip—and believe me it is an all day trip when you are shopping for 2 weeks worth of supplies for 2–3 families. Another potential $40 in fuel. We do not get to see our children, grandchildren or other family very often anymore because they are scattered all over the state. They cannot afford to spend the money on gas to come and visit and we have had to cut way back on these excursions. The cost for vehicle maintenance has shot through the roof, too. Tires are up about 50%, motor oil has double over the past couple of years, other maintenance supplies have increased and the cost of labor to have a ''professional'' do it is ridiculous (that is if you can get someone honest and reputable to do the work!).

Because we lost our BPA credit and Rocky Mountain Power raised the rates, our electric bill has gone up $60–100/month depending upon how much water we are pumping and how cold it is.

The hay prices shot up from about $85/ton to $150/ton—nearly double. So we are forced to either sell off half the herd or double our cost for hay/feed (for 50 head of cattle we'll be paying over $20,000). The market price for beef at auction has not increased making our profit margin take a nose dive. When there is less beef produced, the store cost goes up—but we do not see that money as a producer. Everyone else is getting their cut but the producer. Feed grain has gone up about 33%, and veterinary supplies have gone up.

The cost of everything has gone up to account for the fuel prices. Flour has doubled, milk went up $1/gallon, bread is $3/loaf (can you believe it—so I make my own). The cost of fencing supplies has gone up 75%. These are just a few things that cut into our bottom line.

I hear taxes (at least federal) are going back up and the marriage penalty will be back. Is there anyone in Congress that can keep their hand out of the piggy bank? My husband and I live within our means. With all of these rising costs, we are having to cut back on many other things—but we are doing it. It just seems that our government representatives are so wealthy and are ''entitled'' to special treatment wherever they live that they have grown completely out of touch with how the common person lives from day to day.

We are just one small family. We are spending well over $1000/month in fuel costs and just a few years ago I thought it was highway robbery to spend $400/month. The US needs to get off the ''enviro-nazi'' kick and start utilizing the resources we have.

Thanks for listening. Maybe this will help you make a difference for Idahoans and our country.

TEKLA, *Howe*.

Thank you for taking the time to hear from those you represent. Yes my family has had to cut back our spending as the fuel prices are driving up the costs of everything else. There is one area I am deeply concerned with, that is with the good people who help the less fortunate. There are companies like Meals on Wheels that are hurting because of the energy costs, the food costs, as well as the other expenses they have to bear. When I hear that these good people are trying to help others, it warms my heart, but when I hear these same companies are struggling to scrape together enough funds to continue to do the incredible job they do I am deeply sadden. The costs are rising to a point that it makes it difficult to be able to donate to these wonderful organizations. When I hear the oil companies are making record profits it angers me and I feel we are being taken advantage of. I do believe in free enterprise, but at what cost to the great people of our fantastic nation.

Please help,

Scott.

This is in response to your request for citizens to ''share your energy stories.''

Here are some of the results I am observing, of gas being more expensive:

Traffic is (slightly) down on the overcrowded roads in and around Boise.

People are getting rid of their gas-guzzlers and getting more economical modes of transportation.

People are making more responsible transportation choices. (Dare I say it? Might they even consider carpooling, or utilizing public transportation?)

Air pollution is down.

There is some real market-driven innovation going on, in the automotive world.

In other words, the results of higher fuel prices aren't all negative. Please think long and hard before getting the government more involved. (In the past, it hasn't always had the desired effect.)

If you could figure out some way to give the freight industry some relief, that would be a good thing. But let the free market run its course with regards to personal transportation, I say. If our economy is based on every citizen 16 and over having a private motor vehicle and unlimited access to cheap fuel . . . it is a house of cards.

Ride a bicycle.

JOSH, *Boise*.

These days of high fuel and energy costs have been coming for a long time now. Since the 1970s, the writing has been on the wall. Had the government taken the lead and required meaningful efficiency standards of the auto industry, we may have avoided a war and would already be on our way to energy independence. Had we raised the fuel tax by a couple of pennies each year and invested it into mass transit and infrastructure, we would not be faced with crumbling roads and bridges.

We let the marketplace get into this mess; the marketplace will get us out of this mess, if we let it. The marketplace is merely correcting for the poor decisions of the past. Progress built on the promise of an unlimited supply, of a finite resource, is hardly progress at all. To call for more production is no solution. We have squandered an immense resource on gas guzzlers, motor sports of all kind. Agriculture's dependence on fossil fuels and petroleum based chemicals is coming back to haunt us.

The best time to plan for energy independence was 30 years ago. The second best time to plan for energy Independence is today. There are other contributing factors to the mess we are in such as, the failing dollar, former third world countries whose demand for energy will soon exceed ours. We brought all this on ourselves and now we do not like it. I would be willing to bet, ''we ain't seen nothin' yet''.

DOUG.

We moved from southern California and left a lucrative business four years ago to come to Idaho and put our children into smaller schools. We also began a business here that has done pretty well. Lately though, gas is eating up any chance of savings for college or cars for teens who need cars to work.

Beside working many hours and employing locals when we can, we also volunteer hundreds of hours coaching kids in youth sports. I also began an all-girls youth group 18 months ago, that has presently 40 girls that have attended and come pretty regularly. We are in a poorer area so up till now we provide many rides for these kids, many from single parent homes, welfare homes, etc. These kids have been so appreciative of all the time and effort we invest in them and we see many making much better choices today that once were traveling down a very bad path in life.

How is gas affecting us, family of five? For one, we have started turning down some pretty good jobs we would usually bid within a 90-mile radius due to gas prices. Since my husband has to drive a truck to carry all of his heavy equipment to do the jobs, he has no choice but to pay for higher gas. For me, I have to choose to not pick up all the kids that I have been to keep them in youth group and sports. Some of these parents do not even own cars, so now that means some of these kids who were responding so positively either have to walk a great deal to get to a place I can pick them up (also a danger in today's world) or they do not always get to attend. I too may have to cut my hrs in volunteering soon as we just cannot afford the gas to do as much as we always have in the past.

One more way it is affecting us is we have a son ready to begin college and he may actually have to go without a vehicle. His older car broke down and, in order to purchase an energy-efficient vehicle, we would have to give up paying for college basically. We cannot afford to do both. We have another son also driving, but he cannot afford the gas prices to get to a job at minimum wage on a part-time basis. He works for his dad all summer, but gas prices is preventing him from working all school year for the minimum wage on a part-time basis (15 hr average locally for youth jobs during school year).

We ask the Congress to push harder to drill here at home, to open another refinery while they continue exploring all other energy efficient ideas. We too want the environment protected, but first we must make certain people can afford to go to school and to work. We do think the congress needs to put some pressure on and get our gas prices lowered (environmentalist caused in our opinions), but we do not believe the government should be taking over the oil companies.

We thank you for your time and hope that you can work to get this resolved before none of us are able to work.

KEN and ROSSA, *Lenore*.

I wanted to write you about the insanely high price of gas. My wife and I both hold jobs in different parts of Boise so we could not carpool together. Her car gets great gas mileage; mine, on the other hand, does not. When the price of gas going up, I was looking at paying almost $200 in fuel a month for my own transportation probably closer to $300 with both of our cars together. We simply cannot afford $300 a month for just gas. I decided to find a new means of transportation to work—my bicycle. While I am not complaining about riding my bike to work, I have to keep looking down the road and know that winter is coming and with $135 barrel of oil prices that means high gas prices when it is cold out, too. Congress or the House or the President or someone needs to take the reins and get control over this crisis. I keep hearing about how we went to war in Iraq for oil. If that is true, then why are not we taking oil out of Iraq to repay all the money that we have spent over there to increase our national debt to an insane amount? Why are we not drilling in Alaska? Or on the Outer Continental Shelf? Or exploring the coal to oil possibility? With all of the unemployment that is happening right now in our country opening up even one of these possibilities could create new jobs for people that are out of work right now, bring down the price of gas and oil, and we could stop funding countries that hate America. I do not understand how simple working Americans can see the solutions to this problem but our elected officials either cannot see the solutions or just do not care to fix the problem they helped to create. Thank you for your time.

KYLE, *Boise*.

Despite the fact that a month ago I have recently acquired a higher paying job (more than I have ever made), we are having to now decide which bills get paid and which ones do not. My fiancee and I over the past few years, worked diligently to reduce or eliminate our debt, save money for both short term and long term. We were being very responsible middle Americans.

We have not been able to successfully budget the increases in what we have to pay for gas and everything else that has gone up in price.

Now all that our debts have gone up and our emergency funds our depleted.

It is not as though we have been spending more. We have made as many cutbacks as we could. Gotten rid of cable, switched all of our bulbs to fluorescent, do not go out to eat anymore, and quality time family excursions including movies just do not happen anymore.

What else do we do when suddenly prices go up and you have to get to work, but the tank is empty and bills need paid or they shut off the power, etc.? Companies never give you a raise as quickly as prices go up. In fact, most people do not even get raises anymore. We are paying on average of $150 to $200 more a month than before. We do have to drive more than the average person until the wedding over and house is sold.

I already work long hours, leave the house at 6:45 am to arrive back at 7 pm exhausted go to bed at 10 pm. When would I have time to get another job? We have been selling off things we own for extra money. We have not had time to adjust. These rapid increases are killing us financially.

MONTE.

I am taking this opportunity to respond to you call for input on high energy prices. I live in Pocatello and must drive to work daily to go to work in Idaho Falls, a 100-mile round trip. My wife owns a restaurant in Pocatello, so moving would only change who commutes. The high gasoline prices have affected my personal driving habits in that I have started driving at 55 miles per hour again. If I drive at 75 mph, my car will go 19 to 20 miles per gallon of gasoline. I have found that when I drive at 55 mph, my car will go 32 to 34 miles per gallon. I only have to leave the house 15 minutes earlier in the morning to get to work on time.

I was in Nebraska a few weeks ago. I noticed that while Nebraska has not lowered posted speed limit for trucks, almost all trucks were cruising between 60 and 65 mph. Since a truck is much less streamlined, I would guess that their fuel efficiency gains are even more dramatic than mine.

I realize that, for most Americans, the vast majority of driving is done in a city where the speeds are much lower and the traffic is stop and go, so simply driving slower will not have a significant impact on fuel efficiency. But gasoline use can be greatly reduced in urban areas also. I have two sons who both get all over Pocatello very easily, and neither one of them drives an average of ten miles a week. They both walk or ride bicycles almost everywhere they go. They even takes backpacks to the grocery store and laundromats, which for one of them are over a mile and a half from his house (the other lives only around the corner from a grocery store, and his laundry seems to mysteriously appear at my house).

I do believe that urban planners in the West have long neglected pedestrian-friendly neighborhoods and business districts, not to mention the almost complete lack of attention towards mass transit systems both in and between urban areas. Congress should address these items as viable tools to curb energy demand along with promoting development of alternative energy sources. Congress should also mandate the diversification of our energy supply, which, by the way, should also be a Homeland Security priority.

Congress has known that our energy availability is getting more and more questionable for over thirty years, and has done little to promote developing new energy resources or promote curbing energy use. Simply exploring for more oil within the United States will not solve the problems, it will only prolong the problem at great cost.

BOB.

ADDITIONAL STATEMENTS

TRIBUTE TO ST. XAVIER HIGH SCHOOL STUDENTS

● Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating Nathan Horrell and Will Spence from St. Xavier High School, Louisville, KY, for receiving the Achievement Award in writing. This year only 525 students around the country were recipients of this award.

The Achievement Award in writing is given to students who show excellence in English and writing. To be eligible for the award, students must submit a previously written paper and then be invited to participate in a timed essay.

Nathan Horrell and Will Spence both have shown great analytical and writing skills in their submitted papers. Each student entered an analysis of Mary Shelley's 1818 novel ''Frankenstein,'' which they both wrote during their junior year in high school. At the contest, Nathan wrote his timed essay on the connection between the Internet and politics and Will wrote a short story.

I am impressed by the excellence these two students have displayed. I am confident that they will have success in greater challenges in the future.

Mr. President, I would like to thank Nathan Horrell and Will Spence for their contributions to the Commonwealth of Kentucky and wish them the best of luck in their future endeavors.●

TRIBUTE TO COLONEL ALVA BRYAN ''RED'' LASSWELL

● Mrs. LINCOLN. Mr. President, today I wish to honor a man from Arkansas

who had a strong sense of duty toward his country from a very young age. COL Alva Bryan Lasswell, known as ''Red'' to friends, was a World War II war hero whose service has gone unrecognized for most of his life. I believe it is finally time to honor Colonel Lasswell for the brave servicemember that he was.

When he was only 13 years old, Colonel Lasswell tried to join the Marine Corps. Due to age requirements, the future hero would have to wait until his 21st birthday to enlist. Throughout his distinguished military career, Colonel Lasswell was awarded the rank of 2nd lieutenant and served in Navy intelligence.

During World War II, he was stationed at Pearl Harbor and was selected as one of 10 officers to take part in the elite intelligence gathering unit. In May 1942, Colonel Lasswell intercepted an unusual message that he reported to Navy headquarters. The message was a Japanese Operational Order authorizing the Battle of Midway. As a result of Lasswell's heroic service, the Navy was able to prepare for the attack, and the Battle of Midway would go on to become the first major victory for the Navy in World War II.

This was not the end of his service however. Colonel Lasswell later translated a message which led to the shooting down of a plane carrying Japanese Adminral Isoroku Yamamoto in 1943, and in 1944 he recovered intelligence which involved a plot to assassinate GEN Douglas MacArthur. In addition, Lasswell's intelligence helped the U.S. Navy Antisubmarine Group sink at least five submarines in 1944. Lasswell completed his military career in 1956, serving as Chief of Staff for the Marine Recruit Depot.

Despite his tremendous service to his country, Colonel Lasswell never received distinction or recognition for his intelligence recovery efforts during World War II. At this time, I would like to pay him the tribute he has deserved for so long.●

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 submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING CERTIFICATION THAT THE EXPORT OF FINE GRAIN GRAPHITE TO BE USED FOR SOLAR CELL APPLICATIONS AND FOR THE FABRICATION OF COMPONENTS USED IN ELECTRONIC AND SEMICONDUCTOR FABRICATION IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY, AND THAT THE MATERIAL AND EQUIPMENT WILL NOT MEASURABLY IMPROVE THE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify to the Congress that the export of fine grain graphite to be used for solar cell applications and for the fabrication of components used in electronic and semiconductor fabrication, and two dual-motor, dual-shaft mixers to be used to produce carbon fiber and epoxy prepregs for the commercial airline industry is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from these exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.

THE WHITE HOUSE, *March 17, 2009*.

MESSAGES FROM THE HOUSE

At 2:24 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. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''.

H.R. 1217. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office''.

At 2:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, on of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1541. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ENROLLED BILL SIGNED

At 4:42 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1127. An act to extend certain immigration programs.

The message also announced that pursuant to 14 U.S.C. 194(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. Courtney of Connecticut and Mr. Coble of North Carolina.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1217. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office''; to the Committee on Homeland Security and Governmental Affairs.

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–952. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled ''2008 Annual Report; Packers and Stockyards Program''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–953. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Formaldehyde, Polymer with 2-Methyloxirane and 4-Nonylphenol; Tolerance Exemption'' (FRL-8399-5) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–954. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerances for Emergency Exemptions'' (FRL–8402–8) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–955. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Pesticide Tolerances for

Emergency Exemptions'' (FRL–8400–1) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–956. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–957. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–958. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC–959. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC–960. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Scranton, Pennsylvania'' (MB Docket No. 08–125) received in the Office of the President of the Senate on March 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC–961. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Louisiana Black Bear (Ursus americanus luteolus)'' (RIN1018–AV52) received in the Office of the President of the Senate on March 11, 2009; to the Committee on Environment and Public Works.

EC–962. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx'' (RIN1018–AV78) received in the Office of the President of the Senate on March 11, 2009; to the Committee on Environment and Public Works.

EC–963. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing Phyllostegia hispida (No Common Name) as Endangered Throughout Its Range'' (RIN1018–AV00) received in the Office of the President of the Senate on March 11, 2009; to the Committee on Environment and Public Works.

EC–964. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference'' (FRL–8775–3) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–965. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference'' (FRL-8775-2) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–966. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Greene County 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory'' (FRL-8777-3) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–967. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to the Open Burning Regulation'' (FRL-8773-1) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–968. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Clearfield/Indiana 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory'' (FRL-8777-4) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–969. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Alabama; Update to Materials Incorporated by Reference'' (FRL-8759-9) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–970. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Permits by Rule and Regulations for Control of Air Pollution by Permits for New Construction or Modification'' (FRL-8780-5) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–971. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Determination to Approve Research, Development, and Demonstration Request for the Salt River Landfill'' (FRL-8777-9) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC–972. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC–973. A communication from the Secretary General, Inter-Parliamentary Union, transmitting a report relative to the annual session of the Parliamentary Conference on the WTO; to the Committee on Foreign Relations.

EC–974. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0028 - 2009-0030); to the Committee on Foreign Relations.

EC–975. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $100,000,000 or more to Australia; to the Committee on Foreign Relations.

EC–976. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–977. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Germany; to the Committee on Foreign Relations.

EC–978. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of major defense equipment and associated technical data and defense services in the amount of $14,000,000 or more to India; to the Committee on Foreign Relations.

EC–979. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States''; to the Committee on the Judiciary.

EC–980. A communication from the Deputy Under Secretary of Defense (Civilian Personnel Policy), transmitting, pursuant to law, notification of the status of a report relative to the need for and feasibility of a mental health scholarship program; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Agriculture, Nutrition, and Forestry.

*Gary Gensler, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2012.

*Gary Gensler, of Maryland, to be Chairman of the Commodity Futures Trading Commission.

*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.

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. WARNER:

S. 606. A bill to amend the National and Community Service Act of 1990 to establish a Veterans Corps program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado:

S. 607. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 608. A bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 609. A bill to amend the National and Community Service Act of 1990 to establish a Nonprofit Capacity Building Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL:

S. 610. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mr. DURBIN, Mr. MENENDEZ, Mr. BROWN, and Mr. KENNEDY):

S. 611. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 612. A bill to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 613. A bill to prohibit the use of Federal funds to approve certain biologics license applications by the Food and Drug Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. STABENOW, Mrs. LINCOLN, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. HAGAN, Ms. CANTWELL, and Mrs. MCCASKILL):

S. 614. A bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP"); to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COBURN, Mr. LEVIN, Mr. GRASSLEY, Mrs. MCCASKILL, Mr. MCCAIN, and Mr. VOINOVICH):

S. 615. A bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN:

S. 616. A bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. 617. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Indian Affairs.

By Mr. HARKIN:

S. 618. A bill to improve the calculation of, the reporting of, and the accountability for, secondary graduation rates; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KENNEDY (for himself and Ms. SNOWE)):

S. 619. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. DORGAN, Mr. DODD, Mr. VITTER, and Mr. FEINGOLD):

S. 620. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; considered and passed.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 621. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Mr. BINGAMAN, Ms. COLLINS, Ms. CANTWELL, and Mr. MARTINEZ):

S. 622. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, and Mr. BROWN):

S. 623. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. CORKER, and Mrs. MURRAY):

S. 624. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 625. A bill to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 626. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 277

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 277, supra.

S. 316

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 316, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 365

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 365, a bill to establish in the Department of Justice the Nationwide Mortgage Fraud Task Force to address mortgage fraud in the United States, and for other purposes.

S. 366

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 366, a bill to amend the Social Security Act to eliminate the 5-month waiting period for Social Security disability and the 24-month waiting period for Medicare benefits in the cases of individuals with disabling burn injuries.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diesases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 423, a bill to amend title 38,

United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 435

At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 451, 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.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 462

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 486

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 486, a bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs.

S. 491

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 525

At the request of Mr. DORGAN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 525, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 527

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 541

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Convenants on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado:

S. 607. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing a bill to revise the 1986 law dealing with use of National Forests for ski areas in order to reflect current ways those areas are used and to provide clear authority for the Forest Service to allow additional recreational uses of those areas.

I have long thought it is in the national interest to encourage Americans to engage in outdoor recreational activities that can contribute to their health and well-being, and that National Forest lands, including ski areas, can play a role by providing opportunities for such activities.

My interest in the subject was heightened last year when representatives of the National Ski Areas Association brought to my attention the fact that the National Forest Ski Areas Permit Act of 1986. This law speaks only to ''nordic and alpine skiing'' and does not reflect the full spectrum of snowsports for which ski areas are now used. They described this problem as the absence of clear authority for the Forest Service to permit use of ski areas for other summer, seasonal, or year-round outdoor recreational activities and facilities in support of those activities.

To better understand the matter, I sent a letter asking the Under Secretary of Agriculture for Natural Resources and the Environment whether current law could be clearer on those points. Under Secretary Mark Rey replied that the 1986 legislation indeed did not address those matters and that, if requested, the USDA ''would be happy to work with you to amend'' the law to provide the Forest Service with clear authority regarding such activities and facilities.

I did request and receive technical suggestions from the Forest Service, and have considered their input as well as suggestions from the National Ski Areas Association and other interested parties in developing the bill that I introduced in the U.S. House of Representatives last year.

Today, I am introducing this bill in the Senate.

The bill intentionally uses a number of terms and phrases based on the terminology of the Forest Service's regulations, manual, or other official documents because those terms and phrases are familiar not only to the Forest Service but also to permittees and others with an interest in the management of the National Forests. Thus, as used in the bill the term ''developed

recreation'' means recreation that occurs at an area which has been improved or developed for that purpose—such as camping in constructed campgrounds or developed opportunities for off-highway-vehicle use as well as downhill skiing. Similarly, the term ''natural-resource-based recreation'' is intended to have the same meaning as when used in the Forest Service manual 2300, Recreation, Wilderness, and Related Resource Management.

It also should be noted that the bill deals only with the 1986 National Forest Ski Areas Act, and would not in any way affect any other law applicable to management of the National Forests or any permits issued under any of those laws.

Ski area permits under the 1986 law do give their holders a priority with respect to commercial use of the lands subject to the permits, but they do not preclude general use of those lands by the public for compatible, non-commercial uses, and the bill would not change that. In fact, the bill does not affect the status, the duration, or any other provision of any permit already issued under the 1986 law, nor does it provide for any new permits. Instead, it makes clear that the Forest Service is authorized—but not required—to allow a current or future holder of a permit under the 1986 law to provide opportunities for additional developed recreational activities, and to place associated facilities, on the lands covered by that permit if the specified requirements are met and if the Forest Service decides it would appropriate for that to occur.

And it would not affect any existing or future permit related to use of lands that are not subject to ski area permits under the 1986 law or in any way reduce or otherwise modify the extent to which the Forest Service can allow any particular use on any of those lands outside ski areas.

This is a narrowly-targeted bill that I think can be valuable regarding an important aspect of the management of the National Forests and in facilitating the provision of additional opportunities for seasonal and year-round recreational activities on the parts of those lands that are subject to permits under the 1986 law.

Mr. President, I ask unanimous consent that a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

OUTLINE OF THE BILL

Section 1 sets forth findings regarding the basis for the legislation, and states its purpose. The findings note that it is in the national interest to provide, and encourage Americans to take advantage of, opportunities to engage in outdoor recreational activities that can contribute to their health and well-being; that National Forests, including those areas used for skiing, can provide such opportunities during all four seasons; that increased use of ski areas for that purpose can reduce impacts on other National Forest lands; and that it is in the national interest to revise the National Forest Ski Area Permit Act. The purpose is to amend that 1986 law so as to reflect that other snowsports, in addition to nordic and alpine skiing, occur at ski areas and to clarify the Forest Service's authority to permit additional appropriate seasonal or year-round recreational uses of lands subject to permits under that law.

Section 2 would amend the National Forest Ski Area Permit Act of 1986 in three ways: (1) by replacing current language that refers only to ''nordic and alpine skiing'' with broader terminology to reflect that additional ski areas are also used for additional snowsports, such as snowboarding.

(2) by providing specific authority for the Forest Service to authorize the holder of a ski area permit under the 1986 law to provide additional recreational opportunities (and to have associated facilities) on lands covered by that permit. This authority is limited to activities and facilities that the Forest Service determines appropriate, that encourage outdoor recreation, and that harmonize to the natural environment to the extent practicable. The bill makes clear that the activities and facilities will be subject to such terms and conditions as the Forest Service determines appropriate. It also specifies that no activity or facility can be authorized if the agency determines that authorization would result in the primary recreational purpose of lands covered by a permit under the 1986 law would not be skiing or other snowsports.

(3) Finally, the bill would delete from the 1986 law obsolete language related to a deadline for conversion of previously-issued ski-area permits to permits under the 1986 law, while retaining the requirement that regulations be promulgated to implement that law—a requirement that will apply to the law as it would be amended by the bill.

Section 3 specifies that the bill will not affect any authority the Forest Service now has under laws other than the National Forest Ski Area Permit Act of 1986, including authority with respect to recreational activities or facilities.

By Mr. TESTER:

S. 608. A bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. TESTER. Mr. President, I rise today to introduce the Common Sense in Consumer Product Safety Act of 2009 on behalf of the folks across America who are outdoor enthusiasts and budding sportsman and women. This bill will bring a common sense approach to restrictions we place upon access to children's products.

Last fall, in response to the high lead paint content found in a number of toys and products intended for children, the Congress passed legislation to limit children's access to these dangerous products. Many of these products were imports from China and other places where consumer protection is weak or non-existent. I supported this legislation, as did 78 of my colleagues.

Today, however, we have learned that this bill has had some unintended consequences. Any product sold that is intended to be used by children up to the age of 12 must be tested and certified to not contain more than the allowable level of lead.

While the goal is admirable, it is important to inject a little common sense into the process. I want our kids and grandkids to be safe and protected from harmful toys, but we all know that most kids who are past the teething stage do not chew on their toys. It is important to enact responsible safety requirements while at the same time recognizing that overzealous restrictions can interfere with a way of life enjoyed by not just Montanans, but outdoor enthusiasts across America.

As the Vice Chairman of the Congressional Sportsmen's Caucus, I am proud to stand up for Montana's outdoor heritage at every chance. Unfortunately, the new law goes too far and limits younger Montanans' opportunities to be a part of that heritage.

My bill will protect small businesses and allow families better, safer access to the outdoors.

The current law extends to all products intended for the use of children through the age of 12. This includes ATVs, dirt bikes and other vehicles built specifically for the use of older kids and adults; the way the vehicles are built, parts that might include lead are not totally sealed away and therefore they do not pass the standard of inaccessibility required by law. As a result of this requirement, a number of ATV sales and retail establishments have halted the sale of all ATVs for kids. In an abundance of caution, they have also refused to repair any equipment intended for kids use.

I have heard from many Montanans—consumers and retail sales people alike—expressing their concern about the impact of the legislation upon outdoor motor sports. Therefore today, I am introducing this bill to designate an exception for vehicles intended to be used by children between the ages of 7 and 12.

In addition to manufacturers and merchants, thrift stores and other retail establishments are also implicated because of the wide-reaching scope of the legislation. It is possible that even holding a yard sale can lead folks astray from the new law. Therefore, my bill also removes liability for lead paint content in any product that is repaired or is resold by thrift stores, flea markets or at yard sales. The liability in place at the time of primary sale of these products is sufficient and it could cripple the profitability of the secondary merchants if they were to be liable for testing the products they resell or repair.

In this tough economy, second-hand resellers simply can not afford the third-party testing requirement put in place by last fall's bill. At the same time, more and more of Montana's families are finding their budgets tighten and are relying upon thrift and resale stores for toys, children's clothing and other household goods. I want to make sure that laws intended to keep our kids safe end up doing more harm than good.

I think this a very important bill, bringing a dose of common sense to the very important goal of protecting our kids from lead paint and other substances that will harm their health. I urge my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 608

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 ''Common Sense in Consumer Product Safety Act of 2009''.

SEC. 2. EXCLUSION OF SECONDARY SALES, REPAIR SERVICES, AND CERTAIN VEHICLES FROM BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) EXCLUSION OF SECONDARY SALES AND REPAIR SERVICES.—Subsection (a) of section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) is amended by adding at the end the following:

''(3) CONSTRUCTION.—

''(A) SECONDARY SALES.—The sale of a children's product described in paragraph (1) after the first retail sale of that product shall not be considered an introduction or delivery for introduction into interstate commerce under section 4(a) of the Federal Hazardous Substances Act (15 U.S.C. 1263(a)) of such product.

''(B) REPAIR SERVICES.—The repair of a children's product described in paragraph (1) shall not be considered an introduction or delivery for introduction into interstate commerce under such section 4(a) of such product.''.

(b) EXCLUSION OF CERTAIN VEHICLES.—Subsection (b) of such section 101(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) CERTAIN VEHICLES.—A vehicle designed or intended primarily for children 7 years of age or older shall not be considered a children's product for purposes of the prohibition in subsection (a). In determining whether a vehicle is primarily intended for a child 7 years of age or older, the factors specified in section 3(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(2)) shall be considered except that such section shall be applied by substituting '7 years of age or older' for '12 years of age or younger' each place that term appears.''.

By Mr. KYL:

S. 610. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 610

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 ''Patent Reform Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Right of the first inventor to file.
Sec. 3. Inventor's oath or declaration.
Sec. 4. Damages.
Sec. 5. Post-grant review proceedings.
Sec. 6. Definition; patent trial and appeal board.
Sec. 7. Submissions by third parties and other quality enhancements.
Sec. 8. Venue.
Sec. 9. Patent and trademark office regulatory authority.
Sec. 10. Applicant quality submissions.
Sec. 11. Inequitable conduct.
Sec. 12. Conversion of deadlines.
Sec. 13. Check imaging patents.
Sec. 14. Patent and trademark office funding.
Sec. 15. Technical amendments.
Sec. 16. Effective date; rule of construction.

SEC. 2. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, is amended by adding at the end the following:

''(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

''(g) The terms 'joint inventor' and 'coinventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

''(h) The 'effective filing date of a claimed invention' is—

''(1) the filing date of the patent or the application for patent containing the claim to the invention; or

''(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by the first paragraph of section 112.

''(i) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.''.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 of title 35, United States Code, is amended to read as follows:

''§ 102. Conditions for patentability; novelty

''(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

''(1) the claimed invention was patented, described in a printed publication, or otherwise made available to the public (other than through testing undertaken to reduce the invention to practice)—

''(A) more than 1 year before the effective filing date of the claimed invention; or

''(B) 1 year or less before the effective filing date of the claimed invention, other than through disclosures made by the inventor or a joint inventor or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

''(b) EXCEPTIONS.—

''(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art based upon a disclosure under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

''(2) DERIVATION, PRIOR DISCLOSURE, AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2), after taking into account the exception under paragraph (1), shall not be prior art to a claimed invention if—

''(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor;

''(B) the subject matter had been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed, directly or indirectly, from the inventor or a joint inventor before the effective filing date of the application or patent set forth under subsection (a)(2); or

''(C) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

''(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

''(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

''(i) the subject matter and the claimed invention were made by or on behalf of 1 or more parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

''(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(B) For purposes of subparagraph (A), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

''(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

''(A) as of the filing date of the patent or the application for patent; or

''(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.''.

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

''102. Conditions for patentability; novelty.''.

(c) CONDITIONS FOR PATENTABILITY; NONOBVIOUS SUBJECT MATTER.—Section 103 of title 35, United States Code, is amended to read as follows:

''§ 103. Conditions for patentability; nonobvious subject matter

''A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would

have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) of title 35, United States Code, is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 of title 35, United States Code, is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 of title 35, United States Code, is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) of title 35, United States Code, is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 of title 35, United States Code, is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 of title 35, United States Code, is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) of title 35, United States Code, is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) of title 35, United States Code, is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(a) would end before the end of that 2-year period''; and

(ii) by striking ''the statutory'' and inserting ''that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(a)''.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 29 of title 35, United States Code, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135(a) of title 35, United States Code, is amended to read as follows:

''(a) DISPUTE OVER RIGHT TO PATENT.—

''(1) INSTITUTION OF DERIVATION PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request which sets forth with particularity the basis for finding that an earlier applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request may only be made within 1 year after the date of first publication of an application or of the issuance of a patent, whichever is earlier, containing a claim that is the same or is substantially the same as the claimed invention, must be made under oath, and must be supported by substantial evidence. Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101, the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

''(2) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

''(A) shall determine the question of the right to patent;

''(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

''(C) shall issue a final decision on the right to patent.

''(3) DERIVATION PROCEEDING.—The Board may defer action on a request to initiate a derivation proceeding until 3 months after the date on which the Director issues a patent to the applicant whose application has the earlier effective filing date of the commonly claimed invention.

''(4) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to the claim of an applicant, shall constitute the final refusal by the United States Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board to have the right to patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the United States Patent and Trademark Office.''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 6, 41, 134, 141, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2) Sections 141, 146, and 154 of title 35, United States Code, are each amended—

(A) by striking ''an interference'' each place it appears and inserting ''a derivation proceeding''; and

(B) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''.

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(4) The section heading for section 135 of title 35, United States Code, is amended to read as follows:

''§ 135. Derivation proceedings''.

(5) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(6) Section 154(b)(1)(C) of title 35, United States Code, is amended by striking ''INTERFERENCES'' and inserting ''DERIVATION PROCEEDINGS''.

(7) The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(8) The items relating to sections 134 and 135 in the table of sections for chapter 12 of title 35, United States Code, are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.

''135. Derivation proceedings.''.

(9) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(10) CERTAIN APPEALS.—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date of the Patent Reform Act of 2009), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;''.

SEC. 3. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 of title 35, United States Code, is amended to read as follows:

''§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a) or that commences the national stage under section 371 (including an application under section 111 that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor) shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, an individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by the affiant or declarant; and

''(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

''(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

''(3) CONTENTS.—A substitute statement under this subsection shall—

''(A) identify the individual with respect to whom the statement applies;

''(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

''(C) contain any additional information, including any showing, required by the Director.

''(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

''(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

''(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims the benefit under section 120 or 365(c) of the filing of an earlier-filed application, if—

''(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

''(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

''(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

''(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

''(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

''(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

''(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

''(i) ACKNOWLEDGMENT OF PENALTIES.—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both.''.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 of title 35, United States Code, is amended by striking ''If a divisional application'' and all that follows through ''inventor.''.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking ''by the applicant'' and inserting ''or declaration'';

(B) in the heading for paragraph (3), by striking ''AND OATH''; and

(C) by striking ''and oath'' each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

''115. Inventor's oath or declaration.''.

(b) FILING BY OTHER THAN INVENTOR.—Section 118 of title 35, United States Code, is amended to read as follows:

''§ 118. Filing by other than inventor

''A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.''.

(c) SPECIFICATION.—Section 112 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''The specification'' and inserting ''(a) IN GENERAL.—The specification''; and

(B) by striking '', and shall set forth'' and all that follows through ''his invention''; and

(2) in the second paragraph—

(A) by striking ''The specifications'' and inserting ''(b) CONCLUSION.—The specifications''; and

(B) by striking ''applicant regards as his invention'' and inserting ''inventor or a joint inventor regards as the invention'';

(3) in the third paragraph, by striking ''A claim'' and inserting ''(c) FORM.—A claim'';

(4) in the fourth paragraph, by striking ''Subject to the following paragraph,'' and inserting ''(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),'';

(5) in the fifth paragraph, by striking ''A claim'' and inserting ''(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim''; and

(6) in the last paragraph, by striking ''An element'' and inserting ''(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element''.

SEC. 4. DAMAGES.

(a) DAMAGES.—Section 284 of title 35, United States Code, is amended to read as follows:

''§ 284. Damages

''(a) IN GENERAL.—

''(1) COMPENSATORY DAMAGES.—Upon finding for a claimant, the court shall award the claimant damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as determined by the court.

''(2) INCREASED DAMAGES.—When the damages are not found by a jury, the court shall assess them. In either event the court may increase the damages up to 3 times the amount found or assessed. Increased damages under this paragraph shall not apply to provisional rights under section 154(d) of this title.

''(3) LIMITATION.—Subsections (b) through (h) of this section apply only to the determination of the amount of reasonable royalty and shall not apply to the determination of other types of damages.

''(b) HYPOTHETICAL NEGOTIATION.—For purposes of this section, the term 'reasonable royalty' means the amount that the infringer would have agreed to pay and the claimant would have agreed to accept if the infringer and claimant had voluntarily negotiated a license for use of the invention at the time just prior to when the infringement began. The court or the jury, as the case may be, shall assume that the infringer and claimant would have agreed that the patent is valid, enforceable, and infringed.

''(c) APPROPRIATE FACTORS.—The court or the jury, as the case may be, may consider any factors that are relevant to the determination of the amount of a reasonable royalty.

''(d) COMPARABLE PATENTS.—

''(1) IN GENERAL.—The amount of a reasonable royalty shall not be determined by comparison to royalties paid for patents other than the patent in suit unless—

''(A) such other patents are used in the same or an analogous technological field;

''(B) such other patents are found to be economically comparable to the patent in suit; and

''(C) evidence of the value of such other patents is presented in conjunction with or as confirmation of other evidence for determining the amount of a reasonable royalty.

''(2) FACTORS.—Factors that may be considered to determine whether another patent is economically comparable to the patent in suit under paragraph (1)(A) include whether—

''(A) the other patent is comparable to the patent in suit in terms of the overall significance of the other patent to the product or process licensed under such other patent; and

''(B) the product or process that uses the other patent is comparable to the infringing product or process based upon its profitability or a like measure of value.

''(e) FINANCIAL CONDITION.—The financial condition of the infringer as of the time of the trial shall not be relevant to the determination of the amount of a reasonable royalty.

''(f) SEQUENCING.—Either party may request that a patent-infringement trial be sequenced so that the court or the jury, as the case may be, decides questions of the patent's infringement and validity before the issue of the amount of a reasonable royalty is presented to the court or the jury, as the case may be. The court shall grant such a request absent good cause to reject the request, such as the absence of issues of significant damages or infringement and validity. The sequencing of a trial pursuant to this subsection shall not affect other matters, such as the timing of discovery.

''(g) EXPERTS.—In addition to the expert disclosure requirements under rule 26(a)(2) of the Federal Rules of Civil Procedure, a party that intends to present the testimony of an expert relating to the amount of a reasonable royalty shall provide—

''(1) to the other parties to that civil action, the expert report relating to damages, including all data and other information considered by the expert in forming the opinions of the expert; and

''(2) to the court, at the same time as to the other parties, the complete statement of

all opinions that the expert will express and the basis and reasons for those opinions.

''(h) JURY INSTRUCTIONS.—On the motion of any party and after allowing any other party to the civil action a reasonable opportunity to be heard, the court shall determine whether there is no legally sufficient evidence to support 1 or more of the contentions of a party relating to the amount of a reasonable royalty. The court shall identify for the record those factors that are supported by legally sufficient evidence, and shall instruct the jury to consider only those factors when determining the amount of a reasonable royalty. The jury may not consider any factor for which legally sufficient evidence has not been admitted at trial.''.

(b) TESTIMONY BY EXPERTS.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following:

''§ 298. Testimony by experts

''(a) FEDERAL RULE.—In a patent case, the court shall ensure that the testimony of a witness qualified as an expert by knowledge, skill, experience, training, or education meets the requirements set forth in rule 702 of the Federal Rules of Evidence.

''(b) DETERMINATION OF RELIABILITY.—To determine whether an expert's principles and methods are reliable, the court may consider, among other factors—

''(1) whether the expert's theory or technique can be or has been tested;

''(2) whether the theory or technique has been subjected to peer review and publication;

''(3) the known or potential error rate of the theory or technique, and the existence and maintenance of standards controlling the technique's operation;

''(4) the degree of acceptance of the theory or technique within the relevant scientific or specialized community;

''(5) whether the theory or technique is employed independently of litigation; or

''(6) whether the expert has adequately considered or accounted for readily available alternative theories or techniques.

''(c) REQUIRED EXPLANATION.—The court shall explain its reasons for allowing or barring the introduction of an expert's proposed testimony under this section.''.

SEC. 5. POST-GRANT REVIEW PROCEEDINGS.

(a) REEXAMINATION.—Section 303(a) of title 35, United States Code, is amended to read as follows:

''(a) Within 3 months after the owner of a patent files a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.''.

(b) REPEAL OF OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—

(1) IN GENERAL.—Sections 311, 312, 313, 314, 315, 316, 317, and 318 of title 35, United States Code, and the items relating to those sections in the table of sections, are repealed.

(2) EFFECTIVE DATE.—Notwithstanding paragraph (1), the provisions of sections 311, 312, 313, 314, 315, 316, 317, and 318 of title 35, United States Code, shall continue to apply to any inter partes reexamination determination request filed on or before the effective date of subsection (c).

(c) POST-GRANT REVIEW PROCEEDINGS.—Part III of title 35, United States Code, is amended by adding at the end the following:

''CHAPTER 32—POST-GRANT REVIEW PROCEEDINGS

''Sec.

''321. Petition for post-grant review.
''322. Relation to other proceedings or actions.
''323. Requirements of petition.
''324. Publication and public availability of petition.
''325. Consolidation or stay of proceedings.
''326. Submission of additional information.
''327. Institution of post-grant review proceedings.
''328. Determination not appealable.
''329. Conduct of post-grant review proceedings.
''330. Patent owner response.
''331. Proof and evidentiary standards.
''332. Amendment of the patent.
''333. Settlement.
''334. Decision of the board.
''335. Effect of decision.
''336. Appeal.

''§ 321. Petition for post-grant review

''(a) IN GENERAL.—Subject to the provisions of this chapter, a person who has a substantial economic interest adverse to a patent may file with the Office a petition to institute a post-grant review proceeding for that patent. If instituted, such a proceeding shall be deemed to be either a first-period proceeding or a second-period proceeding. The Director shall establish, by regulation, fees to be paid by the person requesting the proceeding, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the post-grant review proceeding and the status of the petitioner.

''(b) FIRST-PERIOD PROCEEDING.—

''(1) SCOPE.—A petitioner in a first-period proceeding may request to cancel as unpatentable 1 or more claims of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim).

''(2) FILING DEADLINE.—A petition for a first-period proceeding shall be filed not later than 9 months after the grant of the patent or issuance of a reissue patent.

''(c) SECOND-PERIOD PROCEEDING.—

''(1) SCOPE.—A petitioner in a second-period proceeding may request to cancel as unpatentable 1 or more claims of a patent only on a ground that could be raised under section 102 or 103 and only on the basis of prior art consisting of patents or printed publications.

''(2) FILING DEADLINE.—A petition for a second-period proceeding shall be filed after the later of either—

''(A) 9 months after the grant of a patent or issuance of a reissue of a patent; or

''(B) if a first-period proceeding is instituted under section 327, the date of the termination of such first-period proceeding.

''§ 322. Relation to other proceedings or actions

''(a) EARLY ACTIONS.—A first-period proceeding may not be instituted until after a civil action alleging infringement of the patent is finally concluded if—

''(1) the infringement action is filed within 3 months after the grant of the patent;

''(2) a stay of the proceeding is requested by the patent owner;

''(3) the Director determines that the infringement action is likely to address the same or substantially the same questions of patentability that would be addressed in the proceeding; and

''(4) the Director determines that a stay of the proceeding would not be contrary to the interests of justice.

''(b) PENDING CIVIL ACTIONS.—

''(1) INFRINGER'S ACTION.—A post-grant review proceeding may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

''(2) PATENT OWNER'S ACTION.—A second-period proceeding may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.

''(3) STAY OR DISMISSAL.—The Director may stay or dismiss a second-period proceeding if the petitioner or real party in interest challenges the validity of a claim of the patent in a civil action.

''(c) DUPLICATIVE PROCEEDINGS.—

''(1) PROHIBITION ON POST-GRANT REVIEW AND REEXAMINATION PROCEEDINGS.—A post-grant review or reexamination proceeding may not be instituted if the petition requesting the proceeding identifies the same petitioner or real party in interest and the same patent as a previous petition requesting a post-grant review proceeding.

''(2) PROHIBITION ON FIRST-PERIOD PROCEEDINGS.—A first-period proceeding may not be instituted if the petition requests cancellation of a claim in a reissue patent that is identical to or narrower than a claim in the original patent from which the reissue patent was issued, and the time limitations in section 321(b)(2) would bar filing a post-grant review petition for such original patent.

''(d) ESTOPPEL.—The petitioner in any post-grant review proceeding under this chapter may not request or maintain a proceeding before the Office with respect to a claim, or assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid, on any ground that—

''(1) the petitioner, real party in interest, or his privy raised during a post-grant review proceeding resulting in a final decision under section 334; or

''(2) the petitioner, real party in interest, or his privy could have raised during a second-period proceeding resulting in a final decision under section 334.

''§ 323. Requirements of petition

''A petition filed under section 321 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 321;

''(2) the petition identifies all real parties in interest;

''(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for each challenged claim, including—

''(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

''(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on other factual evidence or on expert opinions;

''(4) the petition provides such other information as the Director may require by regulation; and

''(5) the petitioner provides copies of any of the documents required under paragraphs (3) and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

''§ 324. Publication and public availability of petition

''(a) IN GENERAL.—As soon as practicable after the receipt of a petition under section 321, the Director shall—

''(1) publish the petition in the Federal Register; and

''(2) make that petition available on the website of the United States Patent and Trademark Office.

''(b) PUBLIC AVAILABILITY.—The file of any proceeding under this chapter shall be made

available to the public except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal. Such petition or document shall be treated as sealed, pending the outcome of the ruling on the motion. Failure to file a motion to seal will result in the pleadings being placed in the public record.

"§ 325. Consolidation or stay of proceedings

''(a) FIRST-PERIOD PROCEEDINGS.—If more than 1 petition for a first-period proceeding is properly filed against the same patent and the Director determines that more than 1 of these petitions warrants the instituting of a first-period proceeding under section 327, the Director shall consolidate such proceedings into a single first-period proceeding.

''(b) SECOND-PERIOD PROCEEDINGS.—If the Director institutes a second-period proceeding, the Director, in his discretion, may join as a party to that second-period proceeding any person who properly files a petition under section 321 that the Director, after receiving a preliminary response under section 330 or the expiration of the time for filing such a response, determines warrants the instituting of a second-period proceeding under section 327.

''(c) OTHER PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of any post-grant review proceeding the Director may determine the manner in which any proceeding or matter involving the patent that is before the Office may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding or matter.

"§ 326. Submission of additional information

''A petitioner under this chapter shall file such additional information with respect to the petition as the Director may require by regulation.

"§ 327. Institution of post-grant review proceedings

''(a) THRESHOLD.—The Director may not authorize a post-grant review proceeding to commence unless the Director determines that the information presented in the petition, if such information is not rebutted, would provide a sufficient basis to conclude that at least 1 of the claims challenged in the petition is unpatentable.

''(b) ADDITIONAL GROUNDS.—In the case of a petition for a first-period proceeding, the determination required under subsection (a) may be satisfied by a showing that the petition raises a novel or unsettled legal question that is important to other patents or patent applications.

''(c) SUCCESSIVE PETITIONS.—The Director may not institute an additional second-period proceeding if a prior second-period proceeding has been instituted and the time period established under section 329(b)(2) for requesting joinder under section 325(b) has expired, unless the Director determines that—

''(1) the additional petition satisfies the requirements under subsection (a); and

''(2) either—

''(A) the additional petition presents exceptional circumstances; or

''(B) such an additional proceeding is reasonably required in the interests of justice.

''(d) TIMING.—The Director shall determine whether to institute a post-grant review proceeding under this chapter within 3 months after receiving a preliminary response under section 330 or the expiration of the time for filing such a response.

''(e) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a). The Director shall publish each notice of institution of a post-grant review proceeding in the Federal Register and make such notice available on the website of the United States Patent and Trademark Office. Such notice shall list the date on which the proceeding shall commence.

"§ 328. Determination not appealable

''The determination by the Director regarding whether to institute a post-grant review proceeding under section 327 shall not be appealable.

"§ 329. Conduct of post-grant review proceedings

''(a) IN GENERAL.—The Director shall prescribe regulations—

''(1) in accordance with section 2(b)(2), establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

''(2) for setting forth the standards for showings of sufficient grounds to institute a proceeding under section 321(a) and subsections (a), (b), and (c) of section 327;

''(3) providing for the publication in the Federal Register all requests for the institution of post-grant proceedings;

''(4) establishing procedures for the submission of supplemental information after the petition is filed; and

''(5) setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding.

''(b) POST-GRANT REVIEW REGULATIONS.—The regulations required under subsection (a)(1) shall—

''(1) require that the final determination in any post-grant review proceeding be issued not later than 1 year after the date on which the Director notices the institution of a post-grant proceeding under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 325(b);

''(2) set a time period for requesting joinder under section 325(b);

''(3) allow for discovery upon order of the Director, provided that in a second-period proceeding discovery shall be limited to—

''(A) the deposition of witnesses submitting affidavits or declarations; and

''(B) what is otherwise necessary in the interest of justice;

''(4) prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

''(5) provide for protective orders governing the exchange and submission of confidential information;

''(6) ensure that any information submitted by the patent owner in support of any amendment entered under section 332 is made available to the public as part of the prosecution history of the patent; and

''(7) provide either party with the right to an oral hearing as part of the proceeding.

''(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

''(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each proceeding authorized by the Director.

"§ 330. Patent owner response

''(a) PRELIMINARY RESPONSE.—If a post-grant review petition is filed under section 321, the patent owner shall have the right to file a preliminary response—

''(1) in the case of a first-period proceeding, within 2 months of the expiration of the time for filing a petition for a first-period proceeding; and

''(2) in the case of a second-period proceeding, within a time period set by the Director.

''(b) CONTENT OF RESPONSE.—A preliminary response to a petition for a post-grant review proceeding shall set forth reasons why no post-grant review proceeding should be instituted based upon the failure of the petition to meet any requirement of this chapter.

''(c) ADDITIONAL RESPONSE.—After a post-grant review proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a response to the petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

"§ 331. Proof and evidentiary standards

''(a) IN GENERAL.—The presumption of validity set forth in section 282 of this title shall apply in post-grant review proceedings instituted under this chapter.

''(b) BURDEN OF PROOF.—The petitioner shall have the burden of proving a proposition of invalidity by a preponderance of the evidence in a first-period proceeding and by clear and convincing evidence in a second-period proceeding.

"§ 332. Amendment of the patent

''(a) IN GENERAL.—During a post-grant review proceeding instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

''(1) Cancel any challenged patent claim.

''(2) For each challenged claim, propose a reasonable number of substitute claims.

''(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 333, or upon the request of the patent owner for good cause shown.

''(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

"§ 333. Settlement

''(a) IN GENERAL.—A post-grant review proceeding instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the matter before the request for termination is filed. If the post-grant review proceeding is terminated with respect to a petitioner under this section, no estoppel under this chapter shall apply to that petitioner. If no petitioner remains in the post-grant review proceeding, the Office may terminate the post-grant review proceeding or proceed to a final written decision under section 334.

''(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of a post-grant review proceeding under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the United States Patent and Trademark Office before the termination of the post-grant review proceeding as between the parties to the agreement or understanding. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the post-grant review proceeding, and shall

be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

''§ 334. Decision of the board

''If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged and any new claim added under section 332.

''§ 335. Effect of decision

''If the Patent Trial and Appeal Board issues a final decision under section 334 and the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

''§ 336. Appeal

''A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant review proceeding instituted under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant review proceeding shall have the right to be a party to the appeal.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

''32. Post-Grant Review Proceedings 321.''.

(e) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and the Director of the United States Patent and Trademark Office (in this subsection referred to as the ''Director'') shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (c) of this section.

(2) APPLICABILITY.—The amendments made by subsection (c) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply only to patents issued on or after that date, except that, in the case of a patent issued before the effective date of subsection (c) on an application filed between September 15, 1999 and the effective date of subsection (c), a petition for second-period review may be filed.

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date under paragraph (2) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a petition for a post-grant review proceeding under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1).

SEC. 6. DEFINITION; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITION.—Section 100 of title 35, United States Code, as amended by section 2 of this Act, is further amended in subsection (e), by striking ''or inter partes reexamination under section 311''.

(b) PATENT TRIAL AND APPEAL BOARD.—Section 6 of title 35, United States Code, is amended to read as follows:

''§ 6. Patent trial and appeal board

''(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

''(b) DUTIES.—The Patent Trial and Appeal Board shall—

''(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

''(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30;

''(3) determine priority and patentability of invention in derivation proceedings under subsection 135(a); and

''(4) conduct post-grant review proceedings under chapter 32.

Each appeal, derivation, and post-grant review proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings.''.

SEC. 7. SUBMISSIONS BY THIRD PARTIES AND OTHER QUALITY ENHANCEMENTS.

Section 122 of title 35, United States Code, is amended by adding at the end the following:

''(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

''(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

''(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

''(B) either—

''(i) 6 months after the date on which the application for patent is published under section 122, or

''(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent,

whichever occurs later.

''(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

''(A) set forth a concise description of the asserted relevance of each submitted document;

''(B) be accompanied by such fee as the Director may prescribe; and

''(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.''.

SEC. 8. VENUE.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Notwithstanding subsections (b) and (c) of section 1391 of this title, any civil action for patent infringement or any action for declaratory judgment arising under any Act of Congress relating to patents may be brought only in a judicial district—

''(1) where the defendant has its principal place of business or is incorporated;

''(2) where the defendant has committed acts of infringement and has a regular and established physical facility;

''(3) where the defendant has agreed or consented to be sued;

''(4) where the invention claimed in a patent in suit was conceived or actually reduced to practice;

''(5) where significant research and development of an invention claimed in a patent in suit occurred at a regular and established physical facility;

''(6) where a party has a regular and established physical facility that such party controls and operates and has—

''(A) engaged in management of significant research and development of an invention claimed in a patent in suit;

''(B) manufactured a product that embodies an invention claimed in a patent in suit; or

''(C) implemented a manufacturing process that embodies an invention claimed in a patent in suit;

''(7) where a nonprofit organization whose function is the management of inventions on behalf of an institution of higher education (as that term is defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including the patent in suit, has its principal place of business; or

''(8) for foreign defendants that do not meet the requirements of paragraphs (1) or (2), according to section 1391(d) of this title.''.

(b) TECHNICAL AMENDMENTS RELATING TO VENUE.—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 1071(b)(4) of an Act entitled ''Act to provide for the registration and protection 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'') are each amended by striking ''United States District Court for the District of Columbia'' each place that term appears and inserting ''United States District Court for the Eastern District of Virginia''.

SEC. 9. PATENT AND TRADEMARK OFFICE REGULATORY AUTHORITY.

(a) FEE SETTING.—

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established or charged by the Office under sections 41 and 376 of title 35, United States Code or under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) for the filing or processing of any submission to, and for all other services performed by or materials furnished by, the Office, provided that such fee amounts are set to reasonably compensate the Office for the services performed.

(2) REDUCTION OF FEES IN CERTAIN FISCAL YEARS.—In any fiscal year, the Director—

(A) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in paragraph (1); and

(B) after that consultation may reduce such fees.

(3) ROLE OF THE PUBLIC ADVISORY COMMITTEE.—The Director shall—

(A) submit to the Patent or Trademark Public Advisory Committee, or both, as appropriate, any proposed fee under paragraph (1) not less than 45 days before publishing any proposed fee in the Federal Register;

(B) provide the relevant advisory committee described in subparagraph (A) a 30-day period following the submission of any proposed fee, on which to deliberate, consider, and comment on such proposal, and require that—

(i) during such 30-day period, the relevant advisory committee hold a public hearing related to such proposal; and

(ii) the Director shall assist the relevant advisory committee in carrying out such public hearing, including by offering the use of Office resources to notify and promote the hearing to the public and interested stakeholders;

(C) require the relevant advisory committee to make available to the public a written report detailing the comments, advice, and recommendations of the committee regarding any proposed fee;

(D) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting any fee; and

(E) notify, through the Chair and Ranking Member of the Senate and House Judiciary Committees, the Congress of any final decision regarding proposed fees.

(4) PUBLICATION IN THE FEDERAL REGISTER.—

(A) IN GENERAL.—Any rules prescribed under this subsection shall be published in the Federal Register.

(B) RATIONALE.—Any proposal for a change in fees under this section shall—

(i) be published in the Federal Register; and

(ii) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change.

(C) PUBLIC COMMENT PERIOD.—Following the publication of any proposed fee in the Federal Register pursuant to subparagraph (A), the Director shall seek public comment for a period of not less than 45 days.

(5) CONGRESSIONAL COMMENT PERIOD.—Following the notification described in paragraph (3)(E), Congress shall have not more than 45 days to consider and comment on any proposed fee under paragraph (1). No proposed fee shall be effective prior to the end of such 45-day comment period.

(6) RULE OF CONSTRUCTION.—No rules prescribed under this subsection may diminish—

(A) an applicant's rights under this title or the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(b) FEES FOR PATENT SERVICES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2005, in section 801(a) by striking ''During fiscal years 2005, 2006, and 2007,'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''.

(c) ADJUSTMENT OF TRADEMARK FEES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 802(a) by striking ''During fiscal years 2005, 2006, and 2007,'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''.

(d) EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 803(a) by striking ''and shall apply only with respect to the remaining portion of fiscal year 2005 and fiscal year 2006.''.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any other provision of Division B of Public Law 108–447, including section 801(c) of title VII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) OFFICE.—The term ''Office'' means the United States Patent and Trademark Office.

(3) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means an Act entitled ''Act to provide for the registration and protection 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.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).

SEC. 10. APPLICANT QUALITY SUBMISSIONS.

(a) IN GENERAL.—Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

''§ 123. Additional information

''(a) INCENTIVES.—The Director may, by regulation, offer incentives to applicants who submit a search report, a patentability analysis, or other information relevant to patentability. Such incentives may include prosecution flexibility, modifications to requirements for adjustment of a patent term pursuant to section 154(b) of this title, or modifications to fees imposed pursuant to section 9 of the Patent Reform Act of 2009.

''(b) ADMISSIBILITY OF RECORD.—If the Director certifies that an applicant has satisfied the requirements of the regulations issued pursuant to this section with regard to a patent, the record made in a matter or proceeding before the Office involving that patent or efforts to obtain the patent shall not be admissible to construe the patent in a civil action or in a proceeding before the International Trade Commission, except that such record may be introduced to demonstrate that the patent owner is estopped from asserting that the patent is infringed under the doctrine of equivalents. The Director may, by regulation, identify any material submitted in an attempt to satisfy the requirements of any regulations issued pursuant to this section that also shall not be admissible to construe the patent in a civil action or in a proceeding before the International Trade Commission.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that, prior to the date of enactment of this section, the Director either lacked or possessed the authority to offer incentives to applicants who submit a search report, a patentability analysis, or other information relevant to patentability.

SEC. 11. INEQUITABLE CONDUCT.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, as amended by section 4(b), is further amended by adding at the end the following:

''§ 299. Civil sanctions for misconduct before the Office

''(a) IN GENERAL.—Except as provided under this section, a patent shall not be held invalid or unenforceable on the basis of misconduct before the Office. Nothing in this section shall be construed to preclude the imposition of sanctions based upon criminal or antitrust laws (including section 1001(a) of title 18, the first section of the Clayton Act, and section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition).

''(b) INFORMATION RELATING TO POSSIBLE MISCONDUCT.—The Director shall provide by regulation procedures for receiving and reviewing information indicating that parties to a matter or proceeding before the Office may have engaged in misconduct in connection with such matter or proceeding.

''(c) ADMINISTRATIVE PROCEEDING.—

''(1) PROBABLE CAUSE.—The Director shall determine, based on information received and reviewed under subsection (b), if there is probable cause to believe that 1 or more individuals or parties engaged in misconduct consisting of intentionally deceptive conduct of a material nature in connection with a matter or proceeding before the Office. A determination of probable cause by the Director under this paragraph shall be final and shall not be reviewable on appeal or otherwise.

''(2) DETERMINATION.—If the Director finds probable cause under paragraph (1), the Director shall, after notice and an opportunity for a hearing, and not later than 1 year after the date of such finding, determine whether misconduct consisting of intentionally deceptive conduct of a material nature in connection with the applicable matter or proceeding before the Office has occurred. The proceeding to determine whether such misconduct occurred shall be before an individual designated by the Director.

''(3) CIVIL SANCTIONS.—

''(A) IN GENERAL.—If the Director determines under paragraph (2) that misconduct has occurred, the Director may levy a civil penalty against the party that committed such misconduct.

''(B) FACTORS.—In establishing the amount of any civil penalty to be levied under subparagraph (A), the Director shall consider—

''(i) the materiality of the misconduct;

''(ii) the impact of the misconduct on a decision of the Director regarding a patent, proceeding, or application; and

''(iii) the impact of the misconduct on the integrity of matters or proceedings before the Office.

''(C) SANCTIONS.—A civil penalty levied under subparagraph (A) may consist of—

''(i) a penalty of up to $150,000 for each act of misconduct;

''(ii) in the case of a finding of a pattern of misconduct, a penalty of up to $1,000,000; or

''(iii) in the case of a finding of exceptional misconduct establishing that an application for a patent amounted to a fraud practiced by or at the behest of a real party in interest of the application—

''(I) a determination that 1 or more claims of the patent is unenforceable; or

''(II) a penalty of up to $10,000,000.

''(D) JOINT AND SEVERAL LIABILITY.—Any party found to have been responsible for misconduct in connection with any matter or proceeding before the Office under this section may be jointly and severally liable for any civil penalty levied under subparagraph (A).

''(E) DEPOSIT WITH THE TREASURY.—Any civil penalty levied under subparagraph (A) shall—

''(i) accrue to the benefit of the United States Government; and

''(ii) be deposited under 'Miscellaneous Receipts' in the United States Treasury.

''(F) AUTHORITY TO BRING ACTION FOR RECOVERY OF PENALTIES.—

''(i) IN GENERAL.—If any party refuses to pay or remit to the United States Government a civil penalty levied under this paragraph, the United States may recover such amounts in a civil action brought by the United States Attorney General on behalf of the Director in the United States District Court for the Eastern District of Virginia.

''(ii) INJUNCTIONS.—In any action brought under clause (i), the United States District Court for the Eastern District of Virginia may, as the court determines appropriate, issue a mandatory injunction incorporating the relief sought by the Director.

''(4) COMBINED PROCEEDINGS.—If the misconduct that is the subject of a proceeding under this subsection is attributed to a practitioner who practices before the Office, the Director may combine such proceeding with any other disciplinary proceeding under section 32 of this title.

''(d) OBTAINING EVIDENCE.—

''(1) IN GENERAL.—During the period in which an investigation for a finding of probable cause or for a determination of whether misconduct occurred in connection with any matter or proceeding before the Office is being conducted, the Director may require, by subpoena issued by the Director, persons

to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

''(2) ADDITIONAL AUTHORITY.—For the purposes of carrying out this section, the Director—

''(A) shall have access to, and the right to copy, any document, paper, or record, the Director determines pertinent to any investigation or determination under this section, in the possession of any person;

''(B) may summon witnesses, take testimony, and administer oaths;

''(C) may require any person to produce books or papers relating to any matter pertaining to such investigation or determination; and

''(D) may require any person to furnish in writing, in such detail and in such form as the Director may prescribe, information in their possession pertaining to such investigation or determination.

''(3) WITNESSES AND EVIDENCE.—

''(A) IN GENERAL.—The Director may require the attendance of any witness and the production of any documentary evidence from any place in the United States at any designated place of hearing.

''(B) CONTUMACY.—

''(i) ORDERS OF THE COURT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, any appropriate United States district court or territorial court of the United States may issue an order requiring such person—

''(I) to appear before the Director;

''(II) to appear at any other designated place to testify; and

''(III) to produce documentary or other evidence.

''(ii) FAILURE TO OBEY.—Any failure to obey an order issued under this subparagraph court may be punished by the court as a contempt of that court.

''(4) DEPOSITIONS.—

''(A) IN GENERAL.—In any proceeding or investigation under this section, the Director may order a person to give testimony by deposition.

''(B) REQUIREMENTS OF DEPOSITION.—

''(i) OATH.—A deposition may be taken before an individual designated by the Director and having the power to administer oaths.

''(ii) NOTICE.—Before taking a deposition, the Director shall give reasonable notice in writing to the person ordered to give testimony by deposition under this paragraph. The notice shall state the name of the witness and the time and place of taking the deposition.

''(iii) WRITTEN TRANSCRIPT.—The testimony of a person deposed under this paragraph shall be under oath. The person taking the deposition shall prepare, or cause to be prepared, a written transcript of the testimony taken. The transcript shall be subscribed by the deponent. Each deposition shall be filed promptly with the Director.

''(e) APPEAL.—

''(1) IN GENERAL.—A party may appeal a determination under subsection (c)(2) that misconduct occurred in connection with any matter or proceeding before the Office to the United States Court of Appeals for the Federal Circuit.

''(2) NOTICE TO USPTO.—A party appealing under this subsection shall file in the Office a written notice of appeal directed to the Director, within such time after the date of the determination from which the appeal is taken as the Director prescribes, but in no case less than 60 days after such date.

''(3) REQUIRED ACTIONS OF THE DIRECTOR.—In any appeal under this subsection, the Director shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the determination proceeding. The court may request that the Director forward the original or certified copies of such documents during the pendency of the appeal. The court shall, before hearing the appeal, give notice of the time and place of the hearing to the Director and the parties in the appeal.

''(4) AUTHORITY OF THE COURT.—The United States Court of Appeals for the Federal Circuit shall have power to enter, upon the pleadings and evidence of record at the time the determination was made, a judgment affirming, modifying, or setting aside, in whole or in part, the determination, with or without remanding the case for a rehearing. The court shall not set aside or remand the determination made under subsection (c)(2) unless there is not substantial evidence on the record to support the findings or the determination is not in accordance with law. Any sanction levied under subsection (c)(3) shall not be set aside or remanded by the court, unless the court determines that such sanction constitutes an abuse of discretion of the Director.

''(f) DEFINITION.—For purposes of this section, the term 'person' means any individual, partnership, corporation, company, association, firm, partnership, society, trust, estate, cooperative, association, or any other entity capable of suing and being sued in a court of law.''.

(b) SUSPENSION OR EXCLUSION FROM PRACTICE.—Section 32 of title 35, United States Code, is amended—

(1) by striking ''The Director may'' and inserting the following:

''(a) IN GENERAL.—The Director may''; and

(2) by adding at the end the following:

''(b) TOLLING OF TIME PERIOD.—The time period for instituting a proceeding under subsection (a), as provided in section 2462 of title 28, shall not begin to run where fraud, concealment, or misconduct is involved until the information regarding fraud, concealment, or misconduct is made known in the manner set forth by regulation under section 2(b)(2)(D) to an officer or employee of the United States Patent and Trademark Office designated by the Director to receive such information.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided under paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) INAPPLICABILITY TO PENDING LITIGATION.—Subsections (a) and (b) of section 298 of title 35, United States Code (as added by the amendment made by subsection (a) of this section), shall apply to any civil action filed on or after the date of the enactment of this Act.

SEC. 12. CONVERSION OF DEADLINES.

(a) Sections 141, 156(d)(2)(A), 156(d)(2)(B)(ii), 156(d)(5)(C), and 282 of title 35, United States Code, are each amended by striking ''30 days'' or ''thirty days'' each place that term appears and inserting ''1 month''.

(b) Sections 135(c), 142, 145, 146, 156(d)(2)(B)(ii), 156(d)(5)(C), and the matter preceding clause (i) of section 156(d)(2)(A) of title 35, United States Code, are each amended by striking ''60 days'' or ''sixty days'' each place that term appears and inserting ''2 months''.

(c) The matter preceding subparagraph (A) of section 156(d)(1) and sections 156(d)(2)(B)(ii) and 156(d)(5)(E) of title 35, United States Code, are each amended by striking ''60-day'' or ''sixty-day'' each place that term appears and inserting ''2-month''.

(d) Sections 155 and 156(d)(2)(B)(i) of title 35, United States Code, are each amended by striking ''90 days'' or ''ninety days'' each place that term appears and inserting ''3 months''.

(e) Sections 154(b)(4)(A) and 156(d)(2)(B)(i) of title 35, United States Code, are each amended by striking ''180 days'' each place that term appears and inserting ''6 months''.

SEC. 13. CHECK IMAGING PATENTS.

(a) LIMITATION.—Section 287 of title 35, United States Code, is amended by adding at the end the following:

''(d)(1) With respect to the use by a financial institution of a check collection system that constitutes an infringement under subsection (a) or (b) of section 271, the provisions of sections 281, 283, 284, and 285 shall not apply against the financial institution with respect to such a check collection system.

''(2) For the purposes of this subsection—

''(A) the term 'check' has the meaning given under section 3(6) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(6));

''(B) the term 'check collection system' means the use, creation, transmission, receipt, storing, settling, or archiving of truncated checks, substitute checks, check images, or electronic check data associated with or related to any method, system, or process that furthers or effectuates, in whole or in part, any of the purposes of the Check Clearing for the 21st Century Act (12 U.S.C. 5001 et seq.);

''(C) the term 'financial institution' has the meaning given under section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809);

''(D) the term 'substitute check' has the meaning given under section 3(16) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(16)); and

''(E) the term 'truncate' has the meaning given under section 3(18) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(18)).

''(3) This subsection shall not limit or affect the enforcement rights of the original owner of a patent where such original owner—

''(A) is directly engaged in the commercial manufacture and distribution of machinery or the commercial development of software; and

''(B) has operated as a subsidiary of a bank holding company, as such term is defined under section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), prior to July 19, 2007.

''(4) A party shall not manipulate its activities, or conspire with others to manipulate its activities, for purposes of establishing compliance with the requirements of this subsection, including, without limitation, by granting or conveying any rights in the patent, enforcement of the patent, or the result of any such enforcement.''.

(b) TAKINGS.—If this section is found to establish a taking of private property for public use without just compensation, this section shall be null and void. The exclusive remedy for such a finding shall be invalidation of this section. In the event of such invalidation, for purposes of application of the time limitation on damages in section 286 of title 35, United States Code, any action for patent infringement or counterclaim for infringement that could have been filed or continued but for this section, shall be considered to have been filed on the date of enactment of this Act or continued from such date of enactment.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any civil action for patent infringement pending or filed on or after the date of enactment of this Act.

SEC. 14. PATENT AND TRADEMARK OFFICE FUNDING.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) FUND.—The term ''Fund'' means the public enterprise revolving fund established under subsection (c).

(3) OFFICE.—The term ''Office'' means the United States Patent and Trademark Office.

(4) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means an Act entitled ''Act to provide for the registration and protection 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.) (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act'').

(5) UNDERSECRETARY.—The term ''Undersecretary'' means the Under Secretary of Commerce for Intellectual Property.

(b) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking ''Patent and Trademark Office Appropriation Account'' and inserting ''United States Patent and Trademark Office Public Enterprise Fund''; and

(B) by amending subsection (c) to read as follows:

''(c)(1) Subject to paragraphs (2) and (3), fees authorized in this title or any other Act to be charged or established by the Director shall be collected by and shall be available to the Director to carry out the activities of the Patent and Trademark Office.

''(2) All fees available to the Director under section 31 of the Trademark Act of 1946 shall be used only for the processing of trademark registrations and for other activities, services, and materials relating to trademarks and to cover a proportionate share of the administrative costs of the Patent and Trademark Office.

''(3) All fees available to the Director under paragraphs (1), (2), and (3) of section 41(a) and section 41(d)(1) of this title, and those fees available to the Director which are derived from filing fees, Request for Continued Examination fees, and Information Disclosure Statement submission fees established by regulation pursuant to section 41(d)(2) of this title, shall be used only for funding the portion of the salary of patent examiners attributable to examining patent applications and shall not be applied to fund non-examining activities or supervisory activities.''.

(2) EFFECTIVE DATE; TERMINATION.—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2009; or

(B) the date of enactment of this Act.

(c) USPTO REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the ''United States Patent and Trademark Office Public Enterprise Fund''. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(2) DERIVATION OF RESOURCES.—There shall be deposited into the Fund—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(3) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(4) CUSTODIANS OF MONEY.—Notwithstanding section 3302 of title 31, United States Code, any funds received by the Director and transferred to Fund, or any amounts directly deposited into the Fund, may be used—

(A) to cover the expenses described in paragraph (3); and

(B) to purchase obligations of the United States, or any obligations guaranteed by the United States.

(d) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (e).

(e) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(f) AUDIT.—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(g) BUDGET.—In accordance with section 9301 of title 31, United States Code, the Fund shall prepare and submit each year to the President a business-type budget in a way, and before a date, the President prescribes by regulation for the budget program.

SEC. 15. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''When'' and inserting ''(a) JOINT INVENTIONS.—When'';

(2) in the second paragraph, by striking ''If a joint inventor'' and inserting ''(b) OMITTED INVENTOR.—If a joint inventor''; and

(3) in the third paragraph—

(A) by striking ''Whenever'' and inserting ''(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever''; and

(B) by striking ''and such error arose without any deceptive intent on his part,''.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''Except when'' and inserting ''(a) FILING IN FOREIGN COUNTRY.—Except when''; and

(B) by striking ''and without deceptive intent'';

(2) in the second paragraph, by striking ''The term'' and inserting ''(b) APPLICATION.—The term''; and

(3) in the third paragraph, by striking ''The scope'' and inserting ''(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope''.

(c) FILING WITHOUT A LICENSE.—Section 185 of title 35, United States Code, is amended by striking ''and without deceptive intent''.

(d) REISSUE OF DEFECTIVE PATENTS.—Section 251 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever reissue of any patent is authorized under section 298 or''; and

(B) by striking ''without deceptive intention'';

(2) in the second paragraph, by striking ''The Director'' and inserting ''(b) MULTIPLE REISSUED PATENTS.—The Director'';

(3) in the third paragraph, by striking ''The provision'' and inserting ''(c) APPLICABILITY OF THIS TITLE.—The provisions''; and

(4) in the last paragraph, by striking ''No reissued patent'' and inserting ''(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent''.

(e) EFFECT OF REISSUE.—Section 253 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever, without deceptive intention'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) in the second paragraph, by striking ''in like manner'' and inserting ''(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),''.

(f) CORRECTION OF NAMED INVENTOR.—Section 256 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) CORRECTION.—Whenever''; and

(2) in the second paragraph, by striking ''The error'' and inserting ''(b) PATENT VALID IF ERROR CORRECTED.—The error''.

(g) PRESUMPTION OF VALIDITY.—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph, by striking ''A patent'' and inserting ''(a) IN GENERAL.—A patent'';

(2) in the second undesignated paragraph, by striking ''The following'' and inserting ''(b) DEFENSES.—The following''; and

(3) in the third undesignated paragraph, by striking ''In actions'' and inserting ''(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions''.

(h) ACTION FOR INFRINGEMENT.—Section 288 of title 35, United States Code, is amended by striking '', without any deceptive intention,''.

(i) GOVERNMENT-OWNED FACILITIES.—Section 202(c)(7)(E)(i) of title 35, United States Code, is amended by—

(1) striking ''up to an amount equal to 5 percent of the annual budget of the facility,''; and

(2) striking ''provided that'' and all that follows through ''in this clause (D);''.

SEC. 16. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this

Act shall take effect 12 months after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) SPECIAL PROVISIONS RELATING TO DETERMINATIONS OF VALIDITY AND PATENTABILITY.—

(1) IN GENERAL.—The amendments made by section 2 shall apply to any application for a patent and any patent issued pursuant to such an application that at any time—

(A) contained a claim to a claimed invention that has an effective filing date, as such date is defined under section 100(h) of title 35, United States Code, 1 year or more after the date of the enactment of this Act;

(B) asserted a claim to a right of priority under section 119, 365(a), or 365(b) of title 35, United States Code, to any application that was filed 1 year or more after the date of the enactment of this Act; or

(C) made a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any application to which the amendments made by section 2 otherwise apply under this subsection.

(2) PATENTABILITY.—For any application for patent and any patent issued pursuant to such an application to which the amendments made by section 2 apply, no claim asserted in such application shall be patentable or valid unless such claim meets the conditions of patentability specified in section 102(g) of title 35, United States Code, as such conditions were in effect on the day prior to the date of enactment of this Act, if the application at any time—

(A) contained a claim to a claimed invention that has an effective filing date as defined in section 100(h) of title 35, United States Code, earlier than 1 year after the date of the enactment of this Act;

(B) asserted a claim to a right of priority under section 119, 365(a), or 365(b) of title 35, United States Code, to any application that was filed earlier than 1 year after the date of the enactment of this Act; or

(C) made a specific reference under section 120, 121, or 365(c) of title 35, United States Code, with respect to which the requirements of section 102(g) applied.

(3) VALIDITY OF PATENTS.—For the purpose of determining the validity of a claim in any patent or the patentability of any claim in a nonprovisional application for patent that is made before the effective date of the amendments made by sections 2 and 3, other than in an action brought in a court before the date of the enactment of this Act—

(A) the provisions of subsections (c), (d), and (f) of section 102 of title 35, United States Code, that were in effect on the day prior to the date of enactment of this Act shall be deemed to be repealed;

(B) the amendments made by section 3 of this Act shall apply, except that a claim in a patent that is otherwise valid under the provisions of section 102(f) of title 35, United States Code, as such provision was in effect on the day prior to the date of enactment of this Act, shall not be invalidated by reason of this paragraph; and

(C) the term ''in public use or on sale'' as used in section 102(b) of title 35, United States Code, as such section was in effect on the day prior to the date of enactment of this Act shall be deemed to exclude the use, sale, or offer for sale of any subject matter that had not become available to the public.

(4) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(b)(3) of title 35, United States Code, under section (2)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by section 2(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 612. A bill to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week, our Nation celebrates Sunshine Week—a time to recognize and promote openness in our Government. At this important time of year, I am pleased to join with Senator CORNYN to reintroduce the OPEN FOIA Act—a bipartisan bill to promote more openness regarding statutory exemptions to the Freedom of Information Act, FOIA.

This bipartisan bill builds upon the work that Senator CORNYN and I began several years ago to reinvigorate and strengthen FOIA. Together, we introduced, and Congress ultimately enacted, the OPEN Government Act—the first major reforms to FOIA in more than a decade. I thank Senator CORNYN for his work and leadership on this important issue. I also thank President Obama—who was a cosponsor of the OPEN Government Act when he was in the Senate—for his deep commitment to FOIA. President Obama clearly demonstrated his commitment to open Government when he issued a new directive to strengthen FOIA during his first full day in office.

The OPEN FOIA Act simply requires that when Congress provides for a statutory exemption to FOIA in new legislation, Congress must state its intention to do so explicitly and clearly. This commonsense bill mirrors bipartisan legislation that the Judiciary Committee favorably reported, and the Senate unanimously passed, during the 109th Congress, S. 1181. While no one can fairly question the need to keep certain Government information secret to ensure the public good, excessive Government secrecy is a constant temptation and the enemy of a vibrant democracy.

For more than four decades, FOIA has served as perhaps the most important Federal law to ensure the public's right to know, and to balance the Government's power with the need for Government accountability. The Freedom of Information Act contains a number of exemptions to its disclosure requirements for national security, law enforcement, confidential business information, personal privacy and other circumstances. The FOIA exemption commonly known as the ''(b)(3) exemption,'' requires that Government records that are specifically exempted from FOIA by statute be withheld from the public. In recent years, we have witnessed an alarming number of FOIA (b)(3) exemptions being offered in legislation—often in very ambiguous terms—to the detriment of the American public's right to know.

The bedrock principles of open Government lead me to believe that (b)(3) statutory exemptions should be clear and unambiguous, and vigorously debated before they are enacted into law. Too often, legislative exemptions to FOIA are buried within a few lines of very complex and lengthy bills, and these new exemptions are never debated openly before becoming law. The consequence of this troubling practice is the erosion of the public's right to know, and the shirking of Congress' duty to fully consider these exemptions.

The OPEN FOIA Act will help stop this practice and shine more light on the process of creating legislative exemptions to FOIA. That will be the best antidote to the ''exemption creep'' that we have witnessed in recent years.

When he recently addressed a joint session of the Congress and the American people, President Obama said that ''I know that we haven't agreed on every issue thus far, and there are surely times in the future when we will part ways. But, I also know that every American who is sitting here tonight loves this country and wants it to succeed. That must be the starting point for every debate we have in the coming months, and where we return after those debates are done.''

Sunshine Week reminds all of us that open Government is not a Democratic issue, nor a Republican issue. It is an American issue and a virtue that all Americans can embrace. Democratic and Republican Senators alike have rightly supported and voted for this bill in the past. It is in this same bipartisan spirit that I urge all Members to support this bipartisan FOIA reform bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 612

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 ''OPEN FOIA Act of 2009''.

SEC. 2. SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. STABENOW, Mrs. LINCOLN, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. HAGAN, Ms. CANTWELL, and Mrs. MCCASKILL):

S. 614. A bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP''); to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, I rise today to introduce a bill that is sponsored by every woman in the Senate. All 17 of us have come together to introduce legislation to award the Congressional Gold Medal to the Women Airforce Service Pilots, called the WASP. Senator MIKULSKI and I are taking the lead on this with the other 15 women Senators to finally honor over 1,000 of the bravest, most courageous women in U.S. military history.

This is a picture of those brave World War II pilots. They were the first women in history to fly America's military aircraft. Between 1942 and 1944, they were recruited to fly noncombat missions so every available male pilot could be deployed in combat.

The women pilots who graduated from Army Air Force flight training earned their silver WASP wings in Texas. The first class graduated at Ellington Field in Houston and the remaining classes from Avenger Field in Sweetwater, TX.

Throughout their service, these courageous women flew over 60 million miles in every type of aircraft and on every type of mission flown by Army Air Force male pilots except direct combat missions. Although they took the military oath and were promised military status when they entered training, they were never afforded Active-Duty military status, were never commissioned, and were not granted veteran status until 1977, over 30 years after they had served. All these women volunteered to serve their country in wartime. They paid their own way to Texas for training, and when victory seemed certain and the program was shut down, they paid their own way back home.

Over 25,000 women applied for the program, but only 1,830 qualified women pilots were accepted. Unlike the males, females were required to be qualified pilots before they could even apply for the Army Air Force's military flight training program. By the time the war ended, 38 women pilots had lost their lives while flying for their country. Their families were not allowed to have an American flag placed on their coffins.

I wrote about the WASP in my 2004 book, ''American Heroines: The Spirited Women Who Shaped Our Country.'' I wanted to raise public awareness about these military pioneers who have had a tremendous impact on the role of women in the military today. Their examples paved the way for the Armed Forces to lift the ban on women attending military flight training in the 1970s and opened the door for women to be fully integrated as pilots in the Armed Forces.

Today, women fly every type of aircraft, from combat fighter aircraft to the space shuttle. However, despite their cultural impact, the WASP have never received honors, nor have they been formally recognized by Congress for their wartime military service—until now. We, the women of the Senate, are introducing legislation to award the Congressional Gold Medal to the courageous WASP of World War II.

The Congressional Gold Medal is the highest and most distinguished award this body can award to a civilian. These women are certainly worthy.

There are precedents for this action. In 2000 and 2006, this body awarded the Congressional Gold Medal to the Navajo Code Talkers and the Tuskegee Airmen, respectively. Those heroes deserved the same type of distinction, and they, too, served in World War II and were finally appropriately honored by their Government. Now it is time for Congress to celebrate the courage of another group of remarkable Americans who served with courage and honor and whose example brought historic change to our Nation. Of the 1,102 WASP, approximately 300 are still alive today and are living in almost every State of our Nation. They have earned this honor, and the time to bestow the honor is now before any of them are away from us and not able to come to the ceremony which I hope we will have.

I am so pleased that every female Senator, all 17 of us, are cosponsors of this bill, and I hope the rest of our colleagues will also join and that we can pass this bill expeditiously.

I would like to take a moment, with this wonderful picture in the background, to read from the bill that we have just introduced today:

Congress finds that—

(1) the Women Airforce Service Pilots of WWII, known as the ''WASP'', were the first women in history to fly American military aircraft;

(2) more than 60 years ago, they flew fighter, bomber, transport, and training aircraft in defense of America's freedom;

(3) they faced overwhelming cultural and gender bias against women in nontraditional roles and overcame multiple injustices and inequities in order to serve their country;

(4) through their actions, the WASP eventually were the catalyst for revolutionary reform in the integration of women pilots into the Armed Services;

(5) during the early months of World War II, there was a severe shortage of combat pilots;

(6) Jacqueline Cochran, America's leading woman pilot of the time, convinced General Hap Arnold, Chief of the Army Air Forces, that women, if given the same training as men, would be equally capable of flying military aircraft and could then take over some of the stateside military flying jobs, thereby releasing hundreds of male pilots for combat duty;

(7) the severe loss of male combat pilots made the necessity of utilizing women pilots to help in the war effort clear to General Arnold, and a women's pilot training program was soon approved;

(8) it was not until August, 1943, that the women aviators would receive their official name;

(9) General Arnold ordered that all women pilots flying military aircraft, including 28 civilian women ferry pilots, would be named ''WASP'', Women Airforce Service Pilots;

(10) more than 25,000 American women applied for training, but only 1,830 were accepted and took the oath;

(11) exactly 1,074 of those trainees successfully completed the 21 to 27 weeks of Army Air Force flight training, graduated, and received their Army Air Force orders to report to their assigned air base;

(12) on November 16, 1942, the first class of 29 women pilots reported to the Houston, Texas Municipal Airport and began the same military flight training as the male Army Air Force cadets were taking;

(13) due to a lack of adequate facilities at the airport, 3 months later the training program was moved to Avenger Field in Sweetwater, Texas;

(14) WASP were eventually stationed at 120 Army air bases all across America;

(15) they flew more than 60,000,000 miles for their country in every type of aircraft and on every type of assignment flown by the male Army Air Force pilots, except combat;

(16) WASP assignments included test piloting, instructor piloting, towing targets for air-to-air gunnery practice, ground-to-air anti-aircraft practice, ferrying, transporting personnel and cargo (including parts for the atomic bomb), simulated strafing, smoke laying, night tracking, and flying drones;

In October 1943, male pilots were refusing to fly the B–26 Martin Marauder, known as the Widowmaker, because of its fatality record. General Arnold ordered WASP director Jacqueline Cochran to collect 25 WASP to be trained to fly the B–26 to prove to the male pilots that it was safe to fly.

During the existence of the WASP, 38 women lost their lives while serving their country. Their bodies were sent home in poorly crafted pine boxes. Their burial was at the expense of their families or classmates. There were no gold stars allowed in their parent's windows, and because they were not considered military, no American flags were allowed on their coffins.

In 1944, General Arnold made a personal request to Congress to militarize the WASP, and it was denied.

On December 7, 1944, in a speech to the last graduating class of WASP, General Arnold said:

You and more than 900 of your sisters have shown you can fly wingtip to wingtip with your brothers. I salute you . . . We of the Army Air Force are proud of you. We will never forget our debt to you.

With victory in World War II almost certain, on December 2, 1944, the WASP

were quietly and unceremoniously disbanded. There were no honors, no benefits, and very few thank-yous. Just as they had paid their own way to enter training, they paid their way back home.

After their honorable service in the military, the WASP military records were immediately sealed, stamped ''classified'' or ''secret,'' and filed away in Government archives unavailable to the historians who wrote the history of World War II or the scholars who compiled the history textbooks used today, with many of the records not being declassified until the 1980s. Consequently, the WASP story is a missing chapter in the history of the Air Force, the history of aviation, and the history of the United States of America.

In 1977, 33 years after the WASP were disbanded, the Congress finally voted to give the WASP the veteran status they had earned, but these heroic pilots were not invited to the signing ceremony at the White House, and it was not until 7 years later that their medals were delivered in the mail in plain brown envelopes.

In the late 1970s, more than 30 years after the WASP flew in World War II, women were finally permitted to attend military pilot training in the U.S. Armed Forces. Thousands of women aviators flying support aircraft had benefited from the service of the WASP and followed in their footsteps.

In 1993, the WASP were once again referenced during congressional hearings regarding the contributions women could make to the military, which eventually led to women being able to fly military fighter, bomber, and attack aircraft in combat. Hundreds of U.S. servicewomen combat pilots have seized the opportunity to fly fighter aircraft in recent conflicts, all thanks to the pioneering steps taken by the WASP.

The WASP have maintained a tight-knit community, forged by the common experiences of serving their country during war. As part of their desire to educate America on the WASP history, WASP have assisted Wings Across America, an organization dedicated to educating the American public, with much effort aimed at children, about the remarkable accomplishments of these World War II veterans, and they have been honored with exhibits at museums throughout our country.

Now it is time to give these incredible women pioneers the Congressional Gold Medal, who, along with the Tuskegee Airmen and the Navajo Code Talkers, are people who have served with courage and valor to our country, and they are people who really have not complained. They are people who did their duty, even with some discrimination in the Armed Forces. But they were never bitter, and they always knew what a service they had given. We have now honored the Navajo Code Talkers and the great Tuskegee Airmen, and I hope we will also accord the greatest honor we can bestow as a Congress to the WASP of World War II.

Ms. MIKULSKI. Mr. President, I rise today as an original cosponsor of a bipartisan bill to award the Congressional Gold Medal to the Women Airforce Service Pilots—the WASP. We are introducing this bill in March, which is Women's History Month. It is time to honor and recognize women who have made a difference in our Nation's history. It is a time to honor women who serve as role models. That is exactly what this legislation does.

The WASP were women pilots from across the Nation who volunteered to serve in World War II. They flew America's military aircraft during the war, risking their lives in the service of their nation. They came from all walks of life, but they came together to serve our country as the first women trained to fly American military aircraft. They faced overwhelming cultural and gender bias, received unequal pay, did not have full military status, and were barred from becoming military officers, even though their male counterparts performing similar duties all received officer rank.

In 1943, General Arnold combined two women flying organizations and formed the Women Airforce Service Pilots. Within months, these women paid their own way to Texas to enter training. Each woman was already a licensed pilot, a requirement not imposed on men to apply to flight school. The WASP were still required to learn to fly ''the Army way.''

The WASP were assured they would be militarized and become part of the Army. These promise were not kept. The WASP took the same oath of office, they marched, but as pilots, they received less pay than men. They did not receive benefits. No VA benefits, no GI bill, no burial rights for the 38 WASP who were killed in service to our Nation. Fellow WASP had to ''take the nickels out of the Coke machine'' to help send their bodies home.

Over 25,000 women applied to be part of the war effort in the WASP. Many volunteers received a telegram asking for their service. Ultimately, 1102 women earned their wings as pilots. Thirteen of these brave women were from Maryland: women like Barbara Shoemaker, who joined from the Women's Auxiliary Flying Squadron; Elaine Harmon, who as a WASP trained male pilots in instrument flying; Iola Magruder, who flew the B–18 ''Bolo''; Jane Tedeschi, who stretched all night before joining the WASP so she could meet the minimum height requirement; and Florence Marston, who flew the B–26 ''Widowmaker,'' notorious for its number of early accidents.

These brave women flew over 60 million miles in 2 years. They flew every type of aircraft and every type of mission as the men, except combat missions. They towed aerial targets while being shot at with live ammunition. They transported cargo. They tested repaired aircraft. They ferried aircraft from factories like Fairchild in Hagerstown, MD, to points across the country. They were stationed at 120 air bases throughout the country.

The WASP were not established to be a replacement for the men; instead, they enabled men to fly the combat missions. They found and fulfilled the service they could. These women were committed and they believed they could do what our country needed at the time we needed it.

The WASP were disbanded in December 1944, when they were told they were ''no longer needed.'' Just as they paid for transport to training, they paid their own way home. For 33 years their military records were classified. For 33 years, their contributions were hidden from historians and textbooks. For 33 years, these brave women were denied veterans benefits.

These women were trailblazers. They displayed honor and courage and flew the most complex aircraft of the age. They are patriots. They are an inspiration to today's women in aviation. They opened the door for today's women to fly in the military in aircraft ranging from cargo and trainers, to fighters and bombers, and even the space shuttle. They inspire young girls to pursue technical fields and aviation. They are role models who deserve to be honored. We owe the WASP our ''thank you''—not in words, but in deeds. For their courage, service and dedication to our Nation, they deserve the most distinguished honor Congress can give: the Congressional Gold Medal.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COBURN, Mr. LEVIN, Mr. GRASSLEY, Mrs. MCCASKILL, Mr. MCCAIN, and Mr. VOINOVICH):

S. 615. A bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I am pleased to introduce today, along with Senators LIEBERMAN, COBURN, LEVIN, GRASSLEY, MCCASKILL, MCCAIN, and VOINOVICH, a bill that will provide the Special Inspector General for Afghanistan Reconstruction, SIGAR, with the authority it needs to quickly hire experienced, well-qualified staff to conduct rigorous oversight of reconstruction efforts in Afghanistan.

The United States has provided approximately $32 billion in humanitarian and reconstruction assistance to Afghanistan since 2001. Congress created the SIGAR in the fiscal year 2008 National Defense Authorization Act to conduct and oversee independent and objective audits, inspections, and investigations relating to these funds.

Although the SIGAR was sworn into office on July 22, 2008, the office has not yet conducted any independent audits or investigations. The SIGAR has filed two quarterly reports, but both of those reports were descriptive in nature and reviewed the work of other oversight entities.

Staffing shortages have constrained the SIGAR's oversight efforts. Although authorized a total of 18 auditors, 13 inspectors, and three investigators, SIGAR had only five auditors, two inspectors, and one investigator as of last week.

SIGAR's efforts to quickly hire experienced staff have been hindered by the often long and difficult government hiring process. The office's hiring needs are further complicated by the challenging task of recruiting well-qualified staff willing to spend a year in a dangerous environment.

The bill that we introduce today will provide the SIGAR with the authority to select, appoint, and employ the staff needed to perform effective oversight of Afghanistan reconstruction efforts. The authority is similar to that provided to other government ''temporary organizations.'' The legislation will allow SIGAR to identify and quickly hire candidates, avoiding the bureaucratic hurdles that beset the normal civil service hiring process. Employees hired under this new authority can serve until the termination of the SIGAR's office.

The Special Inspector General for Iraq Reconstruction, which served as the model for the legislation to create the SIGAR, faced comparable hiring challenges. This bill contains hiring authority similar to that provided to the SIGIR so that office could quickly hire experienced staff.

With his staff, the SIGIR has been successful in providing thorough oversight of reconstruction efforts in Iraq. Since 2004, the SIGIR has produced 20 quarterly reports, 135 audits, 141 inspections, and 4 ''lessons-learned'' reports. SIGIR's oversight work has saved or recovered more than $81 million in U.S. taxpayer funds and has put $224 million to better use.

If the SIGAR would have had this authority from the office's inception, it likely would be much further along in conducting its oversight work. We expect that once the SIGAR can quickly hire the skilled and experienced auditors and investigators it needs, the office's oversight activities will greatly increase.

I urge every Senator to support this constructive and bipartisan bill.

By Mr. HARKIN:

S. 618. A bill to improve the calculation of, the reporting of, and the accountability for, secondary graduation rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, this past 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 one third of that class of freshmen will not walk across a stage and receive their diploma with their peers in four years.

The numbers are clear: we face a national high school dropout 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.

The President laid out the crisis we face in his February 24 address to Congress:

''In a global economy where the most valuable skill you can sell is your knowledge, a good education is no longer just a pathway to opportunity—it is a prerequisite.''

''Right now, three-quarters of the fastest-growing occupations require more than a high school diploma. And yet, just over half of our citizens have that level of education. We have one of the highest high school dropout rates of any industrialized nation.''

By any measure, my home state of Iowa is a national leader in terms of graduating students in four years. According to Education Week's Diplomas Count, Iowa has the second highest graduation rate in the country, at almost 83 percent for the class of 2005. Iowa should be applauded for continually graduating such a high percentage of its students in spite of the challenges present in many rural and low-income school districts.

Yet such a lofty number masks a pervasive inability to graduate African-American and Latino students on a level equal to their peers. The graduation rate for African-American children in Iowa is 25 points below the overall 4-year rate. The discrepancy between the rate of Latino children graduating in four years and their peers' rate is even higher at 30 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, only 43 percent of students with emotional disturbances graduate 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 the same levels expected of their peers.

To reiterate, States like Iowa should be lauded for their success in graduating so many of their young people from high school in four years, but we must also hold those states accountable for their success or failure with vulnerable populations, or we are doomed to pay the price, both morally and economically. That is why I was proud to introduce the Every Student Counts Act last September, and why I am here to reintroduce this legislation in the Senate today.

Since I introduced the first Every Student Counts Act, the Department of Education has taken laudable action to implement a 4-year high school graduation rate through regulations issued last October.

However, the Department's action was not enough to address this crisis. The regulation leaves the specifics of the graduation rate goals and growth targets, and how to calculate Adequate Yearly Progress up to the States. In doing so, the Department indicated that it was more appropriate for Congress to define graduation rate goals, growth targets, and adequate yearly progress through statute. The Every Student Counts Act is designed to do just that.

Because if we do not set clear, consistent, and high graduation rate goals, with aggressive and attainable graduation rate growth targets, we risk falling into the same trap of mediocrity and flat graduation rates that have led us to this crisis.

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.

This 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.

In addition to setting high standards for graduation rates, the Every Student Counts Act will also 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 all 50 States together by 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 four years.

Before I conclude my remarks, I would like to recognize the work of my colleague in the House, Representative BOBBY SCOTT of Virginia, who first sought to address this issue last year and today joins with me in reintroducing the Every Student Counts Act.

I would also 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.

We have no more urgent educational challenge than bringing down the dropout rate, especially for minorities and children with disabilities. For reasons we all understand—poverty, poor nutrition, broken homes, disadvantage

childhoods—not all of our students come to school everyday ready to learn. In some cases, it is as though they have been set up to fail. They grow frustrated. They drop out. And, 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.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

MARCH 11, 2009.

DEAR SENATOR HARKIN AND REPRESENTATIVE SCOTT: 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 African American and Hispanic students graduate on time. Special education students 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 minority students, English language learners, and students with disabilities. However, NCLB does not place enough importance on graduating the nation's high school students; this fact—combined with weak state action in this area—has given states, districts, and schools little incentive to improve their graduation rates. As a response, the Secretary of Education released regulations that created a uniform high school graduation rate calculation and ensured that improving high school graduation rates for all schools is part of the federal accountability system. Although the regulations are a laudable step in the right direction, we believe that the Every Student Counts Act is a better approach to graduation rate accountability because it provides clear and high expectations for graduation rate goals and growth.

The Every Student Counts Act would:

Require a consistent and accurate calculation of graduation rates across all fifty states and the District of Columbia to ensure comparability and transparency;

Require that graduation rate calculations 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 Adequate Yearly Progress (AYP) determinations;

Require aggressive, attainable, and uniform annual growth targets as part of AYP to ensure consistent increases in graduation rates for all schools;

While maintaining the expectation that most students will graduate in four years, recognize that a small number of students take longer than four years to graduate and give credit to schools, school districts, and states for graduating those students; and

Provide incentives for schools, districts, and states to create programs to serve students who have already dropped out and are over-age or undercredited.

Again, we thank you for introducing the Every Student Counts Act and for your leadership on this critical issue.

Sincerely,

Alliance for Excellent Education.
American Association of University Women.
American Federation of the Blind.
American School Counselor Association
America's Promise Alliance.
Bazelon Center for Mental Health Law.
Council of Administrators of Special Education.
First Focus.
Journey Programs.
Knowledge Alliance.
Learning Disabilities Association of America.
Mexican American Legal Defense and Educational Fund.
National Association for the Education of Homeless Children and Youth.
National Association of Federally Impacted Schools.
National Association of School Psychologists.
National Association of Secondary School Principals.
National Association of State Boards of Education.
National Center for Learning Disabilities
National Collaboration for Youth.
National Council of La Raza.
National Education Association.
National Parent Teacher Association.
Project Grad USA.
Public Education Network.
School Social Work Association of America.
Teachers of English to Speakers of Other Languages.
United Way of America.
Youth Service America.

JOEL KLEIN,
Chancellor, New York City Public Schools.

By Mr. REID (for Mr. KENNEDY (for himself and Ms. SNOWE)):

S. 619. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, today we face growing concerns about infectious disease which few could have anticipated. Over a half century ago, following the development of modern antibiotics, Nobel Laureate Sir McFarland Burnet summed up what many experts believed when he stated, ''One can think of the middle of the twentieth century as the end of one of the most important social revolutions in history, the virtual elimination of infectious diseases as a significant factor in social life''.

How things have changed! Today many of the world's greatest killers are infectious diseases—including HIV, tuberculosis, malaria—and increasingly our Nation is susceptible. We have concerns about both natural pandemics—such as those caused by influenza—as well as manmade threats.

At the same time that the threat has grown, we have seen an alarming trend as existing antibiotics are becoming less effective in treating infections. We know that resistance to drugs can be developed, and that the more we expose bacteria to antibiotics, the more resistance we will see. So it is critical to address preserving the lifesaving antibiotic drugs we have today so that they will be of use in treating disease when they are needed.

Today over 9 out of 10 Americans understand that resistance to antibiotics is a problem. Most Americans have learned that colds and flu are caused by viruses, and recognize that treating a cold with an antibiotic is inappropriate. Our health care providers are more careful to discriminate when to use antibiotics, because they know that when a patient who has been inappropriately prescribed an antibiotic actually develops a bacterial infection, it is more likely to be resistant to treatment.

When we overuse antibiotics, we risk eliminating the very cures which scientists fought so hard to develop. The threat of bioterrorism amplifies the danger. We have supported increased NIH research funding, as well as bioshield legislation, in order to promote development of essential drugs, both to address natural and manmade threats. It is so counterproductive to develop antimicrobial drugs and see their misuse render them ineffective.

Yet every day in America antibiotics continue to be used in huge quantities when there is no disease present to treat. I am speaking of the nontherapeutic use of antibiotics in agriculture. Simply put, the practice of feeding antibiotics to healthy animals jeopardizes the effectiveness of these medicines in treating ill people and animals.

Recognizing the public health threat caused by antibiotic resistance, Congress in 2000 amended the Public Health Threats and Emergencies Act to curb antibiotic overuse in human medicine. Yet today, it is estimated that 70 percent of the antimicrobials used in the United States are fed to farm animals for nontherapeutic purposes including growth promotion, poor management practices and crowded, unsanitary conditions.

In March 2003, the National Academies of Sciences stated that a decrease in antimicrobial use in human medicine alone will not solve the problem of drug resistance. Substantial efforts must be made to decrease inappropriate overuse of antibiotics in animals and agriculture.

Four years ago five major medical and environmental groups—the American Academy of Pediatrics, the American Public Health Association, Environmental Defense, the Food Animal Concerns Trust and the Union of Concerned Scientists—jointly filed a formal regulatory petition with the U.S. Food and Drug Administration urging the agency to withdraw approvals for

seven classes of antibiotics which are used as agricultural feed additives. They pointed out what we have known for years—that antibiotics which are crucial to treating human disease should never be used except for their intended purpose—to treat disease.

In a study reported in the New England Journal of Medicine, researchers at the Centers for Disease Control and Prevention found 17 percent of drug-resistant staph infections had no apparent links to health-care settings. Nearly one in five of these resistant infections arose in the community—not in the health care setting. While must do more to address inappropriate antibiotic use in medicine, the use of these drugs in our environment cannot be ignored.

Most distressingly, we have seen the USDA issue a fact sheet on the recently recognized link between antimicrobial drug use in animals and the methicillin resistant staphylococcus aureas, MRSA, infections in humans. These infections literally threaten life and limb!

So it should be clear why I have joined with Senator KENNEDY in again introducing the Preservation of Antibiotics for Medical Treatment Act. Senator KENNEDY is truly a champion of public health and understands how critical it is to preserve the drugs we must have in our arsenal to combat infectious diseases. I am honored to join with him in an effort to preserve vital drugs and reduce the development of drug-resistant organisms which threaten human health.

This bill phases out the nontherapeutic uses of critical medically important antibiotics in livestock and poultry production, unless their manufacturers can show that they pose no danger to public health.

Our legislation requires the Food and Drug Administration to withdraw the approval for nontherapeutic agricultural use of antibiotics in food-producing animals if the antibiotic is used for treating human disease, unless the application is proven harmless within 2 years. The same tough standard of safety will apply to new applications for approval of animal antibiotics.

This legislation places no unreasonable burden on producers. It does not restrict the use of antibiotics to treat sick animals, or for that matter to treat pets and other animals not used for food.

As we are constantly reminded, the discovery and development of a new drug can require great time and expense. It is simply common sense that we preserve the use of the drugs which we already have, and use them appropriately. I call on my colleagues to support us in this effort.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. DORGAN, Mr. DODD, Mr. VITTER, and Mr. FEINGOLD):

S. 620. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; considered and passed.

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 placed in the RECORD, as follows:

S. 620

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

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 621. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise to speak on legislation I am introducing today that relates to congenital heart disease research. Congenital heart disease is a rapidly growing national health problem. Congenital heart defects are the most common and most deadly form of birth defects, affecting nearly 1 percent of births, approximately 36,000 a year. In fact, a child is born with a congenital heart defect every 15 minutes. A congenital heart defect occurs when heart structures are malformed, missing or in the wrong place. There are over 30 types of congenital heart defects. These defects cause congenital heart disease—cardiovascular problems caused by the birth defect.

The good news is that modern medicine has made major advances in treating heart defects in newborns. In 1950, a child born with a congenital heart defect only had a 20 percent chance of surviving, but today that number has increased to 90 percent. Due to the increase in childhood survival rates, the congenital heart disease population increases by an estimated 5 percent every year.

However, the bad news is that there is no cure for congenital heart disease. Even survivors of successful childhood intervention face lifelong risks, including heart failure, rhythmic disorders, stroke, renal dysfunction, and neurocognitive dysfunction. Sadly, the estimated life expectancy for those with congenital heart disease is significantly lower than for the general population. The life expectancy for those born with moderately complex heart defects is 55, while the estimated life expectancy for those born with highly complex defects is between 35 and 40.

Unfortunately, fewer than 10 percent of adults living with complex congenital heart disease currently receive the cardiac care they need, and many don't know that they should have lifelong specialized health surveillance. Even with access to the best care, living with congenital heart disease involves risk. But for people who don't have the medical care or who don't have it promptly, the risks of premature death or disability are much higher.

In 2004, the National Heart, Lung, and Blood Institute convened a working group on congenital heart disease. This group recommended developing a research network for clinical research, establishing a national database of patients, and creating an outreach education program on the need for continued cardiac care.

Today, I am pleased to introduce the Congenital Heart Futures Act, which builds on these recommendations in several ways. First, the legislation authorizes the Centers for Disease Control and Prevention, CDC, to lead a comprehensive public education and awareness campaign around congenital heart disease. Next, it authorizes a National Congenital Heart Disease Registry at the CDC to track the epidemiology of congenital heart disease and creates an advisory committee to provide expert information and advice to CDC. And, finally, it authorizes congenital heart disease research through NHLBI.

Despite the prevalence and seriousness of congenital heart disease, research, data collection, education, and awareness are limited. The Congenital Heart Futures Act will help prevent premature death and disability in this rapidly growing but dramatically underserved population.

I say to those who are interested in promoting health research, this is an area where we can expend more effort and save more lives. I hope my colleagues will take a look at this legislation which we are introducing today and join me in cosponsoring it.

Mr. President, I ask unanimous consent that the text of the bill be printed int he RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD as follows:

S. 621

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 ''Congenital Heart Futures Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congenital heart defects are the most common and most deadly group of birth defects and affect nearly 1 percent of all live

births, approximately 36,000 births a year. A child is born with a congenital heart defect every 15 minutes.

(2) Congenital heart disease is a rapidly-growing national health problem. Childhood survival has risen from below 20 percent in 1950 to more than 90 percent today. Due to the increase in childhood survival, the congenital heart disease population increases by an estimated 5 percent every year.

(3) Approximately 800,000 children and 1,000,000 adults in the United States are now living with congenital heart disease and require highly-specialized life-long cardiac care.

(4) There is no cure for congenital heart disease. Even survivors of successful childhood treatment can face life-long risks from congenital heart disease, including heart failure, rhythmic disorders, stroke, renal dysfunction, and neurocognitive dysfunction.

(5) Less than 10 percent of adults living with complex congenital heart disease currently receive recommended cardiac care. Many individuals with congenital heart disease are unaware that they require life-long specialized health surveillance. Delays in care can result in premature death and disability.

(6) The estimated life expectancy for those with congenital heart disease is significantly lower than for the general population. The life expectancy for those born with moderately complex heart defects is 55, while the estimated life expectancy for those born with highly complex defects is between 35 and 40.

(7) Despite the prevalence and seriousness of the disease, Federal research, data collection, education, and awareness activities are limited.

(8) The strategic plan of the National Heart, Lung, and Blood Institute completed in 2007 notes that ''successes over several decades have enabled people with congenital heart diseases to live beyond childhood, but too often inadequate data are available to guide their treatment as adults''.

(9) The strategic plan for the Division of Cardiovascular Diseases at the National Heart, Lung and Blood Institute, completed in 2008, set goals for congenital heart disease research, including understanding the development and genetic basis of congenital heart disease, improving evidence-based care and treatment of children with congenital and acquired pediatric heart disease, and improving evidence-based care and treatment of adults with congenital heart disease.

SEC. 3. PUBLIC EDUCATION AND AWARENESS OF CONGENITAL HEART DISEASE.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART S—PROGRAMS RELATING TO CONGENITAL HEART DISEASE

''SEC. 399HH. PUBLIC EDUCATION AND AWARENESS OF CONGENITAL HEART DISEASE.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate congenital heart disease patient organizations and professional organizations, may directly or through grants, cooperative agreements, or contracts to eligible entities conduct, support, and promote a comprehensive public education and awareness campaign to increase public and medical community awareness regarding congenital heart disease, including the need for life-long treatment of congenital heart disease survivors.

''(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant, cooperative agreement, or contract under this section, an entity shall be a State or private nonprofit entity and shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

SEC. 4. NATIONAL CONGENITAL HEART DISEASE REGISTRY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 3, is further amended by adding at the end the following:

''SEC. 399II. NATIONAL CONGENITAL HEART DISEASE REGISTRY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

''(1) enhance and expand infrastructure to track the epidemiology of congenital heart disease and to organize such information into a comprehensive, nationwide registry of actual occurrences of congenital heart disease, to be known as the 'National Congenital Heart Disease Registry'; or

''(2) award a grant to one eligible entity to undertake the activities described in paragraph (1).

''(b) PURPOSE.—The purpose of the Congenital Heart Disease Registry shall be to facilitate further research into the types of health services patients use and to identify possible areas for educational outreach and prevention in accordance with standard practices of the Centers for Disease Control and Prevention.

''(c) CONTENT.—The Congenital Heart Disease Registry—

''(1) may include information concerning the incidence and prevalence of congenital heart disease in the United States;

''(2) may be used to collect and store data on congenital heart disease, including data concerning—

''(A) demographic factors associated with congenital heart disease, such as age, race, ethnicity, sex, and family history of individuals who are diagnosed with the disease;

''(B) risk factors associated with the disease;

''(C) causation of the disease;

''(D) treatment approaches; and

''(E) outcome measures, such that analysis of the outcome measures will allow derivation of evidence-based best practices and guidelines for congenital heart disease patients; and

''(3) may ensure the collection and analysis of longitudinal data related to individuals of all ages with congenital heart disease, including infants, young children, adolescents, and adults of all ages, including the elderly.

''(d) COORDINATION WITH FEDERAL, STATE, AND LOCAL REGISTRIES.—In establishing the National Congenital Heart Registry, the Secretary may identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health infrastructure, including—

''(1) State birth defects surveillance systems;

''(2) the State birth defects tracking systems of the Centers for Disease Control and Prevention;

''(3) the Metropolitan Atlanta Congenital Defects Program; and

''(4) the National Birth Defects Prevention Network.

''(e) PUBLIC ACCESS.—The Congenital Heart Disease Registry shall be made available to the public, including congenital heart disease researchers.

''(f) PATIENT PRIVACY.—The Secretary shall ensure that the Congenital Heart Disease Registry is maintained in a manner that complies with the regulations promulgated under section 264 of the Health Insurance Portability and Accountability Act of 1996.

''(g) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under subsection (a)(2), an entity shall—

''(1) be a public or private nonprofit entity with specialized experience in congenital heart disease; and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

SEC. 5. ADVISORY COMMITTEE ON CONGENITAL HEART DISEASE.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 4, is further amended by adding at the end the following:

''SEC. 399JJ. ADVISORY COMMITTEE ON CONGENITAL HEART DISEASE.

''(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish an advisory committee, to be known as the 'Advisory Committee on Congenital Heart Disease' (referred to in this section as the 'Advisory Committee').

''(b) MEMBERSHIP.—The members of the Advisory Committee may be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, and shall include—

''(1) at least one representative from—

''(A) the National Institutes of Health;

''(B) the Centers for Disease Control and Prevention; and

''(C) a national patient advocacy organization with experience advocating on behalf of patients living with congenital heart disease;

''(2) at least one epidemiologist who has experience working with data registries;

''(3) clinicians, including—

''(A) at least one with experience diagnosing or treating congenital heart disease; and

''(B) at least one with experience using medical data registries; and

''(4) at least one publicly- or privately-funded researcher with experience researching congenital heart disease.

''(c) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

''(1) the development and maintenance of the National Congenital Heart Disease Registry established under section 399II;

''(2) the type of data to be collected and stored in the National Congenital Heart Disease Registry;

''(3) the manner in which such data is to be collected;

''(4) the use and availability of such data, including guidelines for such use; and

''(5) other matters, as the Secretary determines to be appropriate.

''(d) REPORT.—Not later than 180 days after the date on which the Advisory Committee is established and annually thereafter, the Advisory Committee shall submit a report to the Secretary concerning the information described in subsection (c), including recommendations with respect to the results of the Advisory Committee's review of such information.''.

SEC. 6. CONGENITAL HEART DISEASE RESEARCH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following:

''SEC. 425. CONGENITAL HEART DISEASE.

''(a) IN GENERAL.—The Director of the Institute may expand, intensify, and coordinate research and related activities of the Institute with respect to congenital heart disease, which may include congenital heart disease research with respect to—

''(1) causation of congenital heart disease, including genetic causes;

''(2) long-term outcomes in individuals with congenital heart disease, including infants, children, teenagers, adults, and elderly individuals;

''(3) diagnosis, treatment, and prevention;

''(4) studies using longitudinal data and retrospective analysis to identify effective treatments and outcomes for individuals with congenital heart disease; and

''(5) identifying barriers to life-long care for individuals with congenital heart disease.

''(b) COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute may coordinate research efforts related to congenital heart disease among multiple research institutions and may develop research networks.

''(c) MINORITY AND MEDICALLY UNDERSERVED COMMUNITIES.—In carrying out the activities described in this section, the Director of the Institute shall consider the application of such research and other activities to minority and medically underserved communities.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the amendments made by this Act such sums as may be necessary for each of fiscal years 2010 through 2014.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Mr. BINGAMAN, Ms. COLLINS, Ms. CANTWELL, and Mr. MARTINEZ):

S. 622. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Imported Ethanol Parity Act of 2009.

This legislation is cosponsored by Senators GREGG, BINGAMAN, COLLINS, CANTWELL and MARTINEZ.

First, let me explain what this bill does.

The Imported Ethanol Parity Act instructs the President to lower the secondary ethanol import tariff, so that tariffs on ethanol are no higher than the subsidy for blending ethanol into gasoline.

This would restore parity between the real tariff faced by imported gasoline and ethanol, which currently compete.

This legislation is necessary because last year's Farm Bill shifted the function of ethanol tariffs.

Historically, there has been relative parity between ethanol subsidies and ethanol tariffs. The tariffs served to ''offset'' domestic subsidies for ethanol use, thereby preventing imported ethanol from benefiting from domestic subsidies.

But after passage of the Farm Bill, these tariffs began to serve as a real barrier to trade.

The Farm Bill maintained the primary 2.5 percent tariff and extended the secondary tariff for two more years at $0.54 per gallon, creating a combined tariff of $0.56 to $0.59 per gallon, depending on the sale price. But the Farm Bill reduced the ethanol blending subsidy that these tariffs are intended to offset to $0.45 per gallon.

This disparity means that an ethanol importer pays more tariff than he gets back in subsidy, and parity has been lost.

Specifically, an ethanol importer pays $0.11 to $0.14 per gallon of tariff to the U.S. Treasury that he never gets back from the ethanol subsidy.

Ethanol is therefore disadvantaged when it competes directly with other imported transportation fuels, such as gasoline and diesel.

It increases the cost of gasoline in the United States by making ethanol more expensive.

It prevents Americans from importing ethanol made from sugarcane. Sugar ethanol is the only available transportation fuel that works in today's cars and emits considerably less lifecycle greenhouse gas than gasoline.

It taxes imported transportation fuel from our friends in Brazil, India, and Australia, while oil and gasoline imports from OPEC enter the United States tax free.

It hinders the emergence of a global biofuels marketplace through which countries with a strong biofuel crop could sell fuel to countries that suffered drought or other agricultural difficulties in the same crop year. Such a global market would permit mutually beneficial trade between producing regions and stabilize both fuel and food prices.

It makes us more dependent on the Middle East for fuel when we should be increasing the number of countries from whom we buy fuel. When it comes to energy security for the United States, which has less than 3 percent of proven global oil reserves and 25 percent of demand, we must diversify supply.

Bottom Line: Until the tariff is lowered, the United States will tax the only fuel it can import that increases energy security, reduces greenhouse gas emissions, and lowers gasoline prices.

This legislation responds to the Tariff's defenders.

In 2006 I introduced legislation to eliminate the ethanol tariff entirely, and in 2007 I cosponsored an amendment to the Energy Bill which would have eliminated the tariff.

The Imported Ethanol Parity Act is a different proposal that I believe addresses the concerns of tariff defenders.

The advocates of the $0.54 per gallon secondary tariff on ethanol imports have always argued that the tariff is necessary in order to offset the blender subsidy that applies to the use of all ethanol, whether produced domestically or internationally.

They argue that the ethanol subsidy exists to support American farmers who produce ethanol at higher cost than foreign producers. For instance, on May 6, 2006, the Chairman of the Senate Finance Committee stated on the Senate floor that, ''the U.S. tariff on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol.''

On May 9, 2006, the Renewable Fuels Association stated in a press release: ''the secondary tariff exists as an offset to the tax incentive gasoline refiners receive for every gallon of ethanol they blend, regardless of the ethanol's origin.''

In a letter to Congress dated June 20, 2007, the American Coalition for Ethanol, the American Farm Bureau Federation, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Sorghum Producers, and the Renewable Fuels Association stated that the blender tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent U.S. taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff.

In 2008, the Renewable Fuels Association's Executive Director asserted that ''The tariff is there not so much to protect the industry but the U.S. taxpayer.''

I ask tariff advocates to either support this legislation or explain how a tariff can justifiably be higher than the subsidy it is designed to offset.

Bottom Line: Ethanol from Brazil or Australia should not have to overcome a trade barrier that no drop of OPEC oil must face. The tariffs cannot be justifiably maintained at $0.56–$0.59 per gallon if its intent is to offset a $0.45 per gallon blender subsidy, and it should be reduced.

Climate Change is the most significant environmental challenge we face, and I believe that lowering the ethanol tariff will make it less expensive for the United States to combat global warming.

Here is how: the fuel we burn to power our cars is a major source of the greenhouse gas emissions warming our planet. In California, it accounts for 40 percent of all of our emissions. To reduce this impact, we need to increase the fuel efficiency of our vehicles and lower the lifecycle carbon emissions of the fuel itself.

For this reason, in the 110th Congress I introduced the Clean Fuels and Vehicles Act with Senators OLYMPIA SNOWE and SUSAN COLLINS.

The legislation proposed a ''Low Carbon Fuels Standard,'' which would require each major oil company selling gasoline in the United States to reduce the average lifecycle greenhouse gas emissions per unit of energy in their gasoline by 3 percent by 2015 and by 3 percent more in 2020.

This concept became a major aspect of the Energy Independence and Security Act of 2007, in which Congress requires oil companies to use an increasing quantity of ''advanced biofuels'' that produce at least 50 percent less lifecycle greenhouse gas than gasoline.

Unfortunately the ethanol tariff puts a trade barrier in front of the lowest carbon fuel available, making it considerably more expensive for the United States to lower the lifecycle carbon emissions of transportation fuel.

The lifecycle greenhouse gas emissions of ethanol vary depending on production methods and feedstocks, and these differences will impact the degree to which ethanol may be used to meet ''low-carbon'' fuel requirements under the Energy Independence and Security Act of 2007.

For instance, sugar cane ethanol plants use biomass from sugar stalks as process energy, resulting in less fossil fuel input compared to current corn-to-ethanol processes. By comparison, researchers at the University of California concluded that ''only 5 to 26 percent of the energy content in corn ethanol, is renewable. The rest is primarily natural gas and coal,'' which are used in the production process.

The most recent research compiled by the California Air Resources Board concluded that the direct lifecycle greenhouse gas emissions of imported sugar based ethanol are 73 percent lower than gasoline, while the direct lifecycle greenhouse gas emissions of corn based ethanol from the Midwest are 31 percent lower than gasoline.

Even when land use change is factored in, the lifecycle greenhouse gas emissions of sugar-based ethanol from Brazil is the single least emitting fuel option available for today's vehicles. It is only surpassed on an emissions basis by electric and fuel cell cars, which are unfortunately at least a few years away from widespread adoption.

Biofuels that protect our planet may be produced abroad, and we should not put tariffs in front of these fuels, if we import crude oil and gasoline tariff free.

This legislation accomplishes two goals: it corrects the Farm Bill's mistaken policy that imposed a real trade barrier on clean and climate friendly ethanol imports, giving gasoline imports a competitive advantage over cleaner fuel that simply should not exist at a time we are trying to combat climate change.

It prevents ethanol producers abroad from receiving American ethanol subsidies, which is supposedly the intent of the ethanol tariff.

I think it strikes the right balance, and I urge Congress to pass this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 622

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 ''Imported Ethanol Parity Act''.

SEC. 2. ETHANOL TAX PARITY.

Not later than 30 days after the date of the enactment of this Act, and semiannually thereafter, the President shall reduce the temporary duty imposed on ethanol under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States by an amount equal to the reduction in any Federal income or excise tax credit under section 40(h), 6426(b), or 6427(e)(1) of the Internal Revenue Code of 1986 and take any other action necessary to ensure that the combined temporary duty imposed on ethanol under such subheading 9901.00.50 and any other duty imposed under the Harmonized Tariff Schedule of the United States is equal to, or lower than, any Federal income or excise tax credit applicable to ethanol under the Internal Revenue Code of 1986.

By Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, and Mr. BROWN):

S. 623. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Pre-existing Condition Patient Protection Act, legislation to provide crucial protections for individuals with chronic and preexisting conditions. Unfair insurance market rules, including those which allow insurance companies to exclude coverage for preexisting health conditions, have forced thousands of American families into dire medical and financial situations. Addressing this issue is a priority of the President and should be a priority for Congress.

As we begin to consider comprehensive health reform, including significant coverage expansions for the uninsured, this reform should also address the gaps in coverage for the 25 million Americans who are underinsured often due to their preexisting condition. Health insurance coverage should be meaningful and available when people need it.

The Centers for Disease Control and Prevention, CDC, estimates that nearly 45 percent of Americans—or 133 million people—have at least one chronic condition. Furthermore, a report recently published in the Annals of Internal Medicine found that nearly one-third of all uninsured Americans in 2004 had received a chronic condition diagnosis. Early intervention and adequate treatment for those with chronic conditions is vital. Unfortunately, preexisting condition exclusions are often a barrier for individuals seeking access to comprehensive health insurance coverage.

Congress passed the Health Insurance Portability and Accountability Act of 1996, HIPAA, P.L. 104–191, over 10 years ago with the objective of protecting Americans from interruptions in health insurance coverage resulting from job changes or other life transitions. HIPAA provides this protection by restricting when private insurers can use preexisting conditions to limit health insurance coverage. HIPAA has been successful, and many individuals have come to rely on its protections. However, after more than a decade, certain gaps in HIPAA's protection have become apparent.

First, individuals who have been without health insurance coverage for 63 days or more are at risk of being permanently uninsurable. This is particularly true of individuals with preexisting conditions, because a 63-day gap in coverage eliminates any prior creditable coverage. If an employee cannot demonstrate that he or she had prior creditable and continuous coverage, an employer can exclude coverage for preexisting conditions for up to 12 months.

Second, employers can restrict coverage for preexisting conditions to otherwise qualified employees based on a 6-month ''look-back'' period. This means that an employer may use medical recommendations, diagnoses, and treatments within the most recent six months to deny health coverage for a ''preexisting condition'' for up to 12 months.

Third, the protections offered to individuals moving into a group health plan, or moving into the individual insurance market from a group plan, are not available to individuals attempting to shop around for policies within individual market. As a result, individuals who purchase policies in the nongroup market and never have a gap in coverage still have no protection against the preexisting condition exclusions that insurers may choose to impose. In most cases, there is no limit on the length of time an insurer can deny coverage under an individual insurance policy for a preexisting condition. An individual with a chronic condition who is buying coverage in the individual market today is likely to pay a high deductible, have a large monthly premium, and have the very illness they need coverage for written out of their policy.

The Pre-existing Condition Patient Protection Act I am introducing today would address all three of these gaps in the current HIPAA law by eliminating preexisting condition exclusions in every single market. While this change is not the only insurance market reform necessary, it is a great step forward in improving the health coverage available to the 133 million Americans living with at least one chronic condition.

Access to treatment is critical for these individuals, and a permanent fix to the law regarding coverage exclusions is crucial for our Nation in reforming our health care system. Therefore, I urge my colleagues to join me in supporting this important bill. The time for action is now.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 623

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 ''Preexisting Condition Patient Protection Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the United States Census Bureau, 45,700,000 individuals were uninsured in 2007.

(2) According to a recent study by the Commonwealth Fund, the number of underinsured adults ages 19 to 64 has jumped 60 percent over the last 4 years, from 16,000,000 in 2003 to 25,000,000 in 2007.

(3) According to the Center for Disease Control and Prevention, approximately 45 percent of Americans have at least 1 chronic condition.

(4) Forty-four States currently allow insurance companies to deny coverage for, limit coverage for, or charge increased premiums for a pre-existing condition.

(5) Over 26,000,000 individuals were enrolled in private individual market health plans in 2007. Under the amendments made by the Health Insurance Portability and Accountability Act of 1996, these individuals have no protections against pre-existing condition exclusions or waiting periods.

(6) When an individual has a 63-day gap in health insurance coverage, pre-existing condition exclusions, such as limiting coverage, can be placed on them when they become insured under a new health insurance policy.

(7) Eliminating pre-existing condition exclusions for all individuals is a vital safeguard to ensuring all Americans have access to health care when in need.

(8) According to a Kaiser Family Foundation/Harvard School of Public Health public opinion poll, 58 percent of Americans strongly favor the Federal Government requiring health insurance companies to cover anyone who applies for health coverage, even if they have a prior illness.

SEC. 3. ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS UNDER GROUP HEALTH PLANS.

(a) APPLICATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS.—Section 701 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181) is amended—

(A) by amending the heading to read as follows: ''**ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS**'';

(B) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, with respect to a participant or beneficiary—

''(1) may not impose any pre-existing condition exclusion; and

''(2) in the case of a group health plan that offers medical care through health insurance coverage offered by a health maintenance organization, may not provide for an affiliation period with respect to coverage through the organization.'';

(C) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) AFFILIATION PERIOD.—The term 'affiliation period' means a period which, under the terms of the health insurance coverage offered by the health maintenance organization, must expire before the health insurance coverage becomes effective.'';

(D) by striking subsections (c), (d), (e), and (g); and

(E) by redesignating subsection (f) (relating to special enrollment periods) as subsection (c).

(2) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 701 is amended to read as follows:

''Sec. 701. Elimination of pre-existing condition exclusions.''.

(b) APPLICATION UNDER PUBLIC HEALTH SERVICE ACT.—

(1) ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS.—Section 2701 of the Public Health Service Act (42 U.S.C. 300gg) is amended—

(A) by amending the heading to read as follows: ''**ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS**'';

(B) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, with respect to a participant or beneficiary—

''(1) may not impose any pre-existing condition exclusion; and

''(2) in the case of a group health plan that offers medical care through health insurance coverage offered by a health maintenance organization, may not provide for an affiliation period with respect to coverage through the organization.'';

(C) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) AFFILIATION PERIOD.—The term 'affiliation period' means a period which, under the terms of the health insurance coverage offered by the health maintenance organization, must expire before the health insurance coverage becomes effective.'';

(D) by striking subsections (c), (d), (e), and (g); and

(E) by redesignating subsection (f) (relating to special enrollment periods) as subsection (c).

(2) TECHNICAL AMENDMENTS RELATING TO EMPLOYER SIZE.—Section 2711 of such Act (42 U.S.C. 300gg–11) is amended—

(A) in subsection (a)—

(i) in the heading, by striking ''SMALL'';

(ii) in paragraph (1)—

(I) by striking ''(c) through (f)'' and inserting ''(b) through (d)'';

(II) in the matter before subparagraph (A), by striking ''small''; and

(III) in subparagraph (A), by striking ''small employer (as defined in section 2791(e)(4))'' and inserting ''employer''; and

(iii) in paragraph (2)—

(I) by striking ''small'' each place it appears; and

(II) by striking ''coverage to a'' and inserting ''coverage to an'';

(B) by striking subsection (b);

(C) in subsections (c), (d), and (e), by striking ''small'' each place it appears; and

(D) by striking subsection (f).

(c) APPLICATION UNDER THE INTERNAL REVENUE CODE OF 1986.—

(1) ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS.—Section 9801 of the Internal Revenue Code of 1986 is amended—

(A) by amending the heading to read as follows: ''**ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS**'';

(B) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—A group health plan with respect to a participant or beneficiary may not impose any pre-existing condition exclusion.'';

(C) by striking paragraph (3) of subsection (b);

(D) by striking subsections (c), (d), and (e); and

(E) by redesignating subsection (f) (relating to special enrollment periods) as subsection (c).

(2) CLERICAL AMENDMENT.—The item in the table of sections of chapter 100 of such Code relating to section 9801 is amended to read as follows:

''Sec. 9801. Elimination of preexisting condition exclusions.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning after the end of the 12th calendar month following the date of the enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and 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 extension thereof agreed to after the date of the enactment of this Act); or

(B) the date that is after the end of the 12th calendar month following the date of enactment of this Act.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 4. NONDISCRIMINATION IN INDIVIDUAL HEALTH INSURANCE.

(a) IN GENERAL.—Section 2741 of the Public Health Service Act (42 U.S.C. 300gg–41) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) GUARANTEED ISSUE.—Subject to the succeeding subsections of this section, each health insurance issuer that offers health insurance coverage (as defined in section 2791(b)(1)) in the individual market to individuals residing in an area may not, with respect to an eligible individual (as defined in subsection (b)) residing in the area who desires to enroll in individual health insurance coverage—

''(A) decline to offer such coverage to, or deny enrollment of, such individual; or

''(B) impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the end of the 12th calendar month following the date of the enactment of this Act.

SEC. 5. TRANSPARENCY IN CLAIMS DATA.

(a) REPORT ON ADVERSE SELECTION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report concerning the occurrence of adverse selection as a result of the enactment of this Act. Such report shall be based on the data reported under subsection (b).

(b) MANDATORY REPORTING.—A health insurance issuer to which this Act applies, shall upon the request of the Secretary, submit to the Secretary of Health and Human Services, data concerning—

(1) the number of new enrollees in health plans offered by the issuer during the year involved;

(2) the number of enrollees who re-enrolled in health plans offered by the issuer during the year involved;

(3) the demographic characteristics of enrollees;

(4) the number, nature, and dollar amount of claims made by enrollees during the year involved;

(5) the number of enrollees who disenrolled or declined to be reenrolled during the year involved; and

(6) any other information determined appropriate by such Secretary.

(c) ENFORCEMENT.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-91 et seq.) is amended by adding at the end the following:

''SEC. 2793. PROVISION OF INFORMATION.

''(a) IN GENERAL.—The Secretary shall require that group health plans and health insurance issuers to which this Act applies provide data to the Secretary, at such times and in such manner as the Secretary may require, in order to permit the Secretary to monitor compliance with the requirements of this Act (including requirements imposed under the Preexisting Condition Patient Protection Act of 2009 (and the amendment made by that Act)).

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—A group health plan or health insurance issuer that fails to provide information as required under subsection (a) shall be subject to a civil money penalty under this section.

''(2) AMOUNT OF PENALTY.—

''(A) IN GENERAL.—The maximum amount of penalty imposed under this paragraph is $100 per covered life for each day that the plan or issuer fails to comply with this section.

''(B) CONSIDERATION IN IMPOSITION.—In determining the amount of any penalty to be assessed under this paragraph, the Secretary shall take into account the previous record of compliance of the entity being assessed with this section and the gravity of the violation.''.

SEC. 6. REPORT ON AFFORDABLE HEALTH INSURANCE COVERAGE.

Not later than 12 months after the date of enactment of this Act, the Government Accountability Office shall submit to the Secretary of Health and Human Services a report concerning the impact of this Act and other Federal laws relating to the regulation of health insurance and its effect on the affordability of health insurance coverage for individuals in all insurance markets and a description of the effect of this Act on the expansion of coverage and reductions in the number of uninsured and underinsured.

By Mr. DURBIN (for himself, Mr. CORKER, and Mrs. MURRAY):

S. 624. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Relations.

Mr. DURBIN. Later this week we will mark World Water Day. It is an important reminder of the many challenges we continue to face in providing clean water and sanitation to the world's poor.

We have made progress in recent years, but around the world today, nearly 1 billion people continue to lack access to clean, safe water. More than 2 billion people lack access to basic sanitation. Most of these people live on less than $2 a day. They are the voiceless and the powerless of the world.

That is why today, Senator BOB CORKER and Senator PATTY MURRAY and I are introducing the Paul Simon Water for the World Act in the United States Senate. Congressmen BLUMENAUER and PAYNE have introduced the same bill in the House.

Our bill will reestablish U.S. leadership on one of the defining challenges of the 21st century: water.

The goal is to reach an additional 100 million of the world's poorest people with sustainable access to safe drinking water and basic sanitation by 2015. This would represent the largest single commitment of any donor country to meeting the Millennium Development Goal on water, which is to reduce by half the proportion of people without access to safe drinking water and sanitation by 2015.

The bill targets aid to areas with the greatest need. It helps build the capacity of poor nations to meet their own water and sanitation challenges. It supports research on clean water technologies and regional partnerships to find solutions to shared water challenges.

The bill provides technical assistance—best practices, credit authorities, and training—to help countries expand access to clean water and sanitation. Our development experts will design the assistance based on local needs.

The Water for the World Act also designates within the State Department a high-level representative to ensure that water receives priority attention in our foreign policy, and establishes a new Office of Water at USAID to implement development assistance efforts related to water.

We ought to be assigning some of our best minds to solve the global water challenge. Right now, however, we don't have the staff at USAID to meet our goals on water or any other urgent development need.

At a time when it is more important than ever to win the hearts and minds of those around the world, as well as to address the challenges of fragile and failed states, our top development agency is suffering from an inexcusable shortage of expert staff.

In the 1960s, USAID had more than 5,000 Foreign Service Officers; today, when the needs are greater than ever, it has just over 1,000.

To correct this imbalance and help rebuild our smart power, I recently introduced a bill that would triple the number of USAID Foreign Service Officers by 2012. It's called the Increasing America's Development Capacity Act, and it's an essential part of our efforts to rebuild America's smart power role in the world—on food security, health, economic development, and yes, water.

I owe my passion on water to my friend and mentor, the man whose seat I now occupy in the U.S. Senate: the late Senator Paul Simon.

He was a profoundly good and wise man. He was also a visionary. He saw connections that many people missed. He saw answers to problems before most people even saw the problems.

As many of you know, solving the global water crisis was his last great campaign. In 1998, he wrote a book called ''Tapped Out: The Coming World Crisis in Water and What We Can Do About It.''

Paul Simon would go anywhere, and talk to anyone, to try to get people and governments to take the global water crisis seriously. In the last year of his life, he traveled to Israel to moderate a panel between the Israeli and Palestinian water commissioners. He said that he and most of the people in the audience—were amazed that the two commissioners agreed on almost everything.

But when he looked in the newspapers the next day, there was nothing about the meeting. Not a word. He said that was ''because nobody was shouting at each other.'' That's part of the challenge.

The global water crisis is a quiet killer. In the developing world, water-related diseases claim the lives of 5,000 children every day. Diarrhea alone kills nearly 2 million children under the age of 5 each year. As CSIS's ''Global Water Futures'' report hauntingly points out, that is the equivalent of all the children under age 5 in New York and London combined.

Mothers who fear the deaths of their children bear more, in a desperate race against the odds. The lack of clean water enslaves poor women in other ways, as well. In many poor nations, women and girls walk two or three hours or more each way, every day, to collect water that is often dirty and unsafe.

The UN estimates that women and girls in Sub-Saharan Africa spend a total of 40 billion working hours each year collecting water. That is equivalent to all of the hours worked in France in a year.

A developing economy cannot grow if its people are too busy collecting water, or too sick from drinking unsafe water, to work or to go to school.

What Senator Simon knew 10 years ago, and the rest of us are slowly coming around to see, is that we can't begin to solve the problems of global hunger and poverty without addressing the global water crisis.

And water is not simply a humanitarian challenge. It is a threat to global stability and the global economy.

Last June, Goldman Sachs held a meeting to assess the top five risks facing the world economy. Resource scarcity—including competition for water, food and energy—was at the top of the list.

Fortune magazine recently predicted that the global water crisis will be as serious in the 21st century as the oil crises were in the 20th, potentially leading to war.

Paul Simon understood the potential for conflicts over dwindling supplies of clean water. It alarmed him. He used to say, ''Nations go to war for oil, but there are substitutes for oil. There are no substitutes for water.'' We see that in the roots of the conflict in Darfur.

I have seen the challenge of water in so many of my recent trips abroad.

Two years ago I travelled to Jordan after a trip to Iraq. I went to talk with people there about the impact of the

war in Iraq on one of our most important allies in the region.

The Jordanian Minister of Planning and International Cooperation, Ms. Suhair-al-Ali, told me that between 600,000 and 700,000 Iraqi refugees were living in Jordan at that time. That was equivalent to 10 percent of Jordan's entire population. For us in the U.S., that would be the equivalent of 30 million refugees.

The massive influx of Iraqi refugees had strained the ability of Jordan's government to provide basic services almost to the breaking point. What did the minister identify as one of Jordan's biggest problems? Water.

It is not just Jordan. Water is central to the fate of the entire Middle East.

In his book, Paul Simon quoted former Israeli Prime Minister Yitzhak Rabin as saying, ''If we solve every other problem in the Middle East but do not satisfactorily resolve the water problem, our region will explode. Peace will not be possible.''

You do not have to travel halfway around the world to see the devastating consequences of lack of access to clean water.

A few months ago I traveled to Haiti. This was my second visit and it is always a shock. A 90-minute plane ride from Miami takes you to another world.

There are no public sewage treatment or disposal systems anywhere in the country. Even in the capital, Port-au-Prince, a city of 2 million people, the drainage canals are choked with garbage and sewage.

It is no wonder that Haiti has the highest infant and child mortality rate in the Western Hemisphere. One-third of Haiti's children do not live to see the age of 5. The leading killer? Waterborne diseases: hepatitis, thyphoid and diarrhea.

While there, I visited a rural health clinic run by a group called Partners in Health, co-founded by Dr. Paul Farmer. Dr. Farmer is a wonderful man who has improved the lives of so many, from Rwanda to Haiti.

He showed me a water purification kit that his clinic gives to nursing mothers with HIV/AIDS. This allows them to make formula for their babies and not transmit the virus through breastfeeding. It is simple, inexpensive, and life-saving.

Some years ago I visited Bolivia, one of the poorest countries in Latin America. Bolivia is an example of what awaits many countries' water supplies because of global warming.

Much of its population relies on melting glaciers for its water. But because of climate change the glaciers are not being replenished and some are already disappearing. These trends are happening from the snows of Mount Kilimanjaro to the Alps to the Himalayas.

How will the world respond to the water needs such as Bolivia and others who rely on glaciers for their water supplies?

I recently returned from a visit to Cyprus. The island has been divided now for more than 30 years. The leaders on both sides are engaged in brave and important discussions to reunify the island. Amid this hopeful progress toward peace, another problem plagues this island—water.

The groundwater in Cyprus is being depleted too quickly, often for agriculture, and it is being replenished too often with salt water that creeps into the water table. Global warming is causing rainfall to decrease.

In recognition of the vast water challenges we face around the world, two years after Paul Simon died, Congress passed the Paul Simon Water for the Poor Act. President Bush signed it into law in December 2005.

It represents the first time the U.S. has codified our commitment to any of the Millennium Development Goals. The Paul Simon Water for the Poor Act makes safe water and basic sanitation a top priority for all U.S. foreign assistance.

In 2007 alone, it helped provide nearly 2 million people in over 30 countries with access to a better source of drinking water, and more than 1.5 million people with better sanitation.

The Water for the Poor Act is saving lives, but its impact could be greater. The Paul Simon Water for the World Act will help us expand these efforts to make a profound and sustainable difference in the lives of the world's poor.

As we prepare to mark World Water Day this Sunday, let us recommit ourselves to a new effort on safe water and sanitation.

Throughout history, civilized nations have put aside political differences to address compelling issues of life and survival. Our generation owes the world nothing less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 624

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 ''Senator Paul Simon Water for the World Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce by half between 1990 (the baseline year) and 2015—

(i) the proportion of people who are unable to reach or afford safe drinking water; and

(ii) the proportion of people without access to basic sanitation.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) The effects of climate change are expected to produce severe consequences for water availability and resource management in the future, with 2,800,000,000 people in more than 48 countries expected to face severe and chronic water shortages by 2025.

(7) According to the November 2008 report entitled, ''Global Trends 2025: A Transformed World'', the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.

(8) A 2009 report published in the Proceedings of the National Academy of Sciences projects that the effects of climate change will produce long-term droughts and raise sea levels for the next 1,000 years, regardless of future efforts to combat climate change.

(9) According to the 2005 Millennium Ecosystem Assessment, commissioned by the United Nations, more than ⅛ of the world population relies on freshwater that is either polluted or excessively withdrawn.

(10) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(11) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should lead a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to provide first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) by 2015; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

''(e) OFFICE OF WATER.—

''(1) ESTABLISHMENT.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall establish the Office of Water within the Bureau for Economic Growth, Agriculture, and Trade.

''(2) LEADERSHIP.—The Office of Water shall be headed by a Director for Safe Water and Sanitation, who shall report directly to the Assistant Administrator of the Bureau for Economic Growth, Agriculture, and Trade.

''(3) DUTIES.—The Director shall—

''(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

''(B) develop and implement country-specific water strategies and expertise, in collaboration with appropriate United States Agency for International Development Mission Directors, to meet the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation by 2015; and

''(C) place primary emphasis on providing safe, affordable, and sustainable drinking water, sanitation, and hygiene in a manner that—

''(i) is consistent with sound water resource management principles; and

''(ii) utilizes such approaches as direct service provision, capacity building, institutional strengthening, regulatory reform, and partnership collaboration.

''(4) CAPACITY.—The Director may utilize interagency details or partnerships with universities, civil society, and the private sector, as needed, to strengthen implementation capacity.

''(f) SPECIAL COORDINATOR FOR INTERNATIONAL WATER.—

''(1) ESTABLISHMENT.—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, integrated river basin management, and other international water programs, the Secretary of State shall establish a Special Coordinator for International Water (referred to in this subsection as the 'Special Coordinator'), who shall report to the Under Secretary for Democracy and Global Affairs.

''(2) DUTIES.—The Special Coordinator shall—

''(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including interagency coordination related to—

''(i) sustainable access to safe drinking water, sanitation, and hygiene;

''(ii) integrated river basin and watershed management;

''(iii) transboundary conflict;

''(iv) agricultural and urban productivity of water resources;

''(v) disaster recovery, response, and rebuilding,

''(vi) pollution mitigation; and

''(vii) adaptation to hydrologic change due to climate variability; and

''(B) ensure that international freshwater issues are represented—

''(i) within the United States Government; and

''(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.

''(3) STAFF.—The Special Coordinator is authorized to hire a limited number of staff to carry out the duties described in paragraph (2).''.

SEC. 6. SAFE WATER, SANITATION, AND HYGIENE STRATEGY.

Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) is amended—

(1) in subsection (c), by adding at the end the following: ''In developing the program activities needed to implement the strategy, the Secretary shall consider the results of the assessment described in subsection (e)(9).''; and

(2) in subsection (e)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(7) an assessment of all United States Government foreign assistance allocated to the drinking water and sanitation sector during the 3 previous fiscal years, across all United States Government agencies and programs, including an assessment of the extent to which the United States Government's efforts are reaching the goal of providing first-time access to safe water and sanitation on a sustainable basis for 100,000,000 people in high priority countries;

''(8) recommendations on what the United States Government would need to do to achieve the goals referred to in paragraph (7), in support of the United Nation's Millennium Development Goal on access to safe drinking water; and

''(9) an assessment of best practices for mobilizing and leveraging the financial and technical capacity of business, governments, nongovernmental organizations, and civil society in forming public-private partnerships that measurably increase access to safe drinking water and sanitation.''.

SEC. 7. DEVELOPING LOCAL CAPACITY.

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

''SEC. 9. WATER AND SANITATION INSTITUTIONAL CAPACITY-BUILDING PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development (referred to in this section as the 'Secretary' and the 'Administrator', respectively), in consultation with host country institutions, the Centers for Disease Control and Prevention, the Department of Agriculture, and other agencies, as appropriate, shall establish, in every high priority country, a program to build the capacity of host country institutions and officials responsible for water and sanitation in countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, including training at appropriate levels, to—

''(A) provide affordable, equitable, and sustainable access to safe drinking water and sanitation;

''(B) educate the populations of such countries about the dangers of unsafe drinking water and lack of proper sanitation; and

''(C) encourage behavior change to reduce individuals' risk of disease from unsafe drinking water and lack of proper sanitation and hygiene.

''(2) COORDINATION.—The programs established under subsection (a) shall be coordinated in each country by the lead country water manager designated in subsection (b)(2).

''(3) EXPANSION.—The Secretary and the Administrator may establish the program described in this section in additional countries if the receipt of such capacity building would be beneficial for promoting access to safe drinking water and sanitation, with due consideration given to good governance.

''(4) CAPACITY.—The Secretary and the Administrator—

''(A) shall designate staff with appropriate expertise to carry out the strategy developed under section 4; and

''(B) may utilize, as needed, interagency details or partnerships with universities, civil society, and the private sector to strengthen implementation capacity.

''(b) DESIGNATION.—The United States Agency for International Development Mission Director for each country receiving a 'high priority' designation under section 6(f) and for each region containing a country receiving such designation shall—

''(1) designate safe drinking water and sanitation as a strategic objective;

''(2) appoint an employee of the United States Agency for International Development as in-country water and sanitation manager to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) with host country officials at various levels of government responsible for water and sanitation, the Department of State, and other relevant United States Government agencies; and

''(3) coordinate with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.''.

SEC. 8. OTHER ACTIVITIES SUPPORTED.

Section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end; and

(3) by adding at the end the following:

''(5) foster global cooperation on research and technology development, including regional partnerships among water experts to address safe drinking water, sanitation, water resource management, and other water-related issues;

''(6) establish regional and cross-border cooperative activities between scientists and specialists that work to share technologies and best practices, mitigate shared water challenges, foster international cooperation, and defuse cross-border tensions;

''(7) provide grants through the United States Agency for International Development to foster the development, dissemination, and increased and consistent use of low cost and sustainable technologies, such as household water treatment, hand washing stations, and latrines, for providing safe drinking water, sanitation, and hygiene that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure;

''(8) in collaboration with the Centers for Disease Control and Prevention, Department of Agriculture, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other agencies, as appropriate, conduct formative and operational research and monitor and evaluate the effectiveness of programs that provide safe drinking water and sanitation; and

''(9) integrate efforts to promote safe drinking water, sanitation and hygiene with existing foreign assistance programs, as appropriate, including activities focused on HIV/AIDS, malaria, tuberculosis, maternal and child health, food security, and nutritional support.''.

SEC. 9. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 7, is amended by adding at the end the following: ''The report submitted under this subsection shall include an assessment of current and likely future political tensions over water sources and multidisciplinary assessment of the expected impacts of global climate change on water supplies in 10, 25, and 50 years.''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2009 and for each subsequent fiscal year such sums as may be necessary to carry out this Act and the amendments made by this Act, pursuant to the criteria set forth in the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

(b) USE OF FUNDS.—

(1) GENERAL WATER RESOURCE MANAGEMENT ACTIVITIES.—Up to 20 percent of the amounts appropriated to implement this Act may be used to support general water resource management activities that improve countries' overall water sources.

(2) OTHER ACTIVITIES.—Any amounts appropriated to implement this Act that are not used to carry out the activities described in paragraph (1) shall be allocated for activities related to safe drinking water, sanitation, and hygiene.

By Ms. LANDRIEU:

S. 626. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled the Lower Mississippi River National Historic Site Study Act. This bill will direct the Secretary of the Interior to study the suitability and feasibility of designating sites in Plaquemines Parish along the Lower Mississippi River Area as a unit of the National Park System. I cannot think of a more timely occasion to reintroduce this bill as Secretary Salazar is expected to be touring southeast Louisiana tomorrow.

The first step to becoming a unit in the National Park System is to conduct a special resources study to determine whether an area possesses nationally significant natural, cultural, or recreational resources to be eligible for favorable consideration. This is exactly what my bill does—it asks the Department of the Interior to take the first step in determining what I already know—that the Lower Mississippi River Area would be a suitable and feasible asset to the National Park Service.

I am proud to come to the floor today to reintroduce this bill. This area has vast historical significance and is an area with rich cultural history. In the 1500s, Spanish explorers traveled along the banks of the river. In 1682, Robert de LaSalle claimed all the land drained by the area. In 1699, the area became the site of the first fortification on the Lower Mississippi river, known as Fort Mississippi. Since then, it has been the home to 10 different fortifications, including Fort St. Philip and Fort Jackson.

Fort St. Philip, which was originally built in 1749, played a key role during the Battle of New Orleans when soldiers blocked the British navy from going upriver. Fort Jackson was built at the request of GEN Andrew Jackson and partially constructed by famous local Civil War General P.G.T. Beauregard. This fort was the site of the famous Civil War battle know as the Battle of Forts which is also referred to as the ''night the war was lost.'' Mr. President, as you can see, from a historical perspective, this area has many treasures that provide us a glimpse into our past. These are areas that have national significance. They should be maintained and preserved.

There are also many other important and unique attributes to this area. This area is home to the longest continuous river road and levee system in the United States. It is also home to the ancient Head of Passes site, to the Plaquemines Bend, and to two national wildlife refuges.

Finally, this area has a rich cultural heritage. Over the years, many different cultures have made this area home including Creoles, Europeans, Indians, Yugoslavs, African-Americans and Vietnamese. These cultures have worked together to create the infrastructure for transportation of our nation's energy which is being produced by these same people out in the Gulf of Mexico off our shores. They have also created a fishing industry that contributes to Louisiana's economy.

I think it is easy to see why this area would make an excellent addition to the National Park Service. That is why I am reintroducing this bill—to begin the process of adding this area as a unit to the National Park Service by conducting a study to determine the suitability and feasibility of bringing this area into the system. I look forward to working with my colleagues to quickly enact this bill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 675. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

SA 676. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 677. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 678. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 679. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, supra.

SA 680. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, supra.

SA 681. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 682. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 683. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 684. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, supra.

TEXT OF AMENDMENTS

SA 675. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. EMINENT DOMAIN.

Notwithstanding any other provision of this Act (or an amendment made by this Act), no land or interest in land (other than access easements) shall be acquired under this Act by eminent domain.

SA 676. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON NEW CONSTRUCTION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the ''Secretary'') shall not begin any new construction in units of the National Park System until the Secretary determines that all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—

(1) fully operational;

(2) fully accessible to the public; and

(3) pose no health or safety risk to the general public or employees of the National Park Service.

(b) EXCLUSIONS.—Subsection (a) shall not affect—

(1) the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs; or

(2) any new construction that the Secretary determines to be necessary for public safety.

SA 677. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program

for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—Except as provided in subsection (c), an annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) EXCLUSIONS.—Notwithstanding subsection (b), the Director shall exclude from an annual report required under subsection (a) any information that the Director determines would threaten national security.

(d) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

SA 678. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7405, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

SA 679. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LAND.

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy on public land, including geothermal, solar, and wind energy and related transmission infrastructure.

SA 680. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. LIMITATIONS ON NEW CONSTRUCTION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the ''Secretary'') shall not begin any new construction in units of the National Park System until the Secretary determines that all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—

(1) fully operational;

(2) fully accessible to the public; and

(3) pose no health or safety risk to the general public or employees of the National Park Service.

(b) EXCLUSIONS.—Subsection (a) shall not affect—

(1) the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs; or

(2) any new construction that the Secretary determines to be necessary for public safety.

SA 681. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7404, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

SA 682. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 6304 through 6308 and insert the following:

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURES.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, and to protect, monitor, and study the resources and sites.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SA 683. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7404, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands,

a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

SA 684. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.
Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
Sec. 1003. Monongahela National Forest boundary confirmation.
Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.
Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest, 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. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
Sec. 1206. Land exchanges.
Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

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

Subtitle E—Cascade-Siskiyou National Monument, Oregon

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

Subtitle F—Owyhee Public Land Management

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

Subtitle G—Sabinoso Wilderness, New Mexico

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

Subtitle H—Pictured Rocks National Lakeshore Wilderness

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

Subtitle I—Oregon Badlands Wilderness

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

Subtitle J—Spring Basin Wilderness, Oregon

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

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

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

Subtitle L—Riverside County Wilderness, California

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

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

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

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

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

Subtitle O—Washington County, Utah

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

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

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

Subtitle B—Prehistoric Trackways National Monument

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

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

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

Subtitle D—Snake River Birds of Prey National Conservation Area

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

Subtitle E—Dominguez-Escalante National Conservation Area

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

Subtitle F—Rio Puerco Watershed Management Program

Sec. 2501. Rio Puerco Watershed Management Program.

Subtitle G—Land Conveyances and Exchanges

Sec. 2601. Carson City, Nevada, land conveyances.
Sec. 2602. Southern Nevada limited transition area conveyance.
Sec. 2603. Nevada Cancer Institute land conveyance.
Sec. 2604. Turnabout Ranch land conveyance, Utah.
Sec. 2605. Boy Scouts land exchange, Utah.
Sec. 2606. Douglas County, Washington, land conveyance.
Sec. 2607. Twin Falls, Idaho, land conveyance.

Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
Sec. 2609. Park City, Utah, land conveyance.
Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

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

Subtitle D—Land Conveyances and Exchanges

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

Subtitle E—Colorado Northern Front Range Study

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

TITLE IV—FOREST LANDSCAPE RESTORATION

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

TITLE V—RIVERS AND TRAILS

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

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

Subtitle B—Wild and Scenic Rivers Studies

Sec. 5101. Missisquoi and Trout Rivers Study.

Subtitle C—Additions to the National Trails System

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

Subtitle D—National Trail System Amendments

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

Subtitle E—Effect of Title

Sec. 5401. Effect.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

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

Subtitle B—Competitive Status for Federal Employees in Alaska

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

Subtitle C—Wolf Livestock Loss Demonstration Project

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

Subtitle D—Paleontological Resources Preservation

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

Subtitle E—Izembek National Wildlife Refuge Land Exchange

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

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

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

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

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

Subtitle C—Special Resource Studies

Sec. 7201. Walnut Canyon study.
Sec. 7202. Tule Lake Segregation Center, California.
Sec. 7203. Estate Grange, St. Croix.
Sec. 7204. Harriet Beecher Stowe House, Maine.
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TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

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

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

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

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

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

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

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

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

(b) MAPS AND LEGAL DESCRIPTION.—

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

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

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

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

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

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

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

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

SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

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

(b) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be the boundaries of the Monongahela National Forest as of January 1, 1965.

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) PLAN.—

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

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

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

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

Subtitle B—Virginia Ridge and Valley Wilderness

SEC. 1101. DEFINITIONS.

In this subtitle:

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

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

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

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

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

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

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

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

(5) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) in section 6(a)—

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

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

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

(D) by adding at the end the following:

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

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

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

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

(c) ECOLOGICAL RESTORATION.—

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

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

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

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

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

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

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

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

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled ''Bear Creek'' and dated April 28, 2008, which shall be known as the ''Bear Creek National Scenic Area''.

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

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

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

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

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

(c) ADMINISTRATION.—

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

(A) this subtitle; and

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

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

(d) MANAGEMENT PLAN.—

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

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

(e) ROADS.—

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

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

(f) TIMBER HARVEST.—

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

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

(A) control fire;

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

(C) control insect and disease outbreaks.

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

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

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

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

(i) MOTORIZED VEHICLES.—

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

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

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

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

(C) during deer and bear hunting seasons—

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

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

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

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

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

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

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

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

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

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

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

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

(2) nonmotorized recreation trails in the scenic areas.

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

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

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

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

(1) the scenic areas;

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

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

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

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

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

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

SEC. 1107. EFFECTIVE DATE.

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

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

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

Subtitle C—Mt. Hood Wilderness, Oregon

SEC. 1201. DEFINITIONS.

In this subtitle:

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

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

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

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

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

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

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

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

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

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 36,550 acres, as generally depicted on the map entitled ''Roaring River Wilderness—Roaring River Wilderness'', dated July 16, 2007, which shall be known as the ''Roaring River Wilderness''.

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

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

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

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

(1) ROARING RIVER POTENTIAL WILDERNESS AREA.—

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

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

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

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

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

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

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

(d) MAPS AND LEGAL DESCRIPTIONS.—

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

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

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

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

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

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

(e) ADMINISTRATION.—

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

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

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

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

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

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

(f) BUFFER ZONES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(176) FIFTEENMILE CREEK, OREGON.—

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

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

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

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

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

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

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

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

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

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

''(179) FISH CREEK, OREGON.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.''.

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

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

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

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

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

(c) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1)

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

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

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

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

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

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

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

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

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

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

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

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

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

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

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

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

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

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

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

(5) to rectify a hazardous road condition.

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

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

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

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

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

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

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

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

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

(1) ESTABLISHMENT.—

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

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

(C) WITHDRAWAL.—

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

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

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

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

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

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

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

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

(3) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

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

(4) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall—

(i) administer the Management Unit—

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

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

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

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

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

(I) National Forest System land; or

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

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

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

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

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

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

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

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

(6) FOREST ROAD CLOSURES.—

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

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

(7) PRIVATE LAND.—

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

(i) the owners of the private property; and

(ii) guests to the private property.

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

(8) ACQUISITION OF LAND.—

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

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

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

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

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

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

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

(3) MAPS AND LEGAL DESCRIPTIONS.—

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

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

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

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

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

(4) USE OF LAND.—

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

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

(i) Permanent roads.

(ii) Commercial enterprises.

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

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

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

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

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

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

SEC. 1206. LAND EXCHANGES.

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

(1) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

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

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

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

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

(C) CONDITIONS ON ACCEPTANCE.—

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

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

(D) APPRAISALS.—

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

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

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

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

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

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

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

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

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

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

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

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

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

(b) PORT OF CASCADE LOCKS LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

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

(3) CONDITIONS ON ACCEPTANCE.—

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

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

(4) APPRAISALS.—

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

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

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) SURVEYS.—

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

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

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

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

(1) DEFINITIONS.—In this subsection:

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

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

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

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

(2) HUNCHBACK MOUNTAIN LAND EXCHANGE.—

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

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

(C) CONDITIONS ON ACCEPTANCE.—

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

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

(D) APPRAISALS.—

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

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

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

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

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

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

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

(3) BOUNDARY ADJUSTMENT.—

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

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

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

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

(i) in accordance with—

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

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

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

(C) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

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

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

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

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

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

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

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

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

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

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

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) TRANSPORTATION PLAN.—

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

(A) to promote appropriate economic development;

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

(C) to enhance public safety.

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

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

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

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

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

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

(i) providing emergency routes; or

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

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

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

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

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

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

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

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

(b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP STRATEGY.—

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

(2) SUBMISSION TO CONGRESS.—

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

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

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

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

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

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

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

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

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

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

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

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

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering a Forest Service road in the Mount

Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

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

Subtitle D—Copper Salmon Wilderness, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

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

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

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

(3) by adding at the end the following:

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

(b) MAPS AND LEGAL DESCRIPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

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

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

Subtitle E—Cascade-Siskiyou National Monument, Oregon

SEC. 1401. DEFINITIONS.

In this subtitle:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) EXISTING GRAZING LEASES.—

(1) DONATION OF LEASE.—

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

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

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

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

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

(2) DONATION OF PORTION OF GRAZING LEASE.—

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

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

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

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

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

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

(3) COMMON ALLOTMENTS.—

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

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

(b) LIMITATIONS.—The Secretary—

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

(A) shall not issue any grazing lease; and

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

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

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

SEC. 1403. BOX R RANCH LAND EXCHANGE.

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

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

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of

the United States in and to the Bureau of Land Management land; and

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

(b) SURVEYS.—

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

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

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

(1) valid existing rights;

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

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

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

(d) APPRAISALS.—

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

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

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

(B) the Uniform Standards of Professional Appraisal Practice.

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

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

SEC. 1404. DEERFIELD LAND EXCHANGE.

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

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

(2) if Deerfield Learning Associates accepts the offer—

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

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

(b) SURVEYS.—

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

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

(c) CONDITIONS.—

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

(A) valid existing rights;

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

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

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

(d) APPRAISALS.—

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

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

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

(B) the Uniform Standards of Professional Appraisal Practice.

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

SEC. 1405. SODA MOUNTAIN WILDERNESS.

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

(b) MAP AND LEGAL DESCRIPTION.—

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

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

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

(2) FORCE AND EFFECT.—

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

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

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

(c) ADMINISTRATION OF WILDERNESS.—

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

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

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

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

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

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

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

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

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

(A) become part of the Wilderness; and

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

SEC. 1406. EFFECT.

Nothing in this subtitle—

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

(2) authorizes the use of eminent domain;

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

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

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

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.

In this subtitle:

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

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

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

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

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

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

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

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

SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.

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

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

SEC. 1503. WILDERNESS AREAS.

(a) WILDERNESS AREAS DESIGNATION.—

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

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

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

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

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

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

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

(2) MAPS AND LEGAL DESCRIPTIONS.—

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

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

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

(3) RELEASE OF WILDERNESS STUDY AREAS.—

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

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

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

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

(b) ADMINISTRATION.—

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

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

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

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—

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

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

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) LIVESTOCK.—

(A) IN GENERAL.—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101–405.

(B) INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) FENCING.—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) DONATION OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this subtitle.

(ii) TERMINATION.—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) COMMON ALLOTMENTS.—

(I) IN GENERAL.—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) PARTIAL DONATION.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

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

(bb) modify the permit or lease to reflect the revised level of use.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) INCORPORATION OF ACQUIRED LAND.—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) TRAIL PLAN.—

(A) IN GENERAL.—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) OUTFITTING AND GUIDE ACTIVITIES.—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) FISH AND WILDLIFE.—

(A) IN GENERAL.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) MANAGEMENT ACTIVITIES.—

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

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405.

(ii) INCLUSIONS.—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established

in Appendix B of House Report 101–405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) MILITARY OVERFLIGHTS.—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCLUSIONS.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1203(a)(1)) is amended by adding at the end the following:

''(180) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(181) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(182) BRUNEAU RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

''(183) WEST FORK BRUNEAU RIVER, IDAHO.—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbidge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream ¼ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

''(188) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

''(190) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

''(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

''(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

''(191) OWYHEE RIVER, IDAHO.—

''(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

''(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho–Nevada State border, to be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

''(195) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.''.

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of ¼ mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the ''Owyhee Land Acquisition Account''.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as ''Proposed for Acquisition'' on the maps described in section 1503(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of $8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) AGREEMENTS.—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.

(a) IN GENERAL.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.

(c) LIMITATION TO DESIGNATED ROUTES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) EXCEPTION.—Paragraph (1) shall not apply to snowmobiles.

(d) TEMPORARY LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) SCHEDULE.—

(1) OWYHEE FRONT.—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.

(2) OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle G—Sabinoso Wilderness, New Mexico

SEC. 1601. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''map'' means the map entitled ''Sabinoso Wilderness'' and dated September 8, 2008.

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

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

SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Sabinoso Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

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

(c) ADMINISTRATION OF WILDERNESS.—

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

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

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

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

(A) become part of the Sabinoso Wilderness; and

(B) be managed in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) GRAZING.—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

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

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

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

(5) ACCESS.—

(A) IN GENERAL.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) CERTAIN LAND.—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

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

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

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

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

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

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

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

Subtitle H—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) LINE OF DEMARCATION.—The term ''line of demarcation'' means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

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

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

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

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

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

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

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

(c) BOUNDARY.—

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

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

(d) MAP AND LEGAL DESCRIPTION.—

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

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

(3) FORCE AND EFFECT.—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if

included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1653. ADMINISTRATION.

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

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

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

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

SEC. 1654. EFFECT.

Nothing in this subtitle—

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

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

(3) prohibits—

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

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

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

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

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

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

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

SEC. 1702. OREGON BADLANDS WILDERNESS.

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

(b) ADMINISTRATION OF WILDERNESS.—

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

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

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

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

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

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

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

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

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

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

(c) POTENTIAL WILDERNESS.—

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

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

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

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

(B) incorporated into the Oregon Badlands Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

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

SEC. 1703. RELEASE.

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

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

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

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

SEC. 1704. LAND EXCHANGES.

(a) CLARNO LAND EXCHANGE.—

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

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

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

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

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

(b) DISTRICT EXCHANGE.—

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

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

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

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as ''Federal Government to COID''.

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

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

(d) VALUATION, APPRAISALS, AND EQUALIZATION.—

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

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

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

(2) APPRAISALS.—

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

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

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

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

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

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

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

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

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

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

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

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

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

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

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

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

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

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

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

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

SEC. 1752. SPRING BASIN WILDERNESS.

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

(b) ADMINISTRATION OF WILDERNESS.—

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

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

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

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

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

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

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

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

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

(c) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

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

SEC. 1753. RELEASE.

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

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

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

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

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

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

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

SEC. 1754. LAND EXCHANGES.

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

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

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

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

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

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

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

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

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

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

(b) MCGREER LAND EXCHANGE.—

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

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

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

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

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

(c) KEYS LAND EXCHANGE.—

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

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

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

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

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

(d) BOWERMAN LAND EXCHANGE.—

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

(A) accept the offer; and

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

(2) DESCRIPTION OF LAND.—

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

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

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

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

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

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

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

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

(2) APPRAISALS.—

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

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

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

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

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

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

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

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

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

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

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

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

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

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

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

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

SEC. 1801. DEFINITIONS.

In this subtitle:

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

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

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

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

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

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

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

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

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

(1) HOOVER WILDERNESS ADDITIONS.—

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

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

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

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

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

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

(3) JOHN MUIR WILDERNESS ADDITIONS.—

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

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

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

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

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

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

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

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

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

(5) WHITE MOUNTAINS WILDERNESS.—

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

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

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

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

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

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

(8) PLEASANT VIEW RIDGE WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled

''Pleasant View Ridge Proposed Wilderness'' and dated December 16, 2008, which shall be known as the ''Pleasant View Ridge Wilderness''.

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

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

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

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

(b) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

(e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) FISH AND WILDLIFE MANAGEMENT.—

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

(A) consistent with applicable wilderness management plans; and

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

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

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

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

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

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

(l) TRANSFER TO THE FOREST SERVICE.—

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

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

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

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

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

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

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

''(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

''(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

''(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

''(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

''(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

''(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

''(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the

Owens River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

''(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

''(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

''(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

''(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

''(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R.27 E., as a wild river.

''(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

''(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

''(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

''(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

''(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T.4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

''(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

''(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.''.

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest identified as the ''Bridgeport Winter Recreation Area'', as generally depicted on the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) MAP AND LEGAL DESCRIPTION.—

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

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

(B) subject to any terms and conditions determined to be necessary by the Secretary.

(d) MANAGEMENT PLAN.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with nonmotorized recreation on the Trail; and

(3) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Trail in the area identified as ''Pacific Crest Trail Proposed Crossing Area'' on the map entitled ''Humboldt-Toiyable National Forest Proposed Management'' and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as ''Pickel Hill Management Area'', as generally depicted on the map entitled ''Humboldt-Toiyabe National Forest Proposed Management'' and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled ''Ancient Bristlecone Pine Forest—Proposed'' and dated July 16, 2008, is designated as the ''Ancient Bristlecone Pine Forest''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

Subtitle L—Riverside County Wilderness, California

SEC. 1851. WILDERNESS DESIGNATION.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

(1) DESIGNATIONS.—

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled ''Proposed Addition to Agua Tibia Wilderness'', and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled ''Cahuilla Mountain Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Cahuilla Mountain Wilderness''.

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled ''South Fork San Jacinto Proposed Wilderness'', and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''South Fork San Jacinto Wilderness''.

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled ''Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition'', and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled ''Beauty Mountain Proposed Wilderness'', and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Beauty Mountain Wilderness''.

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled ''Orocopia Mountains Proposed Wilderness Addition'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled ''Palen-McCoy Proposed Wilderness Additions'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled ''Pinto Mountains Proposed Wilderness'', and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the ''Pinto Mountains Wilderness''.

(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled ''Chuckwalla Mountains Proposed Wilderness Addition'', and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled ''Joshua Tree National Park Proposed Wilderness Additions'', and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition

designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

''(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

''(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

''(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

''(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

''(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

''(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

''(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

''(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

''(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

''(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

''(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.''.

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

''(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled 'Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition', and dated March 12, 2008:

''(1) The 'Santa Rosa Peak Area Monument Expansion'.

''(2) The 'Snow Creek Area Monument Expansion'.

''(3) The 'Tahquitz Peak Area Monument Expansion'.

''(4) The 'Southeast Area Monument Expansion', which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.''.

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking ''eight'' and inserting ''a majority of the appointed''.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled ''John Krebs Wilderness'', and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as ''Silver City'' and ''Kaweah Han''.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings

Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled ''Sequoia-Kings Canyon Wilderness Addition'', numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''map'' means the map entitled ''Rocky Mountain National Park Wilderness Act of 2007'' and dated September 2006.

(2) PARK.—The term ''Park'' means Rocky Mountain National Park located in the State of Colorado.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRAIL.—The term ''Trail'' means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term ''Wilderness'' means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a ''Potential Wilderness Area'', the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the ''East Shore Trail Area''.

(e) ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) LIMITATION.—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101–337 (16 U.S.C. 19jj et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(1) IN GENERAL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado–Big Thompson Project facilities located within the Park.

(2) ALVA B. ADAMS TUNNEL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) RIGHT-OF-WAY.—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

(f) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the ''East Shore Trail'', to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

(1) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95–450) is amended—

(1) by striking ''seventy thousand acres'' and inserting ''74,195 acres''; and

(2) by striking '', dated July 1978'' and inserting ''and dated May 2007''.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking ''thirty-six thousand two hundred thirty-five acres'' and inserting ''35,235 acres''; and

(2) by striking '', dated July 1978'' and inserting ''and dated May 2007''.

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the ''Leiffer tract'' that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

Subtitle O—Washington County, Utah

SEC. 1971. DEFINITIONS.

In this subtitle:

(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.—The term ''Beaver Dam Wash National Conservation Area Map'' means the map entitled ''Beaver Dam Wash National Conservation Area'' and dated December 18, 2008.

(2) CANAAN MOUNTAIN WILDERNESS MAP.—The term ''Canaan Mountain Wilderness Map'' means the map entitled ''Canaan Mountain Wilderness'' and dated June 21, 2008.

(3) COUNTY.—The term ''County'' means Washington County, Utah.

(4) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northeastern Washington County Wilderness Map'' means the map entitled ''Northeastern Washington County Wilderness'' and dated November 12, 2008.

(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term ''Northwestern Washington County Wilderness Map'' means the map entitled ''Northwestern Washington County Wilderness'' and dated June 21, 2008.

(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term ''Red Cliffs National Conservation Area Map'' means the map entitled ''Red Cliffs National Conservation Area'' and dated November 12, 2008.

(7) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of Utah.

(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term ''Washington County Growth and Conservation Act Map'' means the map entitled ''Washington County Growth and Conservation Act Map'' and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Beartrap Canyon Wilderness''.

(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Blackridge Wilderness''.

(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the ''Canaan Mountain Wilderness''.

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Canyon Wilderness''.

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Cottonwood Forest Wilderness''.

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Cougar Canyon Wilderness''.

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which

shall be known as the ''Deep Creek Wilderness''.

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Deep Creek North Wilderness''.

(I) DOC'S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Doc's Pass Wilderness''.

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Goose Creek Wilderness''.

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''LaVerkin Creek Wilderness''.

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Red Butte Wilderness''.

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the ''Red Mountain Wilderness''.

(N) SLAUGHTER CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the ''Slaughter Creek Wilderness''.

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the ''Taylor Creek Wilderness''.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) FORCE AND EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) LIVESTOCK.—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101–405) and H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(3) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(A) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(9) WATER RIGHTS.—

(A) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;

(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) FISH AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) AUTHORITY OF SECRETARY.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101–405.

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County

administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) WILDERNESS AREA.—The term ''Wilderness Area'' means the Zion Wilderness designated by subsection (b)(1).

(3) ZION NATIONAL PARK WILDERNESS MAP.—The term ''Zion National Park Wilderness Map'' means the map entitled ''Zion National Park Wilderness'' and dated April 2008.

(b) ZION NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Zion Wilderness''.

(2) INCORPORATION OF ACQUIRED LAND.—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Wilderness Area.

(B) FORCE AND EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) PURPOSES.—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term ''habitat conservation plan'' means the conservation plan entitled ''Washington County Habitat Conservation Plan'' and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) NATIONAL CONSERVATION AREA.—The term ''National Conservation Area'' means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) PUBLIC USE PLAN.—The term ''public use plan'' means the use plan entitled ''Red Cliffs Desert Reserve Public Use Plan'' and dated June 12, 2000, as amended.

(5) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means the management plan entitled ''St. George Field Office Resource Management Plan'' and dated March 15, 1999, as amended.

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law; and

(B) in a manner consistent with the purposes described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

(2) any other applicable law (including regulations).

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.

(a) PURPOSE.—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) NATIONAL CONSERVATION AREA.—The term ''National Conservation Area'' means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as ''Designated Road Areas'', motorized vehicles shall be permitted only on the roads identified on such map.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

''(204) ZION NATIONAL PARK, UTAH.—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled 'Wild and Scenic River Segments Zion National Park and Bureau of Land Management' and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

''(A) TAYLOR CREEK.—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

''(B) NORTH FORK OF TAYLOR CREEK.—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(C) MIDDLE FORK OF TAYLOR CREEK.—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(D) SOUTH FORK OF TAYLOR CREEK.—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

''(E) TIMBER CREEK AND TRIBUTARIES.—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(F) LAVERKIN CREEK.—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

''(G) WILLIS CREEK.—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

''(H) BEARTRAP CANYON.—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(I) HOP VALLEY CREEK.—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(J) CURRENT CREEK.—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

''(K) CANE CREEK.—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(L) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

''(M) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

''(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

''(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

''(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

''(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

''(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

''(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

''(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

''(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

''(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin

River and adjacent land rim-to-rim, as a wild river.

''(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

''(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

''(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

''(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

''(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

''(JJ) PINE CREEK .—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

''(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

''(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

''(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.''.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled ''Zion National Park Water Rights Settlement Agreement'' and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term ''trail'' means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term ''travel management plan'' means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the ''High Desert Off-Highway Vehicle Trail''.

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

(ii) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the ''Washington County, Utah Land Acquisition Account''.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as ''Temple Quarry'' as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel B'', to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel C'', to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel D'', to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel E'', to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as ''Parcel F'', to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ''covered Federal land'' means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) MAP.—The term ''map'' means the map entitled ''Conveyance of Dixie National Forest Land'' and dated December 18, 2008.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—

(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) any other applicable law (including regulations).

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS.

(a) DEFINITIONS.—In this section:

(1) PARCEL A.—The term ''Parcel A'' means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled ''Washington County Growth and Conservation Act Map''.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRIBE.—The term ''Tribe'' means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.—

(1) IN GENERAL.—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) SURVEY; LEGAL DESCRIPTION.—

(A) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) LEGAL DESCRIPTION OF PARCEL A.—

(i) IN GENERAL.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) EFFECT.—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) LAND TO BE MADE A PART OF THE RESERVATION.—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

SEC. 2001. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) SYSTEM.—The term ''system'' means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) EFFECT.—

(1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) FISH AND WILDLIFE.—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle B—Prehistoric Trackways National Monument

SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing ''the most scientifically significant Early Permian tracksites'' in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) MONUMENT.—The term ''Monument'' means the Prehistoric Trackways National Monument established by section 2103(a).

(2) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2103. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled ''Prehistoric Trackways National Monument'' and dated December 17, 2008.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

SEC. 2201. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed for the Conservation Area under section 2203(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled ''Fort Stanton-Snowy River Cave National Conservation Area'' and dated December 15, 2008.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii–1(2)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''; and

(2) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by striking ''(hereafter referred to as the 'conservation area')''; and

(2) in section 4 (16 U.S.C. 460iii–3)—

(A) in subsection (a)(2), by striking ''Conservation Area'' and inserting ''conservation area''; and

(B) in subsection (d), by striking ''Visitors Center'' and inserting ''visitors center''.

Subtitle E—Dominguez-Escalante National Conservation Area

SEC. 2401. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) COUNCIL.—The term ''Council'' means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 2406.

(4) MAP.—The term ''Map'' means the map entitled ''Dominguez-Escalante National Conservation Area'' and dated September 15, 2008.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Colorado.

(7) WILDERNESS.—The term ''Wilderness'' means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Dominguez Canyon Wilderness Area''.

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) GRAZING.—

(1) GRAZING IN CONSERVATION AREA.—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(c) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) FIRE, INSECTS, AND DISEASES.—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) ACCESS.—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) WATER RIGHTS.—

(1) EFFECT.—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) WILDERNESS WATER RIGHTS.—

(A) IN GENERAL.—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(i) PROCEDURAL REQUIREMENTS.—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) ESTABLISHMENT OF WATER RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) COOPERATIVE ENFORCEMENT.—

(i) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) WATER RESOURCE FACILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) CONSERVATION AREA WATER RIGHTS.—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.—

(A) IN GENERAL.—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) EXCLUSION FROM WILDERNESS.—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) EFFECT.—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) VALID EXISTING RIGHTS.—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) PURPOSES.—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the ''Dominguez-Escalante National Conservation Area Advisory Council''.

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) REPRESENTATION.—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

(B) by inserting after subparagraph (H) the following:

''(I) the Environmental Protection Agency;''; and

(2) in paragraph (4), by striking ''enactment of this Act'' and inserting ''enactment of the Omnibus Public Land Management Act of 2009''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4148) is amended by striking ''enactment of this Act'' and inserting ''enactment of the Omnibus Public Land Management Act of 2009''.

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Carson City, Nevada Area'', dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) TRIBE.—The term ''Tribe'' means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) CONVEYANCES OF FEDERAL LAND AND CITY LAND.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as ''To U.S. Forest Service''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is—

(i) the approximately 935 acres of Forest Service land identified on the Map as ''To Carson City for Natural Areas'';

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as ''Silver Saddle Ranch and Carson River Area'';

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as ''To Carson City for Parks and Public Purposes''; and

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as ''Reversionary Interest of the United States Released''.

(3) CONDITIONS.—

(A) CONSIDERATION.—Before the conveyance of the 62–acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local

interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NONPROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

(A) IN GENERAL.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(i) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as ''To Bureau of Land Management''.

(C) COSTS.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as ''Parcel #1'' is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

(1) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 108 acres of Bureau of Land Management land identified as ''Lands for Disposal'' on the Map; and

(B) the approximately 50 acres of land identified as ''Parcel #1'' on the Map.

(3) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(A) City zoning ordinances; and

(B) any master plan for the area approved by the City.

(4) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(i) all forms of entry and appropriation under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws.

(B) EXCEPTION.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(i) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

(A) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the ''Carson City Special Account'', and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the ''Silver Saddle Endowment Account'', consisting of such

amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as ''Urban Interface Withdrawal''.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))'' and inserting ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))'';

(2) in paragraph (3)(A)(v), by striking ''Clark, Lincoln, and White Pine Counties'' and inserting ''Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))'';

(3) in paragraph (4), by striking ''2011'' and inserting ''2015''; and

(4) by adding at the end the following:

''(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

''(A) adjacent to the Carson River; or

''(B) within the floodplain of the Carson River.''.

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as ''To Washoe Tribe''.

(3) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) USE OF LAND.—

(A) GAMING.—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200′ elevation contour, the Tribe—

(i) shall limit the use of the land to—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200′ elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii)(I) residential or recreational development; or

(II) commercial use.

(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—

(1) PURPOSE.—The purpose of this subsection is to amend Public Law 108–67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) TECHNICAL CORRECTION.—Section 2 of Public Law 108–67 (117 Stat. 880) is amended—

(A) by striking ''Subject to'' and inserting the following:

''(a) IN GENERAL.—Subject to'';

(B) in subsection (a) (as designated by paragraph (1)), by striking ''the parcel'' and all that follows through the period at the end and inserting the following: ''and to approximately 23 acres of land identified as 'Parcel A' on the map entitled 'Skunk Harbor Conveyance Correction' and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0′ (Lake Tahoe Datum).''; and

(C) by adding at the end the following:

''(b) SURVEY AND LEGAL DESCRIPTION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

''(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

''(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.''.

(3) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108–67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as ''Parcel B'' on the map entitled ''Skunk Harbor Conveyance Correction'' and dated September 12, 2008.

(j) AGREEMENT WITH FOREST SERVICE.—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) ARTIFACT COLLECTION.—

(1) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as ''Parcel #2'' on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) AUTHORIZED ACTIVITIES.—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as ''Parcel #2'' on the Map.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Henderson, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Nevada.

(4) TRANSITION AREA.—The term ''Transition Area'' means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as ''Limited Transition Area'' on the map entitled ''Southern Nevada Limited Transition Area Act'' and dated March 20, 2006.

(b) SOUTHERN NEVADA LIMITED TRANSITION AREA.—

(1) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(A) IN GENERAL.—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) METHOD OF SALE.—

(i) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) COMPLIANCE WITH CHARTER.—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(4) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) REVERSION.—

(A) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ALTA-HUALAPAI SITE.—The term ''Alta-Hualapai Site'' means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.); and

(B) identified on the map as the ''Alta-Hualapai Site''.

(2) CITY.—The term ''City'' means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term ''Institute'' means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term ''map'' means the map titled ''Nevada Cancer Institute Expansion Act'' and dated July 17, 2006.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term ''Water District'' means the Las Vegas Valley Water District.

(b) LAND CONVEYANCE.—

(1) SURVEY AND LEGAL DESCRIPTION.—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) ACCEPTANCE.—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute.

(5) APPLICABLE LAW.—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2345).

(6) TRANSACTION COSTS.—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2345).

(c) RIGHTS-OF-WAY.—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) REVERSION.—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 25 acres of Bureau of Land Management land identified on the map as ''Lands to be conveyed to Turnabout Ranch''.

(2) MAP.—The term ''map'' means the map entitled ''Turnabout Ranch Conveyance'' dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) MONUMENT.—The term ''Monument'' means the Grand Staircase-Escalante National Monument located in southern Utah.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TURNABOUT RANCH.—The term ''Turnabout Ranch'' means the Turnabout Ranch in Escalante, Utah, owned by Aspen Education Group.

(b) CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) APPRAISAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''. All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) PAYMENT OF CONSIDERATION.—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) COSTS OF CONVEYANCE.—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act(43 U.S.C. 2305), to be expended in accordance with that Act.

(c) MODIFICATION OF MONUMENT BOUNDARY.—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) DEFINITIONS.—In this section:

(1) BOY SCOUTS.—The term ''Boy Scouts'' means the Utah National Parks Council of the Boy Scouts of America.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) REVERSIONARY INTEREST.—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(ii) SE 1/4 SE 1/4 sec. 24, T. 35. S., R. 9 W., Salt Lake Base Meridian.

(3) CONDITIONS.—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of

land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43–75–0010.

(4) MODIFICATION OF PATENT.—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) numbered 43–75–0010 to take into account the exchange under paragraph (1)(A).

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) PUBLIC LAND.—The term ''public land'' means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled ''Douglas County Public Utility District Proposal'' and dated March 2, 2006.

(2) PUD.—The term ''PUD'' means the Public Utility District No. 1 of Douglas County, Washington.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) WELLS HYDROELECTRIC PROJECT.—The term ''Wells Hydroelectric Project'' means Federal Energy Regulatory Commission Project No. 2149.

(b) CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.—

(1) CONVEYANCE REQUIRED.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''.

(3) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) SEGREGATION OF LANDS.—

(1) WITHDRAWAL.—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) DURATION.—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) RETAINED AUTHORITY.—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as ''Land to be conveyed to Twin Falls'' on the map titled ''Twin Falls Land Conveyance'' and dated July 28, 2008.

(c) MAP ON FILE.—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LANDS.—

(1) PURPOSE.—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) RESTRICTION.—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled ''Sunrise Mountain ISA Release Areas'' and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.—

(1) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) CONSIDERATION.—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.—

(1) SALE OF LAND.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of

the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) METHOD OF SALE.—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) DISPOSITION OF LAND SALES PROCEEDS.—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) RAILROAD LANDS DEFINED.—For the purposes of this section, the term ''railroad lands'' means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) IN GENERAL.—

(1) FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(2) TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(b) FEDERAL LANDS DESCRIBED.—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) TRUST LANDS DESCRIBED.—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking ''each of fiscal years 2006 through 2011'' and inserting ''fiscal year 2006 and each fiscal year thereafter'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

''(1) a watershed restoration and enhancement agreement entered into under this section; or

''(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).''.

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) WILDLAND FIREFIGHTER.—The term ''wildland firefighter'' means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) TIMELINE.—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) WYOMING RANGE WITHDRAWAL AREA.—The term ''Wyoming Range Withdrawal Area'' means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled ''Wyoming Range Withdrawal Area'' and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

(b) EXISTING RIGHTS.—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) BUFFERS.—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) LAND AND RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) CONFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) EXCEPTION.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.

(a) NOTIFICATION OF LEASEHOLDERS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) REQUEST FOR LEASE RETIREMENT.—

(1) IN GENERAL.—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) LIST OF INTERESTED HOLDERS.—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) PROHIBITION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) DONATION AUTHORITY.—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exchanges

SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled ''Subdivision of U.S. Survey No. 10099'' and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) EXCLUDED LAND.—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(3) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under paragraph (1)—

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Jefferson County, Montana.

(2) MAP.—The term ''map'' means the map that is—

(A) entitled ''Elkhorn Cemetery'';

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) CONVEYANCE TO JEFFERSON COUNTY, MONTANA.—

(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the ''Elkhorn Cemetery'', as generally depicted on the map.

(3) USE OF LAND.—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) EASEMENT.—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means the 1 or more owners of the non-Federal land.

(3) MAP.—The term ''map'' means the map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term ''Park'' means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term ''State'' means the State of New Mexico.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) EASEMENT.—

(A) IN GENERAL.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the ''National Park Service Organic Act'') (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) CLAIM.—The term ''Claim'' means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) CLAIMANTS.—The term ''Claimants'' means Ramona Lawson and Boyd Lawson.

(3) FEDERAL LAND.—The term ''Federal land'' means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) SURVEY.—The term ''survey'' means the survey plat entitled ''Boundary Survey and Conservation Easement Plat'', prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) SANTA FE NATIONAL FOREST LAND CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) SURVEY.—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) SATISFACTION OF CLAIM.—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the ''Mammoth Community Water District'') by Patent No. 04–87–0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term ''Federal land'' means the land under the jurisdiction of the Secretary identified on the map as ''Shooting Range Special Use Permit Area''.

(3) MAP.—The term ''map'' means the map entitled ''Bountiful City Land Consolidation Act'' and dated October 15, 2007.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) EXCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the

City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

(1) VALUATION.—The value of the Federal land and the non-Federal land to be conveyed under subsection (b)—

(A) shall be equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) EQUALIZATION.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(e) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) CONDITIONS.—

(1) LIABILITY.—

(A) IN GENERAL.—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

(II) hold the United States harmless for any liability for the condition of the Federal land; and

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) LIMITATION.—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) EASEMENTS; RIGHTS-OF-WAY.—

(1) BONNEVILLE SHORELINE TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) DISPOSAL OF REMAINING FEDERAL LAND.—

(1) IN GENERAL.—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(2) REQUIREMENTS.—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) CONSIDERATION.—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.

(4) RELATION TO OTHER LAWS.—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) DISPOSITION OF PROCEEDS.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) ADDITIONAL TERMS AND CONDITIONS.—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.

(a) PURPOSES.—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) DEFINITIONS.—In this section:

(1) LAND DESIGNATED FOR EXCLUSION.—The term ''land designated for exclusion'' means the parcel of land that is—

(A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled ''Proposed Boundary Change FCRONRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho'' and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) LAND DESIGNATED FOR INCLUSION.—The term ''land designated for inclusion'' means the parcel of National Forest System land that is—

(A) comprised of approximately 10.2 acres of land;

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(C) generally depicted on the map entitled ''Challis National Forest, T.14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCRONRW'' and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) WILDERNESS AREA.—The term ''wilderness area'' means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) BOUNDARY ADJUSTMENT.—

(1) ADJUSTMENT TO WILDERNESS AREA.—

(A) INCLUSION.—The wilderness area shall include the land designated for inclusion.

(B) EXCLUSION.—The wilderness area shall not include the land designated for exclusion.

(2) CORRECTIONS TO LEGAL DESCRIPTIONS.—The Secretary may make corrections to the legal descriptions.

(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.—

(1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

(A) the land designated for exclusion; and

(B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) CONDITIONS.—The sale of land under paragraph (1) shall be subject to the conditions that—

(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay—

(i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) AVAILABILITY AND USE.—Amounts deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T'uf Shur Bien Preservation Trust Area Act (16 U.S.C. 539m–11) is amended—

(1) in paragraph (1), by inserting ''3,'' after ''sections''; and

(2) in the first sentence of paragraph (4), by inserting '', as a condition of the conveyance,'' before ''remain''.

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3402. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term ''State'' means the State of Colorado.

(3) STUDY AREA.—

(A) IN GENERAL.—The term ''study area'' means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled ''Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area'' and dated August 27, 2008.

(B) EXCLUSIONS.—The term ''study area'' does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) UNDEVELOPED LAND.—The term ''undeveloped land'' means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY; REPORT.—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) REQUIREMENTS.—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) LIMITATION.—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) EFFECT.—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.

In this title:

(1) FUND.—The term ''Fund'' means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

(2) PROGRAM.—The term ''program'' means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(3) PROPOSAL.—The term ''proposal'' means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(5) STRATEGY.—The term ''strategy'' means a landscape restoration strategy described in section 4003(b)(1).

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable law.

(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the ''10 Year Comprehensive Strategy Implementation Plan'' and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) SUBMISSION.—A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) NOMINATION.—

(A) IN GENERAL.—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) CONCURRENCE.—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) DOCUMENTATION.—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) LIMITATION.—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) ADVISORY PANEL.—

(1) IN GENERAL.—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) REPRESENTATION.—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) INCLUSION.—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Collaborative Forest Landscape Restoration Fund'', to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) INCLUSION.—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) CONTENTS.—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) LIMITATION.—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of $4,000,000 in any 1 fiscal year.

(5) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—

(1) WORK PLAN.—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) MULTIPARTY MONITORING.—The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) REPORT.—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall

submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

''(205) FOSSIL CREEK, ARIZONA.—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

''(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

''(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

''(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.''.

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) SHORT TITLE.—This section may be cited as the ''Craig Thomas Snake Headwaters Legacy Act of 2008''.

(b) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES.—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

(2) STATE.—The term ''State'' means the State of Wyoming.

(d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

''(206) SNAKE RIVER HEADWATERS, WYOMING.—The following segments of the Snake River System, in the State of Wyoming:

''(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

''(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

''(C) BUFFALO FORK OF THE SNAKE RIVER.—The portions of the Buffalo Fork of the Snake River, consisting of—

''(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

''(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

''(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

''(D) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—

''(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

''(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

''(E) GRANITE CREEK.—The portions of Granite Creek, consisting of—

''(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

''(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

''(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—

''(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

''(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

''(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

''(G) HOBACK RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

''(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—

''(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

''(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

''(I) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—

''(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

''(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

''(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

''(K) SNAKE RIVER.—The portions of the Snake River, consisting of—

''(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

''(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

''(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

''(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

''(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.''.

(e) MANAGEMENT.—

(1) IN GENERAL.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER.—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

''(207) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

''(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

''(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

''(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

''(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.''.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the ''Secretary'') determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

Subtitle B—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

''(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.''.

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

''(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

''(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

''(B) submit a report describing the results of that study to the appropriate committees of Congress.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Additions to the National Trails System

SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(27) ARIZONA NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled 'Arizona National Scenic Trail' and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

''(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.''.

SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

''(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled 'New England National Scenic Trail Proposed Route', numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal,

State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the 'Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment', prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.''.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall consider the actions outlined in the Trail Management Blueprint described in the report titled the ''Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment'', prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term ''Ice Age floods'' or ''floods'' means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term ''plan'' means the cooperative management and interpretation plan authorized under subsection (f)(5).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRAIL.—The term ''Trail'' means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled ''Ice Age Floods National Geologic Trail,'' numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or nonprofit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

(i) State, local, and tribal governments;

(ii) the Ice Age Floods Institute;

(iii) private property owners; and

(iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled ''Ice Age Floods, Study of Alternatives and Environmental Assessment'' (February 2001) by—

(I) locating features more accurately;

(II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91–383 (16 U.S.C. 1a–2(l)).

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) LIABILITY.—Designation of the Trail by subsection (c) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than $12,000,000 may be used for development of the Trail.

SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

''(29) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled 'WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL', numbered T01/80,001, and dated June 2007.

''(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

''(i) other Federal, State, tribal, regional, and local agencies; and

''(ii) the private sector.

''(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.''.

SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

''(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled 'Pacific Northwest National Scenic Trail: Proposed Trail', numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the 'map').

''(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

''(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

''(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.''.

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

''(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

''(i) The Benge and Bell routes.

''(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

''(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

''(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).''.

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: ''No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.''.

Subtitle D—National Trail System Amendments

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.—

(1) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(7) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(b) CONFORMING AMENDMENT.—Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

''(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the 'trail') designated by section 5(a)(12)—

''(i) not more than $500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

''(ii) not more than $2,000,000 shall be appropriated for the development of the trail.

''(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.''.

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

''(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

''(B) SHARED ROUTE.—The term 'shared route' means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

''(2) REQUIREMENTS FOR REVISION.—

''(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

''(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

''(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

''(3) OREGON NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes

of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) Whitman Mission route.

''(ii) Upper Columbia River.

''(iii) Cowlitz River route.

''(iv) Meek cutoff.

''(v) Free Emigrant Road.

''(vi) North Alternate Oregon Trail.

''(vii) Goodale's cutoff.

''(viii) North Side alternate route.

''(ix) Cutoff to Barlow road.

''(x) Naches Pass Trail.

''(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

''(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) MISSOURI VALLEY ROUTES.—

''(I) Blue Mills-Independence Road.

''(II) Westport Landing Road.

''(III) Westport-Lawrence Road.

''(IV) Fort Leavenworth-Blue River route.

''(V) Road to Amazonia.

''(VI) Union Ferry Route.

''(VII) Old Wyoming-Nebraska City cutoff.

''(VIII) Lower Plattsmouth Route.

''(IX) Lower Bellevue Route.

''(X) Woodbury cutoff.

''(XI) Blue Ridge cutoff.

''(XII) Westport Road.

''(XIII) Gum Springs-Fort Leavenworth route.

''(XIV) Atchison/Independence Creek routes.

''(XV) Fort Leavenworth-Kansas River route.

''(XVI) Nebraska City cutoff routes.

''(XVII) Minersville-Nebraska City Road.

''(XVIII) Upper Plattsmouth route.

''(XIX) Upper Bellevue route.

''(ii) CENTRAL ROUTES.—

''(I) Cherokee Trail, including splits.

''(II) Weber Canyon route of Hastings cutoff.

''(III) Bishop Creek cutoff.

''(IV) McAuley cutoff.

''(V) Diamond Springs cutoff.

''(VI) Secret Pass.

''(VII) Greenhorn cutoff.

''(VIII) Central Overland Trail.

''(iii) WESTERN ROUTES.—

''(I) Bidwell-Bartleson route.

''(II) Georgetown/Dagget Pass Trail.

''(III) Big Trees Road.

''(IV) Grizzly Flat cutoff.

''(V) Nevada City Road.

''(VI) Yreka Trail.

''(VII) Henness Pass route.

''(VIII) Johnson cutoff.

''(IX) Luther Pass Trail.

''(X) Volcano Road.

''(XI) Sacramento-Coloma Wagon Road.

''(XII) Burnett cutoff.

''(XIII) Placer County Road to Auburn.

''(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

''(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

''(iii) Keokuk route (Iowa).

''(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

''(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

''(vi) 1850 Golden Pass Road in Utah.

''(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) St. Joe Road.

''(ii) Council Bluffs Road.

''(iii) Sublette cutoff.

''(iv) Applegate route.

''(v) Old Fort Kearny Road (Oxbow Trail).

''(vi) Childs cutoff.

''(vii) Raft River to Applegate.''.

SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

''(44) CHISHOLM TRAIL.—

''(A) IN GENERAL.—The Chisholm Trail (also known as the 'Abilene Trail'), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

''(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

''(45) GREAT WESTERN TRAIL.—

''(A) IN GENERAL.—The Great Western Trail (also known as the 'Dodge City Trail'), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan's Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

''(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.''.

Subtitle E—Effect of Title

SEC. 5401. EFFECT.

(a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) EFFECT ON STATE AUTHORITY.—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS.

In this subtitle:

(1) AFFECTED STAKEHOLDER.—The term ''affected stakeholder'' means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term ''grant recipient'' means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term ''program'' means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) WATERSHED GROUP.—The term ''watershed group'' means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;
(iii) ecological resiliency; and
(iv) the reduction of water conflicts; and
(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) WATERSHED MANAGEMENT PROJECT.—The term ''watershed management project'' means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;
(B) improves water quality;
(C) improves ecological resiliency of a river or stream;
(D) reduces the potential for water conflicts; or
(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

SEC. 6002. PROGRAM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the ''Cooperative Watershed Management Program'', under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or
(B) to enlarge a watershed group; and
(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) APPLICATION.—

(1) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process for the program; and
(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) DISTRIBUTION OF GRANT FUNDS.—

(1) IN GENERAL.—In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and
(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or
(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) FUNDING PROCEDURE.—

(A) FIRST PHASE.—

(i) IN GENERAL.—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than $100,000 each year for a period of not more than 3 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;
(II) to develop a mission statement for the watershed group;
(III) to develop project concepts; and
(IV) to develop a restoration plan.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITIONS.—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and
(II)(aa) holds regular meetings;
(bb) has completed a mission statement; and
(cc) has developed a restoration plan and project concepts for the watershed.

(v) EXCEPTION.—A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) SECOND PHASE.—

(i) IN GENERAL.—A watershed group may apply for and receive second-phase grants of $1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or
(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITION.—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and
(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) THIRD PHASE.—

(i) FUNDING LIMITATION.—

(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than $5,000,000 for a period of not more than 5 years.

(II) EXCEPTION.—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.—A grant recipient that receives a grant under this section may use the funds—

(A) to pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or
(II) $100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and
(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and
(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) COST SHARE.—

(1) PLANNING.—The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) IN GENERAL.—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

(A) in addressing water conflicts;
(B) in conserving water;
(C) in improving water quality; and
(D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $2,000,000 for each of fiscal years 2008 and 2009;
(2) $5,000,000 for fiscal year 2010;
(3) $10,000,000 for fiscal year 2011; and
(4) $20,000,000 for each of fiscal years 2012 through 2020.

SEC. 6003. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

Subtitle B—Competitive Status for Federal Employees in Alaska

SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

''(e) COMPETITIVE STATUS.—

''(1) IN GENERAL.—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

''(2) REDESIGNATION OF CERTAIN POSITIONS.—

''(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

''(B) PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

''(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

''(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.''.

Subtitle C—Wolf Livestock Loss Demonstration Project

SEC. 6201. DEFINITIONS.

In this subtitle:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LIVESTOCK.—The term ''livestock'' means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) PROGRAM.—The term ''program'' means the demonstration program established under section 6202(a).

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6202. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program.

(d) ALLOCATION OF FUNDING.—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) ELIGIBLE LAND.—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $1,000,000 for fiscal year 2009 and each fiscal year thereafter.

Subtitle D—Paleontological Resources Preservation

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) CASUAL COLLECTING.—The term ''casual collecting'' means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms ''reasonable amount'', ''common invertebrate and plant paleontological resources'' and ''negligible disturbance'' shall be determined by the Secretary.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) INDIAN LAND.—The term ''Indian Land'' means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) PALEONTOLOGICAL RESOURCE.—The term ''paleontological resource'' means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) STATE.—The term ''State'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 6302. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary 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 laws governing the management of those Federal land and this subtitle.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems

necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURES.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal land.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this subtitle, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this subtitle.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 6309. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6311. SAVINGS PROVISIONS.

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the ''Mining in the Parks Act'') (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

SEC. 6401. DEFINITIONS.

In this subtitle:

(1) CORPORATION.—The term ''Corporation'' means the King Cove Corporation.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(3) MAP.—The term ''map'' means each of—

(A) the map entitled ''Izembek and Alaska Peninsula National Wildlife Refuges'' and dated September 2, 2008; and

(B) the map entitled ''Sitkinak Island–Alaska Maritime National Wildlife Refuge'' and dated September 2, 2008.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(5) REFUGE.—The term ''Refuge'' means the Izembek National Wildlife Refuge.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Alaska.

(8) TRIBE.—The term ''Tribe'' means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE.

(a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—

(1) IN GENERAL.—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) ENVIRONMENTAL IMPACT STATEMENT.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) REQUIREMENTS.—The environmental impact statement prepared under subparagraph (A) shall contain—

(i) an analysis of—

(I) the proposed land exchange; and

(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and

(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) COOPERATING AGENCIES.—

(A) IN GENERAL.—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) AUTHORIZED ENTITIES.—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);

(ii) the State;

(iii) the Aleutians East Borough of the State;

(iv) the City of King Cove, Alaska;

(v) the Tribe; and

(vi) the Alaska Migratory Bird Co-Management Council.

(c) VALUATION.—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) PUBLIC INTEREST DETERMINATION.—

(1) CONDITIONS FOR LAND EXCHANGE.—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) LIMITATION OF AUTHORITY OF SECRETARY.—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States; or

(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State.

(e) KINZAROFF LAGOON.—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State refuge, in accordance with the applicable laws (including regulations) of the State.

(f) DESIGNATION OF ROAD CORRIDOR.—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.

SEC. 6403. KING COVE ROAD.

(a) REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.—

(1) LIMITATIONS ON USE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for noncommercial purposes.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).

(C) REQUIREMENT OF AGREEMENT.—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) REQUIREMENT OF BARRIER CABLE.—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled ''Mitigation Measure MM–11, King Cove Access Project Final Environmental Impact Statement Record of Decision'' and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2).

(3) REQUIRED DIMENSIONS AND DESIGN FEATURES.—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pullouts.

(b) SUPPORT FACILITIES.—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

(c) FEDERAL PERMITS.—It is the intent of Congress that any Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.

(d) APPLICABLE LAW.—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) MITIGATION PLAN.—

(1) IN GENERAL.—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) CORRECTIVE MODIFICATIONS.—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) AVOIDANCE OF WILDLIFE IMPACTS.—Road construction shall adhere to any specific mitigation measures included in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) MITIGATION OF WETLAND LOSS.—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(1) FEDERAL LAND.—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) NON-FEDERAL LAND.—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.

(3) WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) ADMINISTRATION.—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.

(a) NOTIFICATION TO VOID LAND EXCHANGE.—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) DISPOSITION OF LAND EXCHANGE.—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.—If the land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) IN GENERAL.—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) EXTENSION OF AUTHORITY.—If a construction permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.—

(1) IN GENERAL.—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) INJUNCTION.—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Paterson, New Jersey.

(2) COMMISSION.—The term ''Commission'' means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term ''Historic District'' means the Great Falls Historic District in the State.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Park developed under subsection (d).

(5) MAP.—The term ''Map'' means the map entitled ''Paterson Great Falls National Historical Park–Proposed Boundary'', numbered T03/80,001, and dated May 2008.

(6) PARK.—The term ''Park'' means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of New Jersey.

(b) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the ''Paterson Great Falls National Historical Park''.

(B) CONDITIONS FOR ESTABLISHMENT.—The Park shall not be established until the date on which the Secretary determines that—

(i)(I) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(II) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) PURPOSE.—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) BOUNDARIES.—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) PUBLICATION OF NOTICE.—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or, disposal.

(E) MATCHING FUNDS.—

(i) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) FORM.—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) DONATION OF STATE OWNED LAND.—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91–383 (commonly known as the ''National Park Service General Authorities Act'') (16 U.S.C. 1a–7(b)); and

(B) other applicable laws.

(2) COST SHARE.—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) SUBMISSION TO CONGRESS.—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Paterson Great Falls National Historical Park Advisory Commission''.

(2) DUTIES.—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—A member shall be appointed for a term of 3 years.

(ii) REAPPOINTMENT.—A member may be reappointed for not more than 1 additional term.

(B) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) QUORUM.—A majority of the Commission shall constitute a quorum.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(B) VICE CHAIRPERSON.—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) COMMISSION PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Members of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) STUDY OF HINCHLIFFE STADIUM.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) INCLUSIONS.—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey

Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the ''President William Jefferson Clinton Birthplace Home National Historic Site''.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall accept the donated land.

(2) DESIGNATION OF PARK.—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be known as the ''River Raisin National Battlefield Park'' (referred to in this section as the ''Park'').

(3) LEGAL DESCRIPTION.—

(A) IN GENERAL.—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

(B) CONSULTATION.—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) INCLUSIONS.—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) SUBMISSION TO CONGRESS.—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Amendments to Existing Units of the National Park System

SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) ACQUISITION OF PROPERTY.—Section 4 of Public Law 102–543 (16 U.S.C. 410yy–3) is amended by striking subsection (d).

(b) MATCHING FUNDS.—Section 8(b) of Public Law 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking ''$4'' and inserting ''$1''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amended—

(1) in subsection (a)—

(A) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(B) by striking ''$3,000,000'' and inserting ''$25,000,000''; and

(2) in subsection (b), by striking ''$100,000'' and all that follows through ''those duties'' and inserting ''$250,000''.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking ''contiguous to'' and all that follows and inserting ''within Fairfield County.'';

(2) by amending paragraph (2) to read as follows:

''(2) DEVELOPMENT.—

''(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

''(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary's acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).''; and

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking ''the appropriate zoning authority'' and all that follows through ''Wilton, Connecticut,'' and inserting ''the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)''.

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking ''The Preserve'' and inserting the following:

''(1) IN GENERAL.—The Preserve''; and

(B) by adding at the end the following:

''(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled 'Little River Canyon National Preserve Proposed Boundary', numbered 152/80,004, and dated December 2007.''; and

(2) in subsection (c), by striking ''map'' and inserting ''maps''.

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled ''An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio'', approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking ''and'' at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting ''; and'';

(3) by adding after subsection (a)(4) the following new paragraph:

''(5) the map entitled 'Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment' numbered 353/80,049 and dated June, 2006.''; and

(4) by adding after subsection (d)(2) the following new paragraph:

''(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.''.

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking ''of approximately twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978,'' and inserting ''generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/80100A, and dated December 2007,''.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking ''(a) Within the'' and all that follows through the first sentence and inserting the following:

''(a) IN GENERAL.—

''(1) BARATARIA PRESERVE UNIT.—

''(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as 'Lands Proposed for Addition' may be acquired by the Secretary only with the consent of the owner of the land.

''(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

''(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

''(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as 'Lands Proposed for Addition' is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be

administered as part of the Barataria Preserve Unit.'';

(B) in the second sentence, by striking ''The Secretary may also acquire by any of the foregoing methods'' and inserting the following:

''(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)'';

(C) in the third sentence, by striking ''Lands, waters, and interests therein'' and inserting the following:

''(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water''; and

(D) in the fourth sentence, by striking ''In acquiring'' and inserting the following:

''(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring'';

(2) by striking subsections (b) through (f) and inserting the following:

''(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

''(1) fresh water drainage patterns;

''(2) vegetative cover;

''(3) the integrity of ecological and biological systems; and

''(4) water and air quality.

''(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

''(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

''(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.''; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting ''(or January 1, 2007, for areas added to the park after that date)'' after ''January 1, 1977''.

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking '', except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he'' and inserting ''on land, and interests in land and water managed by the Secretary, except that the Secretary''.

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''Pending such establishment and thereafter the'' and inserting ''The''.

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking ''Barataria Marsh Unit'' each place it appears and inserting ''Barataria Preserve Unit''; and

(B) by striking ''Jean Lafitte National Historical Park'' each place it appears and inserting ''Jean Lafitte National Historical Park and Preserve''.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Minute Man National Historical Park Proposed Boundary'', numbered 406/81001, and dated July 2007.

(2) PARK.—The term ''Park'' means the Minute Man National Historical Park in the State of Massachusetts.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7107. EVERGLADES NATIONAL PARK.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term ''Hurricane Hole'' means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term ''map'' means the map entitled ''Proposed Tarpon Basin Boundary Revision'', numbered 160/80,012, and dated May 2008.

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(D) TARPON BASIN PROPERTY.—The term ''Tarpon Basin property'' means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) COMPANY.—The term ''Company'' means Florida Power & Light Company.

(B) FEDERAL LAND.—The term ''Federal Land'' means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term ''map'' means the map prepared by the National Park Service, entitled ''Proposed Land Exchanges, Everglades National Park'', numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK.—The term ''National Park'' means the Everglades National Park located in the State.

(E) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as ''Tract D''.

(F) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(G) STATE.—The term ''State'' means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as ''Tract A''.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-

Federal land generally depicted on the map as ''Tract D'', and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as ''Tract B'', along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(4) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka 'Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

''(3) AGREEMENTS.—

''(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term 'eligible entity' means—

''(i) the Commonwealth of Massachusetts;

''(ii) a political subdivision of the Commonwealth of Massachusetts; or

''(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

''(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

''(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

''(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

''(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

''(i) appropriations for carrying out the purposes of the agreement are available; and

''(ii) the agreement is in the best interests of the United States.''.

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking ''Coast Guard'' and inserting ''Coast Guard.''.

(2) DONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking ''Nothwithstanding'' and inserting ''Notwithstanding''.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSES.—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the ''Historical Park'').

(2) BOUNDARIES.—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the ''Secretary'') for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the ''Thomas Edison National Historical Park'', numbered 403/80,000, and dated April 2008.

(3) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled ''An Act to establish a National Park Service, and for other purposes,'' approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,'' approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Edison National Historic Site'' shall be deemed to be a reference to the ''Thomas Edison National Historical Park''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 96–607 (16 U.S.C. 410ll) is amended by adding at the end the following:

''SEC. 1602. VOTES FOR WOMEN TRAIL.

''(a) DEFINITIONS.—In this section:

''(1) PARK.—The term 'Park' means the Women's Rights National Historical Park established by section 1601.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the Director of the National Park Service.

''(3) STATE.—The term 'State' means the State of New York.

''(4) TRAIL.—The term 'Trail' means the Votes for Women History Trail Route designated under subsection (b).

''(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the 'Votes for Women History Trail Route', to link properties in the State that are historically and thematically associated with the struggle for women's suffrage in the United States.

''(c) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

''(d) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

''(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

''(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

''(3) create and adopt an official, uniform symbol or device to mark the Trail; and

''(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

''(e) ELEMENTS OF TRAIL ROUTE.—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

''(1) all units and programs of the Park relating to the struggle for women's suffrage;

''(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women's suffrage; and

''(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women's suffrage.

''(f) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—

''(1) IN GENERAL.—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).''.

(b) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(2) ELIGIBILITY.—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

(3) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled ''Places Where Women Made History'' is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

(c) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.—

(1) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the ''network''), the purpose of which is to provide interpretive and educational program development of national women's rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.—

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term ''historic site'' means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93–486 (16 U.S.C. 461 note) on October 26, 1974.

(2) MAP.—The term ''map'' means the map entitled ''Boundary Map, Martin Van Buren National Historic Site'', numbered ''460/80801'', and dated January 2005.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the ''PROPOSED PARK BOUNDARY'', as generally depicted on the map.

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADMINISTRATION.—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Palo Alto Battlefield National Historic Site shall be known and designated as the ''Palo Alto Battlefield National Historical Park''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(3) CONFORMING AMENDMENTS.—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) is amended—

(A) by striking ''National Historic Site'' each place it appears and inserting ''National Historical Park'';

(B) in the heading for section 3, by striking ''**NATIONAL HISTORIC SITE**'' and inserting ''**NATIONAL HISTORICAL PARK**''; and

(C) by striking ''historic site'' each place it appears and inserting ''historical park''.

(b) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking ''(1) The historical park'' and inserting the following:

''(1) IN GENERAL.—The historical park'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

''(2) ADDITIONAL LAND.—

''(A) IN GENERAL.—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled 'Palo Alto Battlefield NHS Proposed Boundary Expansion', numbered 469/80,012, and dated May 21, 2008.

''(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.''; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking ''(3) Within'' and inserting the following:

''(3) LEGAL DESCRIPTION.—Not later than''; and

(B) in the second sentence, by striking ''map referred to in paragraph (1)'' and inserting ''maps referred to in paragraphs (1) and (2)''.

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the ''Abraham Lincoln Birthplace National Historical Park''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the ''Abraham Lincoln Birthplace National Historical Park''.

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20) is amended in the first sentence by striking ''may'' and inserting ''shall''.

SEC. 7116. TECHNICAL CORRECTIONS.

(a) GAYLORD NELSON WILDERNESS.—

(1) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(A) in subsection (a), by striking ''Gaylord A. Nelson'' and inserting ''Gaylord Nelson''; and

(B) in subsection (c)(4), by striking ''Gaylord A. Nelson Wilderness'' and inserting ''Gaylord Nelson Wilderness''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Gaylord A. Nelson Wilderness'' shall be deemed to be a reference to the ''Gaylord Nelson Wilderness''.

(b) ARLINGTON HOUSE LAND TRANSFER.—Section 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is amended by striking ''the George Washington Memorial Parkway'' and inserting ''Arlington House, The Robert E. Lee Memorial,''.

(c) CUMBERLAND ISLAND WILDERNESS.—Section 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking

''numbered 640/20,038I, and dated September 2004'' and inserting ''numbered 640/20,038K, and dated September 2005''.

(d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108–430) is amended by striking ''numbered 110/80,044, and dated July 2004'' and inserting ''numbered 110/80,045, and dated January 2005''.

(e) COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting ''Natural'' before ''Resources'';

(2) in section 8904(b), by inserting ''Advisory'' before ''Commission''; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting ''Advisory'' before ''Commission''; and

(B) in the second sentence, by striking ''House Administration'' and inserting ''Natural Resources''.

(f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking ''The John Smith'' and inserting ''The Captain John Smith''.

(g) DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109–338; 120 Stat. 1856) is amended by striking ''under section 605''.

(h) USE OF RECREATION FEES.—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking ''section 6(a)'' and inserting ''section 806(a)''.

(i) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297F(b)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109–338; 120 Stat. 1844) is amended by inserting ''duties'' before ''of the''.

(j) CUYAHOGA VALLEY NATIONAL PARK.—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 1110–229; 122 Stat. 827) is amended by striking ''Cayohoga'' each place it appears and inserting ''Cuyahoga''.

(k) PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.—

(1) NAME ON MAP.—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–199; 40 U.S.C. 872 note) is amended by striking ''map entitled 'Pennsylvania Avenue National Historic Park', dated June 1, 1995, and numbered 840–82441'' and inserting ''map entitled 'Pennsylvania Avenue National Historic Site', dated August 25, 2008, and numbered 840–82441B''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the ''Pennsylvania Avenue National Historic Site''.

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

(a) ADDITIONAL AREAS INCLUDED IN PARK.—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

''(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled 'Dayton Aviation Heritage National Historical Park', numbered 362/80,013 and dated May 2008:

''(1) Hawthorn Hill, Oakwood, Ohio.

''(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.''.

(b) PROTECTION OF HISTORIC PROPERTIES.—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww–1) is amended—

(1) in subsection (a), by inserting ''Hawthorn Hill, the Wright Company factory,'' after '', acquire'';

(2) in subsection (b), by striking ''Such agreements'' and inserting:

''(d) CONDITIONS.—Cooperative agreements under this section'';

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

''(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.''; and

(4) by striking ''Commission'' and inserting ''Aviation Heritage Foundation''.

(c) GRANT ASSISTANCE.—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

''(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks' partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.''.

(d) NATIONAL AVIATION HERITAGE AREA.—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking ''104'' and inserting ''504'';

(2) in section 503(4), by striking ''106'' and inserting ''506'';

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking ''106'' and inserting ''506''.

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87–213 (16 U.S.C. 461 note) is amended as follows:

(1) In the first section—

(A) by striking ''the Secretary of the Interior'' and inserting ''(a) The Secretary of the Interior'';

(B) by striking ''476 acres'' and inserting ''646 acres''; and

(C) by adding at the end the following:

''(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled 'Fort Davis Proposed Boundary Expansion', numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.''.

(2) By repealing section 3.

Subtitle C—Special Resource Studies

SEC. 7201. WALNUT CANYON STUDY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Walnut Canyon Proposed Study Area'' and dated July 17, 2007.

(2) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) STUDY AREA.—The term ''study area'' means the area identified on the map as the ''Walnut Canyon Proposed Study Area''.

(b) STUDY.—

(1) IN GENERAL.—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) CONSULTATION.—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities.

(3) REPORT.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) STUDY GUIDELINES.—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(A) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) private landowners.

(4) SCOPE OF STUDY.—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;.

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) REPORT.—Not later than 3 years after the date on which funds are made available to conduct the study required under this section, the Secretary shall submit to the Committee on Natural Resources of the House of

Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall evaluate—

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under paragraph (1).

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) STUDY GUIDELINES.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(b) REPORT.—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) SPECIAL RESOURCES STUDY.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) CRITERIA.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the ''site'') to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) CONTENTS.—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the ''birthplace site'') in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the ''Matewan Massacre'') of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study along the route known as the ''Ox-Bow Route'' of the Butterfield Overland Trail (referred to in this section as the ''route'') in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

SEC. 7210. COLD WAR SITES THEME STUDY.

(a) DEFINITIONS.—

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Cold War Advisory Committee established under subsection (c).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study conducted under subsection (b)(1).

(b) COLD WAR THEME STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) RESOURCES.—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) CONTENTS.—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;

(ii) local historical organizations; and

(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

(A) the Secretary of the Air Force;

(B) State and local officials;

(C) State historic preservation offices; and

(D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the ''Cold War Advisory Committee'', to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.

(a) DEFINITIONS.—In this section:

(1) FORT SAN GERÓNIMO.—The term ''Fort San Gerónimo'' (also known as ''Fortín de San Gerónimo del Boquerón'') means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) RELATED RESOURCES.—The term ''related resources'' means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) PURPOSE.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 annually to carry out this subsection, to remain available until expended.

(c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BATTLEFIELD REPORT.—The term ''Battlefield Report'' means the document entitled ''Report on the Nation's Civil War Battlefields'', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or local government.

(C) ELIGIBLE SITE.—The term ''eligible site'' means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of

the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this subsection $10,000,000 for each of fiscal years 2009 through 2013.

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ''Council'' means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term ''heritage tourism'' means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term ''program'' means the Preserve America Program established under subsection (c)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) CONSULTATION AND NOTIFICATION.—

(A) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) DESIGNATION OF PRESERVE AMERICA COMMUNITIES.—

(1) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended.

SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President's Committee on the Arts and the Humanities.

(b) DEFINITIONS.—In this section:

(1) COLLECTION.—The term ''collection'' means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term ''historic property'' has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term ''nationally significant'' means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term ''program'' means the Save America's Treasures Program established under subsection (c)(1).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) DETERMINATION OF GRANTS.—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(A) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(i) nationally significant; and

(ii) threatened or endangered.

(B) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation

with the organizations described in subsection (a), as appropriate.

(C) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(5) SELECTION CRITERIA FOR GRANTS.—

(A) IN GENERAL.—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(A) CONSULTATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) LIMITATION.—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106–45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking ''2009'' and inserting ''2019''.

SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105–325) is amended by striking section 5 and inserting the following:

''SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

Subtitle E—Advisory Commissions

SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking ''ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996'' and inserting ''on December 31, 2018''.

SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2008, section 8(a) of Public Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the second sentence by striking ''2008'' and inserting ''2018''.

SEC. 7403. CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking ''2008'' and inserting ''2009''.

SEC. 7404. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.

(a) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) COMMISSION.—The term ''Commission'' means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of Florida.

(B) INCLUSION.—The term ''State'' includes agencies and entities of the State of Florida.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''St. Augustine 450th Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(I) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(iii) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or

devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(A) provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) DIRECTOR AND STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(7) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) SUPPORT SERVICES.—

(A) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) NO EFFECT ON AUTHORITY.—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) PLANS; REPORTS.—

(1) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this section $500,000 for each of fiscal years 2009 through 2015.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(h) TERMINATION OF COMMISSION.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d).

(4) MAP.—The term ''map'' means the map entitled ''Proposed Sangre De Cristo National Heritage Area'' and dated November 2005.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Colorado.

(b) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area‘‘‘;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b)(2); and

(II) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the

critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8002. CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d)(1).

(4) MAP.—The term ''map'' means the map entitled ''Cache La Poudre River National Heritage Area'', numbered 960/80,003, and dated April, 2004.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Colorado.

(b) CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(3) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan

under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(5) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law (including regulations).

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) CONFORMING AMENDMENT.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104–323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term ''map'' means the map entitled ''South Park National Heritage Area Map (Proposed)'', dated January 30, 2006.

(6) PARTNER.—The term ''partner'' means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of Colorado.

(9) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of North Dakota.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) DUTIES.—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including other Federal programs;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural, and historic resource

protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Baltimore National Heritage Area'', numbered T10/80,000, and dated October 2007.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Maryland.

(b) BALTIMORE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) new marina construction;

(iii) the National Aquarium Aquatic Life Center;
(iv) the Westport Redevelopment;
(v) the Gwynns Falls Trail;
(vi) the Baltimore Rowing Club; and
(vii) the Masonville Cove Environmental Center.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.

(4) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) PURPOSES.—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Freedom's Way National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Freedom's Way National Heritage Area'', numbered T04/80,000, and dated July 2007.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Freedom's Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(j) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Mississippi.

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) AFFECTED COUNTIES.—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) BOUNDARY DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(i) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) COMPOSITION.—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(E) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of

the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) REVIEW; AMENDMENTS.—

(i) IN GENERAL.—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) EFFECT.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term ''map'' means the map entitled ''Mississippi Delta National Heritage Area'', numbered T13/80,000, and dated April 2008.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Mississippi.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(ii) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and nongovernmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal

agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term ''map'' means the map entitled ''Muscle Shoals National Heritage Area'', numbered T08/80,000, and dated October 2007.

(5) STATE.—The term ''State'' means the State of Alabama.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) AVAILABILITY MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) MAP.—The term ''map'' means the map entitled ''Proposed Kenai Mountains-Turnagain Arm NHA'' and dated August 7, 2007.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) MANAGEMENT PLAN.—

(1) LOCAL COORDINATING ENTITY.—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of $10,000,000 may be made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term ''Corridor'' means the Chattahoochee Trace National Heritage Corridor.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STUDY AREA.—The term ''study area'' means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled ''Chattahoochee Trace National Heritage Corridor, Alabama/Georgia'', numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the 3rd fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) PROPOSED HERITAGE AREA.—The term ''proposed Heritage Area'' means the proposed Northern Neck National Heritage Area.

(2) STATE.—The term ''State'' means the State of Virginia.

(3) STUDY AREA.—The term ''study area'' means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2015''.

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by adding at the end the following:

''(c) EVALUATION; REPORT.—

''(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

''(A) conduct an evaluation of the accomplishments of the Corridor; and

''(B) prepare a report in accordance with paragraph (3).

''(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

''(A) assess the progress of the management entity with respect to—

''(i) accomplishing the purposes of this title for the Corridor; and

''(ii) achieving the goals and objectives of the management plan for the Corridor;

''(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

''(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

''(3) REPORT.—

''(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

''(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

''(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

''(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

''(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

''(i) the Committee on Energy and Natural Resources of the Senate; and

''(ii) the Committee on Natural Resources of the House of Representatives.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–692) is amended—

(1) in section 9—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—The Commission''; and

(B) by adding at the end the following:

''(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

''(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

''(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—

''(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

''(2) to hire, train, and compensate staff; and

''(3) to enter into contracts for goods and services.

''(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.'';

(2) in section 10—

(A) in the first sentence of subsection (c), by striking ''shall assist the Commission'' and inserting ''shall, on the request of the Corporation, assist'';

(B) in subsection (d)—

(i) by striking ''Commission'' each place it appears and inserting ''Corporation'';

(ii) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(iii) by adding at the end the following:

''(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

''(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

''(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

''(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.''; and

(C) by adding at the end the following:

''(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

''(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

''(2) coordination regarding the implementation of the Plan.'';

(3) in section 11, in the matter preceding paragraph (1), by striking ''directly affecting'';

(4) in section 12—

(A) in subsection (a), by striking ''Commission'' each place it appears and inserting ''Corporation'';

(B) in subsection (c)(1), by striking ''2007'' and inserting ''2012''; and

(C) by adding at the end the following:

''(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.''; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) the term 'Corporation' means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;''.

SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''27'' and inserting ''at least 21 members, but not more than 27'';

(ii) in paragraph (2), by striking ''Environment'' and inserting ''Environmental''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''19'';

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

''(C) The remaining members shall be—

''(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

''(ii) persons that are residents of, or employed within, the applicable congressional districts.'';

(B) in subsection (f), by striking ''Fourteen members of the Commission'' and inserting ''A majority of the serving Commissioners'';

(C) in subsection (g), by striking ''14 of its members'' and inserting ''a majority of the serving Commissioners'';

(D) in subsection (h), by striking paragraph (4) and inserting the following:

''(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

''(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;''; and

(E) in subsection (j), by striking ''10 years'' and inserting ''15 years'';

(2) in section 807—

(A) in subsection (e), by striking ''with regard to the preparation and approval of the Canalway Plan''; and

(B) by adding at the end the following:

''(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.''; and

(3) in section 810(a)(1), in the first sentence, by striking ''any fiscal year'' and inserting ''any fiscal year, to remain available until expended''.

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99–647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking ''shall be the the'' and inserting ''shall be the''; and

(2) by striking ''Directors from Massachusetts and Rhode Island;'' and inserting ''Directors from Massachusetts and Rhode Island, ex officio, or their delegates;''.

Subtitle D—Effect of Title

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term ''appraisal report'' means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term ''principles and guidelines'' means the report entitled ''Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies'' issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as ''Secretary''), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations

of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term ''Project'' means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term ''Project'' means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TOTAL COST.—The term ''total cost'' means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) PROJECT FEASIBILITY.—

(1) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) COOPERATIVE AGREEMENT.—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.—

(1) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed $90,000,000.

(3) COST SHARE.—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this subsection $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) AUTHORITY.—The term ''Authority'' means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term ''engineering report'' means the report entitled ''Eastern New Mexico Rural Water System Preliminary Engineering Report'' and dated October 2006.

(3) PLAN.—The term ''plan'' means the operation, maintenance, and replacement plan required by subsection (c)(2).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of New Mexico.

(6) SYSTEM.—

(A) IN GENERAL.—The term ''System'' means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose,

Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term ''System'' includes the major components and associated infrastructure identified as the ''Best Technical Alternative'' in the engineering report.

(7) UTE RESERVOIR.—The term ''Ute Reservoir'' means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) EASTERN NEW MEXICO RURAL WATER SYSTEM.—

(1) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) USE.—

(i) IN GENERAL.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) LIMITATIONS.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) ADMINISTRATIVE PROVISIONS.—

(1) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) REQUIREMENTS.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than $327,000,000.

(2) ADJUSTMENT.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO CAILFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or $20,000,000, whichever is less.

''(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102–575 is amended by inserting after the last item the following:

''Sec. 1649. Rancho California Water District Project, California.''.

SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term ''assessment'' means the engineering document that is—

(A) entitled ''Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation'';

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term ''District'' means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37–45–101 et seq.).

(3) PROJECT.—The term ''Project'' means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) STATE.—The term ''State'' means the State of Colorado.

(b) AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.—

(1) IN GENERAL.—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(2) USE OF EXISTING INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) $2,900,000.

(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) CREDIT.—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) EFFECT.—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Secretary to pay the Federal share of the total cost of carrying out the Project $8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) PURPOSE.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) DEFINITIONS.—In this section:

(1) 2004 AGREEMENT.—The term ''2004 Agreement'' means the agreement entitled ''Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico'' and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) DESIGNATED ENGINEER.—The term ''designated engineer'' means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) DISTRICT.—The term ''District'' means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) PUEBLO IRRIGATION INFRASTRUCTURE.—The term ''Pueblo irrigation infrastructure'' means any diversion structure, conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) RIO GRANDE BASIN.—The term ''Rio Grande Basin'' means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) RIO GRANDE PUEBLO.—The term ''Rio Grande Pueblo'' means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) SIX MIDDLE RIO GRANDE PUEBLOS.—The term ''Six Middle Rio Grande Pueblos'' means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) SPECIAL PROJECT.—The term ''special project'' has the meaning given the term in the 2004 Agreement.

(10) STATE.—The term ''State'' means the State of New Mexico.

(c) IRRIGATION INFRASTRUCTURE STUDY.—

(1) STUDY.—

(A) IN GENERAL.—On the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(B) REQUIRED CONSENT.—In carrying out subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) PRIORITY.—

(A) CONSIDERATION OF FACTORS.—

(i) IN GENERAL.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(ii) ELIGIBILITY OF PROJECTS.—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) FACTORS.—The factors referred to in subparagraph (A) are—

(i)(I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii)(I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) CONSULTATION.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) PERIODIC REVIEW.—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4 years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

(d) IRRIGATION INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) LIMITATION.—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) CONSULTATION.—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(4) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

(ii) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) DISTRICT CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) LIMITATION.—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) STATE CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) LIMITATION.—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A)(i) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(5) OPERATION AND MAINTENANCE.—The Secretary may not use any amount made available under subsection (g)(2) to carry out the operation or maintenance of any project carried out under paragraph (1).

(e) EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

(f) EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.—

(1) PUEBLO WATER RIGHTS.—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) STATE WATER LAW.—Nothing in this section preempts or affects—

(A) State water law; or

(B) an interstate compact governing water.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDY.—There is authorized to be appropriated to carry out subsection (c) $4,000,000.

(2) PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $6,000,000 for each of fiscal years 2010 through 2019.

SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.

(a) DEFINITIONS.—Section 2 of Public Law 106–392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting '', rehabilitation, and repair'' after ''and replacement''; and

(2) in paragraph (6), by inserting ''those for protection of critical habitat, those for preventing entrainment of fish in water diversions,'' after ''instream flows,''.

(b) AUTHORIZATION TO FUND RECOVERY PROGRAMS.—Section 3 of Public Law 106–392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$61,000,000'' and inserting ''$88,000,000'';

(B) in paragraph (2), by striking ''2010'' and inserting ''2023''; and

(C) in paragraph (3), by striking ''2010'' and inserting ''2023'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''$126,000,000'' and inserting ''$209,000,000'';

(B) in paragraph (1)—

(i) by striking ''$108,000,000'' and inserting ''$179,000,000''; and

(ii) by striking ''2010'' and inserting ''2023''; and

(C) in paragraph (2)—

(i) by striking ''$18,000,000'' and inserting ''$30,000,000''; and

(ii) by striking ''2010'' and inserting ''2023''; and

(3) in subsection (c)(4), by striking ''$31,000,000'' and inserting ''$87,000,000''.

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term ''Project'' means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.—

(1) AUTHORIZATION.—The Secretary, acting pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), to the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) COSTS.—

(1) IN GENERAL.—As determined by a final cost allocation after completion of the construction of the Project, the Secretary of the Navy shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) OTHER CONTRACTS.—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

(1) OPERATION.—The Secretary, the District, or a third party (consistent with subsection (f)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the share of the Project of the Department of the Navy.

(2) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Secretary of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy.

(B) 40 percent of the yield of the Project is allotted to the District.

(3) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(A) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed on to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the

Project allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

(C) CONDITION OF CONTRACTS.—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand the water, without charge and without obligation on the part of the United States, after 30 days notice.

(D) MODIFICATION OF RIGHTS AND OBLIGATIONS.—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(4) CONSIDERATION.—

(A) DEPOSIT OF FUNDS.—

(i) IN GENERAL.—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) EXCEPTION.—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(B) IN-KIND CONSIDERATION.—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of such other services as the Secretary of the Navy considers appropriate.

(C) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of $500,000, the contract may not be entered into until the earlier of—

(i) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(ii) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(e) REPAYMENT OBLIGATION OF THE DISTRICT.—

(1) DETERMINATION.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) GROUNDWATER.—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(C) CONTRACTS FOR DELIVERY OF EXCESS WATER.—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—

(1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—

(A) satisfactory to the Secretary and the District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) EQUITABLE CREDIT.—

(A) IN GENERAL.—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) APPLICATION.—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) SCOPE OF SECTION.—

(1) IN GENERAL.—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California shall apply to the rights of the United States pertaining to the use of water under this section.

(2) LIMITATIONS.—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;

(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) LIMITATIONS ON OPERATION AND ADMINISTRATION.—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

(i) REPORTS TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met and if so, the manner in which the conditions were met.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the Project; and

(2) such sums as are necessary to operate and maintain the Project.

(k) SUNSET.—The authority of the Secretary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

''SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

''(b) COST SHARING.—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,500,000.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

''Sec. 1650. Elsinore Valley Municipal Water District Projects, California.''.

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) PROJECT AUTHORIZATION.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the following:

''SEC. 1651. NORTH BAY WATER REUSE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a member agency of the North

Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

''(A) Marin County;

''(B) Napa County;

''(C) Solano County; or

''(D) Sonoma County.

''(2) WATER RECLAMATION AND REUSE PROJECT.—The term 'water reclamation and reuse project' means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

''(A) water quality improvement;

''(B) wastewater treatment;

''(C) water reclamation and reuse;

''(D) groundwater recharge and protection;

''(E) surface water augmentation; or

''(F) other related improvements.

''(3) STATE.—The term 'State' means the State of California.

''(b) NORTH BAY WATER REUSE PROGRAM.—

''(1) IN GENERAL.—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

''(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

''(A) non-Federal entities; and

''(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

''(3) PHASED PROJECT.—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

''(A) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

''(B) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

''(4) COST SHARING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

''(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

''(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

''(ii) the acquisition costs of land acquired for the project that is—

''(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

''(II) owned by an eligible entity and directly related to the project.

''(C) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(5) EFFECT.—Nothing in this section—

''(A) affects or preempts—

''(i) State water law; or

''(ii) an interstate compact relating to the allocation of water; or

''(B) confers on any non-Federal entity the ability to exercise any Federal right to—

''(i) the water of a stream; or

''(ii) any groundwater resource.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section $25,000,000, to remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9109(b)) is amended by inserting after the item relating to section 1650 the following:

''Sec. 1651. North Bay water reuse program.''.

SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.

(a) PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

''SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

''1652. Prado Basin Natural Treatment System Project.''.

(b) LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

''SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

''(1) 25 percent of the total cost of the project; or

''(2) $26,000,000.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

''1653. Lower Chino dairy area desalination demonstration and reclamation project.''.

(c) ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.—Section 1624 of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h–12j) is amended—

(1) in the section heading, by striking the words ''phase 1 of the''; and

(2) in subsection (a), by striking ''phase 1 of''.

SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—

(A) IN GENERAL.—The term ''Project'' means the Riverside-Corona Feeder Project.

(B) INCLUSIONS.—The term ''Project'' includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.—

(1) IN GENERAL.—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) FEDERAL SHARE.—

(A) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) $26,000,000.

(B) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) IN-KIND SERVICES.—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) LIMITATION.—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) $26,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities

Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

"SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

''(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the following:

''(1) The operations and maintenance of the project described in subsection (a).

''(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

''(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

''Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.''.

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

"SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.''.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

''Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

''Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.''.

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) COST SHARE.—The first section of Public Law 87–590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after ''cost thereof,'' the following: ''or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities,''.

(b) RATES.—Section 2(b) of Public Law 87–590 (76 Stat. 390) is amended—

(1) by striking ''(b) Rates'' and inserting the following:

''(b) RATES.—

''(1) IN GENERAL.—Rates''; and

(2) by adding at the end the following:

''(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.—

''(A) IN GENERAL.—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

''(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

''(3) ARKANSAS VALLEY CONDUIT.—

''(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

''(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87–590 (76 Stat. 393) is amended—

(1) by striking ''SEC. 7. There is hereby'' and inserting the following:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(b) ARKANSAS VALLEY CONDUIT.—

''(1) IN GENERAL.—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

''(2) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.''.

Subtitle C—Title Transfers and Clarifications

SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means the agreement numbered 06–AG–60–2115 and entitled ''Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma''.

(2) AUTHORITY.—The term ''Authority'' means the McGee Creek Authority located in Oklahoma City, Oklahoma.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

(i) the pumping plant;

(ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;

(iii) the surge tank;

(iv) the regulating tank;

(v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and

(vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.—

(i) IN GENERAL.—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) MANAGEMENT.—Any mineral interests retained by the United States under this section shall be managed—

(I) consistent with Federal law; and

(II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.—

(i) AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) APPLICABLE LAW.—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(IV) any other applicable laws.

(2) OPERATION OF TRANSFERRED FACILITIES.—

(A) IN GENERAL.—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) OPERATION AND MAINTENANCE COSTS.—

(i) IN GENERAL.—After the conveyance of the land and facilities under paragraph (1)(A)

and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) RELEASE FROM LIABILITY.—

(A) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(B) NO ADDITIONAL LIABILITY.—Nothing in this paragraph adds to any liability that the United States may have under chapter 171 of title 28, United States Code.

(4) CONTRACTUAL OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0–07–50–X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) AMENDMENTS.—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) APPLICABILITY OF THE RECLAMATION LAWS.—Notwithstanding the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.

(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term ''BioPark Parcels'' means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B–1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B–1 and B–2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A–1–A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(c) CLARIFICATION OF PROPERTY INTEREST.—

(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) TIMING.—The Secretary shall carry out the action in paragraph (1) as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(3) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.—

(1) IN GENERAL.—Except as expressly provided in subsection (c), nothing in this section shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(2) ONGOING LITIGATION.—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99–CV–01320–JAP–RHS, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means Agreement No. 07–LC–20–9387 between the United States and the District, entitled ''Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District''.

(2) DISTRICT.—The term ''District'' means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term ''Goleta Water Distribution System'' means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

(c) LIABILITY.—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) BENEFITS.—After conveyance of the Goleta Water Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) COMPLIANCE BY THE DISTRICT.—Upon the conveyance of the Goleta Water Distribution System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) APPLICABLE AUTHORITY.—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) REPORT.—If, 12 months after the date of the enactment of this Act, the Secretary has

not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554, as amended by Public Law 107–66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

''(iv) NON-FEDERAL MATCH.—After $85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

''(I) SAN GABRIEL BASIN WATER QUALITY AUTHORITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

''(II) CENTRAL BASIN MUNICIPAL WATER DISTRICT.—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.'';

(2) in subsection (a), by adding at the end the following:

''(4) INTEREST ON FUNDS IN RESTORATION FUND.—No amounts appropriated above the cumulative amount of $85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States.''; and

(3) by amending subsection (d) to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $146,200,000. Such funds shall remain available until expended.

''(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $21,200,000 shall be made available to carry out the Central Basin Water Quality Project.''.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subtitle:

(1) LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—The term ''Lower Colorado River Multi-Species Conservation Program'' or ''LCR MSCP'' means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) LOWER COLORADO RIVER.—The term ''Lower Colorado River'' means the segment of the Colorado River within the planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) PROGRAM DOCUMENTS.—The term ''Program Documents'' means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means each of the States of Arizona, California, and Nevada.

SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

(a) IMPLEMENTATION.—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) WATER ACCOUNTING.—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) IN GENERAL.—Due to the unique conditions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) JURISDICTION.—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction under this section.

(c) UNITED STATES AS DEFENDANT.—

(1) IN GENERAL.—The United States or any agency of the United States may be named as a defendant in such actions.

(2) SOVEREIGN IMMUNITY.—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) NONWAIVER FOR CERTAIN CLAIMS.—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) RIGHTS UNDER FEDERAL AND STATE LAW.—

(1) IN GENERAL.—Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(2) APPLICABILITY TO LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) VENUE.—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary such sums as may be necessary to meet the obligations of the Secretary under the Program Documents, to remain available until expended.

(b) NON-REIMBURSABLE AND NON-RETURNABLE.—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

Subtitle F—Secure Water

SEC. 9501. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 9502. DEFINITIONS.

In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92–01; and

(B) to coordinate water data collection activities.

(3) ASSESSMENT PROGRAM.—The term ''assessment program'' means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) CLIMATE DIVISION.—The term ''climate division'' means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(7) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.

(8) FEDERAL POWER MARKETING ADMINISTRATION.—The term ''Federal Power Marketing Administration'' means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) HYDROLOGIC ACCOUNTING UNIT.—The term ''hydrologic accounting unit'' means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) MAJOR AQUIFER SYSTEM.—The term ''major aquifer system'' means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) MAJOR RECLAMATION RIVER BASIN.—

(A) IN GENERAL.—The term ''major reclamation river basin'' means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) INCLUSIONS.—The term ''major reclamation river basin'' includes—

(i) the Colorado River;

(ii) the Columbia River;

(iii) the Klamath River;

(iv) the Missouri River;

(v) the Rio Grande;

(vi) the Sacramento River;

(vii) the San Joaquin River; and

(viii) the Truckee River.

(13) NON-FEDERAL PARTICIPANT.—The term ''non-Federal participant'' means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) PANEL.—The term ''panel'' means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).

(15) PROGRAM.—The term ''program'' means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) SECRETARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Secretary'' means the Secretary of the Interior.

(B) EXCEPTIONS.—The term ''Secretary'' means—

(i) in the case of sections 9503, 9504, and 9509, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) SERVICE AREA.—The term ''service area'' means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a climate change adaptation program—

(1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) REQUIRED ELEMENTS.—In carrying out the program described in subsection (a), the Secretary shall—

(1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) changes in the timing and quantity of runoff;

(C) changes in groundwater recharge and discharge; and

(D) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

(H) flood control management;

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) REPORTING.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director;

(B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) COST SHARING.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) EXCEPTION RELATING TO FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section amends or otherwise affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(H) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) APPLICATION.—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) COMPLIANCE WITH REQUIREMENTS.—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) AGRICULTURAL OPERATIONS.—In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(C) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.—If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) COST SHARING.—

(i) FEDERAL SHARE.—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM AMOUNT.—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than $5,000,000.

(iv) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.—

(i) IN GENERAL.—Except as provided under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(b) RESEARCH AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable energy in the management and delivery of water.

(2) TERMS AND CONDITIONS OF SECRETARY.—

(A) IN GENERAL.—An agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) AVAILABILITY.—The agreements under this subsection shall be available to all Reclamation projects and programs that may benefit from project-specific or programmatic cooperative research and development.

(c) MUTUAL BENEFIT.—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.—

(1) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) ACCESS TO DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) AUTHORITY.—The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) COSTS.—

(1) NONREIMBURSABLE.—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) PMA COSTS.—Each Federal Power Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and lead a

climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed $1,000,000.

(B) REPORT.—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a) through (d) $2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—There is authorized to be appropriated to carry out subsection (e) $10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national streamflow information program, as reviewed by the National Research Council in 2004.

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) NETWORK ENHANCEMENT.—

(A) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) REQUIREMENTS OF SITES.—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) FEDERAL SHARE.—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) NETWORK ENHANCEMENT FUNDING.—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) $10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) NATIONAL GROUNDWATER RESOURCES MONITORING.—

(1) IN GENERAL.—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) PROGRAM ELEMENTS.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the

date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) PROGRAM OBJECTIVES.—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) PRIORITY.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) BRACKISH GROUNDWATER ASSESSMENT.—

(1) STUDY.—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) PARTNERSHIPS.—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between and among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the ''national water availability and use assessment program''—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) GRANT PROGRAM.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) CRITERIA.—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) MAXIMUM AMOUNT.—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than $250,000.

(d) REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) $20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (c) $12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

SEC. 9510. EFFECT.

(a) IN GENERAL.—Nothing in this subtitle supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

SEC. 9601 DEFINITIONS.

In this subtitle:

(1) INSPECTION.—The term ''inspection'' means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) PROJECT FACILITY.—The term ''project facility'' means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) RESERVED WORKS.—The term ''reserved works'' mean any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) TRANSFERRED WORKS.—The term ''transferred works'' means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating entity'' means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—The term ''extraordinary operation and maintenance work'' means major, nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor's or the transferred works operating entity's annual operation and maintenance budget for the facility, or greater than $100,000.

SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) GUIDELINES AND INSPECTIONS.—

(1) DEVELOPMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) CONDUCT OF INSPECTIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) TREATMENT OF COSTS.—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—

(1) AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity's workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and the sage operation of a project facility.

(2) COSTS.—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) IN GENERAL.—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) TREATMENT OF COSTS.—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) AUTHORITY OF SECRETARY.—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

(3) DETERMINATION OF INTEREST RATE.—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest ⅛ of 1 percent on the unamortized balance of any portion of the loan.

(c) EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be

necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) REIMBURSEMENT.—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) FUNDING.—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

SEC. 10001. SHORT TITLE.

This part may be cited as the ''San Joaquin River Restoration Settlement Act''.

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part:

(1) The terms ''Friant Division long-term contractors'', ''Interim Flows'', ''Restoration Flows'', ''Recovered Water Account'', ''Restoration Goal'', and ''Water Management Goal'' have the meanings given the terms in the Settlement.

(2) The term ''Secretary'' means the Secretary of the Interior.

(3) The term ''Settlement'' means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., United States District Court, Eastern District of California, No. CIV. S–88–1658–LKK/GGH.

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State's agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) INTERIM FLOWS.—

(1) STUDY REQUIRED.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum—

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) SEEPAGE IMPACTS.—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

(4) TEMPORARY FISH BARRIER PROGRAM.—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) FUNDING AVAILABILITY.—

(1) IN GENERAL.—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) $88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated $20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least $200,000,000 by the State of California.

(2) ADDITIONAL AMOUNTS.—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) SAN JOAQUIN RIVER EXCHANGE CONTRACT.—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) APPLICABLE LAW.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) RIGHT OF FIRST REFUSAL.—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) DISPOSITION OF PROCEEDS.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) GROUNDWATER BANK.—Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) EFFECT ON STATE LAW.—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) DEFINITION OF ENVIRONMENTAL REVIEW.—For purposes of this subsection, the term ''environmental review'' includes any consultation and planning necessary to comply with subsection (a).

(2) PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) LIMITATION.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) NONREIMBURSABLE FUNDS.—The United States' share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project 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 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726).

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) APPLICABLE LAW.—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) IMPLEMENTATION COSTS.—

(1) IN GENERAL.—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total $440,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total $240,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 10004(a)(1).

(3) LIMITATION.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funding provided in subsection (c), there are also authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4727) for purposes of this part in an amount not to exceed $2,000,000 (October 2006 price levels) in any fiscal year.

(c) FUND.—

(1) IN GENERAL.—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99–546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) AVAILABILITY.—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that $88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

(d) LIMITATION ON CONTRIBUTIONS.—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) REACH 4B.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) DEADLINE.—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) DETERMINATION REQUIRED.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in reach 4B.

(3) COSTS.—If the Secretary's estimated Federal cost for expanding reach 4B in paragraph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) CONVERSION OF CONTRACTS.—

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors, entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon request of the contractor, the Secretary is authorized to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by ½ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013;

(B) require that, notwithstanding subsection (c)(2), construction costs or other

capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from 2020 through 2039, and the amounts of such reductions shall be discounted using the Treasury Rate; provided, that such charge shall not be reduced to less than $4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce, after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public law 102–575, by the amount of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-Federal operating entity.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this part.

(5) For purposes of this section, ''Treasury Rate'' shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

(e) SATISFACTION OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90 days before commencement of any such transfer or exchange for a period in excess of 1 year, and not later than 30 days before commencement of any proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term ''third party'' means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of

the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.

(a) PLAN.—

(1) GRANT.—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(2) STUDY AREA.—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160–05, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(b) USE OF PLAN.—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(c) REPORT.—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 to remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) The Secretary of the Interior (hereafter referred to as the ''Secretary'') is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be in accordance with section 10203, and shall be a nonreimbursable Federal expenditure.

SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.

(a) AUTHORIZATION.—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) CRITERIA.—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency's own costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the financial capability and willingness to fund its share of the project's construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

(c) GUIDELINES.—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the

Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) COST SHARING.—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) PROJECT OWNERSHIP.—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use monies from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed $35,000,000.

(b) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan provided for pursuant to section 10004(a)(4), in an amount not to exceed $17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Secretary's determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2).

(c) In addition to funds made available in subsections (a) and (b), there are authorized to be appropriated $50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

Subtitle B—Northwestern New Mexico Rural Water Projects

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the ''Northwestern New Mexico Rural Water Projects Act''.

SEC. 10302. DEFINITIONS.

In this subtitle:

(1) AAMODT ADJUDICATION.—The term ''Aamodt adjudication'' means the general stream adjudication that is the subject of the civil action entitled ''State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.'', No. 66 CV 6639 MV/LCS (D.N.M.).

(2) ABEYTA ADJUDICATION.—The term ''Abeyta adjudication'' means the general stream adjudication that is the subject of the civil actions entitled ''State of New Mexico v. Abeyta and State of New Mexico v. Arrellano'', Civil Nos. 7896–BB (D.N.M) and 7939–BB (D.N.M.) (consolidated).

(3) ACRE-FEET.—The term ''acre-feet'' means acre-feet per year.

(4) AGREEMENT.—The term ''Agreement'' means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(5) ALLOTTEE.—The term ''allottee'' means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) ANIMAS-LA PLATA PROJECT.—The term ''Animas-La Plata Project'' has the meaning given the term in section 3 of Public Law 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

(7) CITY.—The term ''City'' means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) COLORADO RIVER COMPACT.—The term ''Colorado River Compact'' means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) COLORADO RIVER SYSTEM.—The term ''Colorado River System'' has the same meaning given the term in Article II(a) of the Colorado River Compact.

(10) COMPACT.—The term ''Compact'' means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) CONTRACT.—The term ''Contract'' means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(12) DEPLETION.—The term ''depletion'' means the depletion of the flow of the San Juan River stream system in the State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(13) DRAFT IMPACT STATEMENT.—The term ''Draft Impact Statement'' means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) FUND.—The term ''Fund'' means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) HYDROLOGIC DETERMINATION.—The term ''hydrologic determination'' means the hydrologic determination entitled ''Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,'' prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87–483; 76 Stat. 99), and dated May 23, 2007.

(16) LOWER BASIN.—The term ''Lower Basin'' has the same meaning given the term in Article II(g) of the Colorado River Compact.

(17) NATION.—The term ''Nation'' means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the ''Navajo Tribe,'' the ''Navajo Tribe of Arizona, New Mexico & Utah,'' and the ''Navajo Tribe of Indians'' and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.—The term ''Navajo-Gallup Water Supply Project'' or ''Project'' means the Navajo-Gallup Water Supply Project authorized under section 10602(a), as described as the preferred alternative in the Draft Impact Statement.

(19) NAVAJO INDIAN IRRIGATION PROJECT.—The term ''Navajo Indian Irrigation Project'' means the Navajo Indian irrigation project authorized by section 2 of Public Law 87–483 (76 Stat. 96).

(20) NAVAJO RESERVOIR.—The term ''Navajo Reservoir'' means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.).

(21) NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.—The term ''Navajo Nation Municipal Pipeline'' or ''Pipeline'' means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973; 114 Stat. 2763A–263).

(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term ''Non-Navajo Irrigation Districts'' means—

(A) the Hammond Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) PARTIAL FINAL DECREE.—The term ''Partial Final Decree'' means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(24) PROJECT PARTICIPANTS.—The term ''Project Participants'' means the City, the Nation, and the Jicarilla Apache Nation.

(25) SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.—The term ''San Juan River Basin Recovery Implementation Program'' means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) STREAM ADJUDICATION.—The term ''stream adjudication'' means the general stream adjudication that is the subject of New Mexico v. United States, et al., No. 75–185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) SUPPLEMENTAL PARTIAL FINAL DECREE.—The term ''Supplemental Partial Final Decree'' means a final and binding judgment and decree entered by a court in

the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) TRUST FUND.—The term ''Trust Fund'' means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) UPPER BASIN.—The term ''Upper Basin'' has the same meaning given the term in Article II(f) of the Colorado River Compact.

SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 10701(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10304. NO REALLOCATION OF COSTS.

(a) EFFECT OF ACT.—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) USE OF POWER REVENUES.—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.), shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project or Navajo-Gallup Water Supply Project.

SEC. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620(2)) is amended by inserting ''the Navajo-Gallup Water Supply Project,'' after ''Fruitland Mesa,''.

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

''SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

''(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 99).

''(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

''(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

''(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

''(A) Public Law 87–483 (76 Stat. 96); and

''(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

''(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

''(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

''(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

''(B) water in the top water bank be subject to evaporation and other losses during storage;

''(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

''(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

''(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

''(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.''.

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87–483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87–483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

''SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

''(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

''(A) 508,000 acre-feet per year; or

''(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

''(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

''(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

''(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 1602).

''(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

''(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

''(B) Notwithstanding any other provision of law—

''(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

''(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

''(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

''(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

''(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

''(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

''(2) the contract executed under section 10604(a)(2)(B) of that Act; and

''(3) any other applicable law.

''(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

''(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

''(2) other nonirrigation purposes authorized under subsection (c) or (d).

''(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

''(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for nonirrigation purposes under subsection (e).''.

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87–483 (76 Stat. 100) is amended by adding at the end the following:

''(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

''(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

''(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

''(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8, which shall be the amount to which any shortage is applied.

''(2) The Secretary shall not include in the normal diversion requirements—

''(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

''(B) the quantity of water anticipated to be supplied through reuse.

''(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

''(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

''(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

''(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

''(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

''(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act').

''(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

''(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

''(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

''(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.''.

SEC. 10403. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the ''Colorado River Basin Project Act'') (82 Stat. 885);

(5) Public Law 87–483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

PART II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Reclamation Water Settlements Fund'', consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, $120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—

(A) EXPENDITURES.—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed $120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching $120,000,000 for prior fiscal years.

(2) AUTHORITY.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—

(I) IN GENERAL.—The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—

(i) NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(e)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $500,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—The amount expended under subclause (I) shall not exceed $250,000,000.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled ''In re the General Adjudication of All the

Rights to Use Surface and Groundwater in the State of Montana'', if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $350,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) ARIZONA SETTLEMENT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $100,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(C) REVERSION.—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2034—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary is authorized to acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LAND OF THE PROJECT PARTICIPANTS.—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 10604 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than $50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.

(2) EXCEPTION.—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and proceed with Project construction if all other conditions for construction have been satisfied.

(3) EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project.

(e) POWER.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) CONVEYANCE OF TITLE TO PROJECT FACILITIES.—

(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project or section of a Project facility; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as

necessary to administer and fulfill the conditions of the Contract executed under section 10604(a)(2)(B).

(2) EFFECT OF CONVEYANCE.—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 10603. DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER.

(a) USE OF PROJECT WATER.—

(1) IN GENERAL.—In accordance with this subtitle and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) USE ON CERTAIN LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—

(A) IN GENERAL.—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) ADMINISTRATION.—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) STORAGE.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(A) IN GENERAL.—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) DELIVERY CAPACITY ALLOCATION TO THE CITY.—The Project may deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(C) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—Subject to subsection (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation's behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) ACCOUNTING OF USES IN ARIZONA.—

(A) IN GENERAL.—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478).

(B) LIMITATION.—Notwithstanding subparagraph (A)(ii), no water diverted by the Project shall be accounted for pursuant to subparagraph (A)(ii) until such time that—

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(A)(ii); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(A)(ii) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan River Basin, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the ''Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin'' as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(B) PRESERVATION OF EXISTING RIGHTS.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(d) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(e) EFFECT.—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(g) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

(2) PROJECT PARTICIPANT PAYMENTS.—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) NO PRECEDENT.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

(i) UNIQUE SITUATION.—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico,

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(j) CONSENSUS.—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this section.

(k) EFFICIENT USE.—The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(a) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) NONREIMBURSABILITY OF ALLOCATED COSTS.—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the City to satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1), based on the ability of the City to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the City in excess of the repayment obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) WATER DELIVERY SUBCONTRACT.—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with—

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) CAPITAL COST ALLOCATIONS.—

(1) IN GENERAL.—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) FINAL COST ALLOCATION.—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) REPAYMENT OBLIGATION.—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) PROJECT CONSTRUCTION COMMITTEE.—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico—

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

(b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(2) CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located outside the corporate boundaries of the City of Farmington.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species

Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of water associated with the Animas-La Plata Project.

(4) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(5) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(1) IN GENERAL.—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water generated by the wells can be made to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT.—

(A) IN GENERAL.—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(B) SUBSEQUENT ASSUMPTION BY NATION.—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) LIMITATIONS.—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent, and shall be nonreimbursable.

(2) FORM.—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) STATE CONTRIBUTION.—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project $870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) USE.—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) EXPIRATION.—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.—

(1) SAN JUAN WELLS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) $30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) NONREIMBURSABLE EXPENDITURES.—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) USE.—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) LIMITATION.—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) SAN JUAN RIVER IRRIGATION PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than $7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than $15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) NONREIMBURSABLE EXPENDITURES.—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) OTHER IRRIGATION PROJECTS.—There are authorized to be appropriated to the Secretary to carry out section 10608 $11,000,000 for the period of fiscal years 2009 through 2019.

(e) CULTURAL RESOURCES.—

(1) IN GENERAL.—The Secretary may use not more than 2 percent of amounts made available under subsections (a), (b), and (c) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under paragraph (1) shall be nonreimbursable.

(f) FISH AND WILDLIFE FACILITIES.—

(1) IN GENERAL.—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS

SEC. 10701. AGREEMENT.

(a) AGREEMENT APPROVAL.—

(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(2) EXECUTION BY SECRETARY.—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) WATER AVAILABLE UNDER CONTRACT.—

(1) QUANTITIES OF WATER AVAILABLE.—

(A) IN GENERAL.—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/year)	Depletion (acre-feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) MAXIMUM QUANTITY.—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) TERMS, CONDITIONS, AND LIMITATIONS.—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) RIGHTS OF THE NATION.—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) SUBCONTRACTS.—

(1) IN GENERAL.—

(A) SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) APPROVAL REQUIRED.—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) SUBMITTAL.—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) DEADLINE.—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) ENFORCEMENT.—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) COMPLIANCE WITH OTHER LAW.—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) ALIENATION.—

(A) PERMANENT ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) MAXIMUM TERM.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) NO PER CAPITA PAYMENTS.—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) WATER LEASES NOT REQUIRING SUBCONTRACTS.—

(1) AUTHORITY OF NATION.—

(A) IN GENERAL.—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) COMPLIANCE WITH OTHER LAW.—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) ALIENATION; MAXIMUM TERM.—

(A) ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) NULLIFICATION.—

(1) DEADLINES.—

(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) AGREEMENT.—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) CONTRACT.—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) TRUST FUND.—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) CONJUNCTIVE WELLS.—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) NAVAJO-GALLUP WATER SUPPLY PROJECT.—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this part and parts I and III shall be null and void.

(3) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—

(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 10702. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ''Navajo Nation Water Resources Development Trust Fund'', consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) USE OF FUNDS.—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) MANAGEMENT.—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) INVESTMENT OF THE TRUST FUND.—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) REQUIREMENTS.—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) NO LIABILITY.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) ANNUAL REPORT.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2019; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree; and

(ii) the Supplemental Partial Final Decree.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for deposit in the Trust Fund—

(1) $6,000,000 for each of fiscal years 2010 through 2014; and

(2) $4,000,000 for each of fiscal years 2015 through 2019.

SEC. 10703. WAIVERS AND RELEASES.

(a) CLAIMS BY THE NATION AND THE UNITED STATES.—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments

by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) CLAIMS BY THE NATION AGAINST THE UNITED STATES.—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to inference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(c) RESERVATION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees) and the United States acting in its capacity as trustee for the Nation and allottees, retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and 13.9 of the Agreement;

(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, including but not limited to any claims the Nation might have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The waivers and releases described in subsections (a) and (b) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) have been met.

(2) DEADLINE.—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B)—

(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and

(B) section 10701(e)(2)(B) shall apply.

SEC. 10704. WATER RIGHTS HELD IN TRUST.

A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and in paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

SEC. 10801. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

SEC. 10802. PURPOSES.

The purposes of this subtitle are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this subtitle.

SEC. 10803. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled the ''Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River'' and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) DEVELOPMENT FUND.—The term ''Development Fund'' means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).

(3) EAST FORK OF THE OWYHEE RIVER.—The term ''East Fork of the Owyhee River'' means the portion of the east fork of the Owyhee River that is located in the State.

(4) MAINTENANCE FUND.—The term ''Maintenance Fund'' means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) RESERVATION.—The term ''Reservation'' means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Nevada.

(8) TRIBAL WATER RIGHTS.—The term ''tribal water rights'' means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) TRIBES.—The term ''Tribes'' means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) UPSTREAM WATER USER.—The term ''upstream water user'' means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) IN GENERAL.—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) SECRETARIAL AUTHORIZATION.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL WATER MARKETING.—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

SEC. 10805. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subtitle for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term ''Funds'' means—

(1) the Development Fund; and

(2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Water Rights Development Fund''.

(2) USE OF FUNDS.—

(A) PRIORITY USE OF FUNDS FOR REHABILITATION.—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund $9,000,000 for each of fiscal years 2010 through 2014.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Operation and Maintenance Fund''.

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund $3,000,000 for each of fiscal years 2010 through 2014.

(d) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts made available under subsections (b)(3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) ADMINISTRATION OF FUNDS.—Upon completion of the actions described in section 10808(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections

(b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) EFFECTIVE DATE.—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

(e) FAILURE TO PUBLISH STATEMENT OF FINDINGS.—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this subtitle shall not take effect; and

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10809. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this subtitle.

(b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976''), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) ADMISSION AGAINST INTEREST.—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) RESERVATION.—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) JURISDICTION.—

(1) SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) CIVIL OR REGULATORY JURISDICTION.—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(a) FINDINGS.—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) although significant progress has been made in the production of geologic maps

since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting ''homeland and'' after ''planning for'';

(B) in subparagraph (E), by striking ''predicting'' and inserting ''identifying'';

(C) in subparagraph (I), by striking ''and'' after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

''(J) recreation and public awareness; and''; and

(3) in paragraph (9), by striking ''important'' and inserting ''available''.

(b) PURPOSE.—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting ''and management'' before the period at the end.

(c) DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking ''not later than'' and all that follows through the semicolon and inserting ''not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;'';

(2) in subparagraph (B), by striking ''not later than'' and all that follows through ''in accordance'' and inserting ''not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009 in accordance''; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking ''not later than'' and all that follows through ''submit'' and inserting ''submit biennially''.

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking ''geophysical-map data base, geochemical-map data base, and a''; and

(2) by striking ''provide'' and inserting ''provides''.

(e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking ''and'' after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(III) the needs of land management agencies of the Department of the Interior.''.

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—

(i) by inserting ''the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,'' after ''Administrator of the Environmental Protection Agency or a designee,'';

(ii) by inserting ''and'' after ''Energy or a designee,''; and

(iii) by striking '', and the Assistant to the President for Science and Technology or a designee''; and

(B) in paragraph (3)—

(i) by striking ''Not later than'' and all that follows through ''consultation'' and inserting ''In consultation'';

(ii) by striking ''Chief Geologist, as Chairman'' and inserting ''Associate Director for Geology, as Chair''; and

(iii) by striking ''one representative from the private sector'' and inserting ''2 representatives from the private sector''.

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and''.

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking ''10-member'' and inserting ''11-member''.

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking ''geologic map'' and inserting ''geologic-map''; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;''.

(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking ''Not later'' and all that follows through ''biennially'' and inserting ''Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially''.

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2009 through 2018.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2000'' and inserting ''2005'';

(B) in paragraph (1), by striking ''48'' and inserting ''50''; and

(C) in paragraph (2), by striking 2 and inserting ''4''.

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the ''Secretary''), in coordination with the State of New Mexico (referred to in this section as the ''State'') and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

SEC. 12001. PURPOSE.

The purpose of this part is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 12002. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in part supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this part—

(1) $33,550,000 for fiscal year 2009;
(2) $36,905,000 for fiscal year 2010;
(3) $40,596,000 for fiscal year 2011;
(4) $44,655,000 for fiscal year 2012;
(5) $49,121,000 for fiscal year 2013;
(6) $54,033,000 for fiscal year 2014; and
(7) $59,436,000 for fiscal year 2015.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

SEC. 12101. SHORT TITLE.

This part may be cited as the ''NOAA Undersea Research Program Act of 2009''.

SEC. 12102. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) PURPOSE.—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 12103. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 12104. ADMINISTRATIVE STRUCTURE.

(a) IN GENERAL.—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) DIRECTION.—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) OPERATIONS.—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 12106. COMPETITIVENESS.

(a) DISCRETIONARY FUND.—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $9,744,000 for the National Technology Institute.

Subtitle B—Ocean and Coastal Mapping Integration Act

SEC. 12201. SHORT TITLE.

This subtitle may be cited as the ''Ocean and Coastal Mapping Integration Act''.

SEC. 12202. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) MEMBERSHIP.—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) PROGRAM PARAMETERS.—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CO-CHAIRMEN.—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) SUBCOMMITTEE.—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) COORDINATION.—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 12204. BIENNIAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with non-governmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

SEC. 12205. PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the

Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be colocated with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) NOAA REPORT.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

(1) $26,000,000 for fiscal year 2009;

(2) $32,000,000 for fiscal year 2010;

(3) $38,000,000 for fiscal year 2011; and

(4) $45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

(1) $11,000,000 for fiscal year 2009.

(2) $12,000,000 for fiscal year 2010.

(3) $13,000,000 for fiscal year 2011.

(4) $15,000,000 for each of fiscal years 2012 through 2015.

(c) COOPERATIVE AGREEMENTS.—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 12208. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term ''coastal state'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4).

(3) COMMITTEE.—The term ''Committee'' means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) OCEAN AND COASTAL MAPPING.—The term ''ocean and coastal mapping'' means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) TERRITORIAL SEA.—The term ''territorial sea'' means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) NONGOVERNMENTAL ENTITIES.—The term ''nongovernmental entities'' includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite imagines, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

SEC. 12301. SHORT TITLE.

This subtitle may be cited as the ''Integrated Coastal and Ocean Observation System Act of 2009''.

SEC. 12302. PURPOSES.

The purposes of this subtitle are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 12303. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator

of the National Oceanic and Atmospheric Administration.

(2) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) FEDERAL ASSETS.—The term ''Federal assets'' means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term ''Interagency Ocean Observation Committee'' means the committee established under section 12304(c)(2).

(5) NON-FEDERAL ASSETS.—The term ''non-Federal assets'' means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term ''regional information coordination entity'' means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) CERTAIN INCLUDED ASSOCIATIONS.—The term ''regional information coordination entity'' includes regional associations described in the System Plan.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) SYSTEM.—The term ''System'' means the National Integrated Coastal and Ocean Observation System established under section 12304.

(9) SYSTEM PLAN.—The term ''System Plan'' means the plan contained in the document entitled ''Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan'', as updated by the Council under this subtitle.

SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation's international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) SYSTEM ELEMENTS.—

(1) IN GENERAL.—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—

(1) COUNCIL FUNCTIONS.—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observation Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration

projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

SEC. 12306. APPLICATION WITH OTHER LAWS.

Nothing in this subtitle supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 12307. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle.

(b) CONTENTS.—The report shall include—

(1) a description of activities carried out under this subtitle and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

SEC. 12308. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of $250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the ''Federal Ocean Acidification Research And Monitoring Act of 2009'' or the ''FOARAM Act''.

SEC. 12402. PURPOSES.

(a) PURPOSES.—The purposes of this subtitle are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 12403. DEFINITIONS.

In this subtitle:

(1) OCEAN ACIDIFICATION.—The term ''ocean acidification'' means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) SUBCOMMITTEE.—The term ''Subcommittee'' means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—

(1) IN GENERAL.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 12405. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) PROGRAM ELEMENTS.—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) PUBLIC PARTICIPATION.—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) CONSISTENCY.—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) OCEAN ACIDIFICATION ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

(1) $8,000,000 for fiscal year 2009;

(2) $12,000,000 for fiscal year 2010;

(3) $15,000,000 for fiscal year 2011; and

(4) $20,000,000 for fiscal year 2012.

(b) NSF.—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle—

(1) $6,000,000 for fiscal year 2009;

(2) $8,000,000 for fiscal year 2010;

(3) $12,000,000 for fiscal year 2011; and

(4) $15,000,000 for fiscal year 2012.

Subtitle E—Coastal and Estuarine Land Conservation Program

SEC. 12501. SHORT TITLE.

This Act may be cited as the ''Coastal and Estuarine Land Conservation Program Act''.

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

''AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

''SEC. 307A. (a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

''(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

''(1) a Coastal Zone Management Plan or Program approved under this title;

''(2) a National Estuarine Research Reserve management plan;

''(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

''(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

''(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

''(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

''(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

''(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

''(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

''(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

''(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

''(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

''(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

''(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

''(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

''(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

''(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

''(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

''(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—

''(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

''(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

''(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

''(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

''(f) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

''(2) COST SHARE REQUIREMENT.—

''(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

''(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

''(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

''(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

''(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

''(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

''(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

''(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

''(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

''(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non- Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

''(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

''(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

''(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

''(1) such assurances as the Secretary may require that—

''(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

''(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

''(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

''(2) certification that the property (including any interest in land) will be acquired from a willing seller.

''(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

''(k) DEFINITIONS.—In this section:

''(1) CONSERVATION EASEMENT.—The term 'conservation easement' includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

''(2) INTEREST IN PROPERTY.—The term 'interest in property' includes a conservation easement.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2009 through 2013.''.

TITLE XIII—MISCELLANEOUS

SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

''SEC. 26. NORTH DAKOTA TRUST FUNDS.

''(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the 'trust fund')—

''(1) deposit all revenues earned by a trust fund into the trust fund;

''(2) deduct the costs of administering a trust fund from each trust fund; and

''(3) manage each trust fund to—

''(A) preserve the purchasing power of the trust fund; and

''(B) maintain stable distributions to trust fund beneficiaries.

''(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

''(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

''(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).''.

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the ''First Morrill Act'') (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

''SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

''(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

''(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the 'trust fund')—

''(1) deposit all revenues earned by a trust fund into the trust fund;

''(2) deduct the costs of administering a trust fund from each trust fund; and

''(3) manage each trust fund to—

''(A) preserve the purchasing power of the trust fund; and

''(B) maintain stable distributions to trust fund beneficiaries.

''(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

''(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.''.

(c) CONSENT OF CONGRESS.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled ''A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date'' and approved by the voters of the State of North Dakota on November 7, 2006.

SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking ''$5,000,000'' and inserting ''$2,500,000''.

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking ''The value'' and inserting the following:

''(1) IN GENERAL.—The value''; and

(2) by adding at the end the following:

''(2) BONNEVILLE POWER ADMINISTRATION.—

''(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

''(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.''.

(c) REPORT.—Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by inserting ''any'' before ''amounts are made''; and

(2) by inserting after ''Secretary shall'' the following: '', after partnering with local governmental entities and the States in the Pacific Ocean drainage area,''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), by striking ''2001 through 2005'' and inserting '' 2009 through 2015''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) ADMINISTRATIVE EXPENSES.—

''(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term 'administrative expense' means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

''(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

''(ii) the review, processing, and provision of applications for funding under the Program.

''(B) LIMITATION.—

''(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

''(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

''(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

''(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

''(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

''(I) shall be divided evenly among all States provided assistance under the Program; and

''(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

''(aa) arranging meetings to promote the Program to potential applicants;

''(bb) assisting applicants with the preparation of applications for funding under the Program; and

''(cc) visiting construction sites to provide technical assistance, if requested by the applicant.''.

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

''(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

''(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act');

''(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

''(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).''.

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking ''7 Assistant Secretaries'' and inserting ''8 Assistant Secretaries''.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Energy (7)'' and inserting ''Assistant Secretaries of Energy (8)''.

SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term ''Institute'' means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term ''map'' means the map entitled ''Lovelace Respiratory Research Institute Land Conveyance'' and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term ''Secretary of Energy'' means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as ''Parcel A'' on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the

Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as ''Parcel B'' on the map, including any improvements to the parcel.

(2) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

''§ 153514. Authorization of appropriations

''(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses $500,000 for each of fiscal years 2008 through 2017.

''(b) LIMITATION.—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds.''.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

SEC. 14001. SHORT TITLE.

This title may be cited as the ''Christopher and Dana Reeve Paralysis Act''.

Subtitle A—Paralysis Research

SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) COORDINATION.—The Director of the National Institutes of Health (referred to in this title as the ''Director''), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

Subtitle B—Paralysis Rehabilitation Research and Care

SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary'') may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2011.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this section. Such sums shall remain available until expended.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 24, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Thomas Strickland, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 17, 2008. At 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 17, 2009 at 10 a.m. to conduct a hearing entitled ''Perspectives on Modernizing Insurance Regulation.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, March 17, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to

meet during the session of the Senate on Tuesday, March 17, 2009 at 10 a.m., in room 215 of the Dirksen Senate Office Building

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 17, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Law Enforcement Responses to Mexican Drug Cartels'' on Tuesday, March 17, 2009, at 10:30 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, as in executive session, I ask unanimous consent that on Wednesday, March 18, following the period of morning business, the Senate proceed to executive session to consider Calendar No. 24, the nomination of Ronald Kirk to be U.S. Trade Representative; that there be up to 90 minutes of debate with respect to the nomination, with the time divided as follows: 30 minutes under the control of the majority and 60 minutes under the control of the Republicans; that upon the use or yielding back of time, the vote on confirmation of the nomination occur at a time to be determined by the majority leader, following consultation with the Republican leader, and that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL TEMPORARY EXTENSIONS OF THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1541, 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. 1541) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the bill be read three times 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. 1541) was ordered to a third reading, was read the third time, and passed.

REAUTHORIZING AND IMPROVING THE FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 30, S. 303.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 303) to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. 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. 303) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Financial Assistance Management Improvement Act of 2009''.

SEC. 2. REAUTHORIZATION.

Section 11 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) in the section heading, by striking ''**AND SUNSET**''; and

(2) by striking ''and shall cease to be effective 8 years after such date of enactment''.

SEC. 3. WEBSITE RELATING TO FEDERAL GRANTS.

Section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(2) by inserting after subsection (d) the following:

''(e) WEBSITE RELATING TO FEDERAL GRANTS.—

''(1) IN GENERAL.—The Director shall establish and maintain a public website that serves as a central point of information and access for applicants for Federal grants.

''(2) CONTENTS.—To the maximum extent possible, the website established under this subsection shall include, at a minimum, for each Federal grant—

''(A) the grant announcement;

''(B) the statement of eligibility relating to the grant;

''(C) the application requirements for the grant;

''(D) the purposes of the grant;

''(E) the Federal agency funding the grant; and

''(F) the deadlines for applying for and awarding of the grant.

''(3) USE BY APPLICANTS.—The website established under this subsection shall, to the greatest extent practical, allow grant applicants to—

''(A) search the website for all Federal grants by type, purpose, funding agency, program source, and other relevant criteria;

''(B) apply for a Federal grant using the website;

''(C) manage, track, and report on the use of Federal grants using the website; and

''(D) provide all required certifications and assurances for a Federal grant using the website.''; and

(3) in subsection (g), as so redesignated, by striking ''All actions'' and inserting ''Except for actions relating to establishing the website required under subsection (e), all actions''.

SEC. 4. REPORT ON IMPLEMENTATION.

The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by striking section 7 and inserting the following:

''SEC. 7. EVALUATION OF IMPLEMENTATION.

''(a) IN GENERAL.—Not later than 9 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a report regarding the implementation of this Act.

''(b) CONTENTS.—

''(1) IN GENERAL.—Each report under subsection (a) shall include, for the applicable period—

''(A) a list of all grants for which an applicant may submit an application using the website established under section 6(e);

''(B) a list of all Federal agencies that provide Federal financial assistance to non-Federal entities;

''(C) a list of each Federal agency that has complied, in whole or in part, with the requirements of this Act;

''(D) for each Federal agency listed under subparagraph (C), a description of the extent of the compliance with this Act by the Federal agency;

''(E) a list of all Federal agencies exempted under section 6(d);

''(F) for each Federal agency listed under subparagraph (E)—

''(i) an explanation of why the Federal agency was exempted; and

''(ii) a certification that the basis for the exemption of the Federal agency is still applicable;

''(G) a list of all common application forms that have been developed that allow non-Federal entities to apply, in whole or in part, for multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies) through a single common application;

''(H) a list of all common forms and requirements that have been developed that allow non-Federal entities to report, in whole or in part, on the use of funding from multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies);

''(I) a description of the efforts made by the Director and Federal agencies to communicate and collaborate with representatives

of non-Federal entities during the implementation of the requirements under this Act;

''(J) a description of the efforts made by the Director to work with Federal agencies to meet the goals of this Act, including a description of working groups or other structures used to coordinate Federal efforts to meet the goals of this Act; and

''(K) identification and description of all systems being used to disburse Federal financial assistance to non-Federal entities.

''(2) SUBSEQUENT REPORTS.—The second report submitted under subsection (a), and each subsequent report submitted under subsection (a), shall include—

''(A) a discussion of the progress made by the Federal Government in meeting the goals of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009, and in implementing the strategic plan submitted under section 8, including an evaluation of the progress of each Federal agency that has not received an exemption under section 6(d) towards implementing the strategic plan; and

''(B) a compilation of the reports submitted under section 8(c)(3) during the applicable period.

''(c) DEFINITION OF APPLICABLE PERIOD.—In this section, the term 'applicable period' means—

''(1) for the first report submitted under subsection (a), the most recent full fiscal year before the date of the report; and

''(2) for the second report submitted under subsection (a), and each subsequent report submitted under subsection (a), the period beginning on the date on which the most recent report under subsection (a) was submitted and ending on the date of the report.''.

SEC. 5. STRATEGIC PLAN.

(a) IN GENERAL.—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating sections 8, 9, 10, and 11 as sections 9, 10, 11, and 12, respectively; and

(2) by inserting after section 7, as amended by this Act, the following:

''SEC. 8. STRATEGIC PLAN.

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a strategic plan that—

''(1) identifies Federal financial assistance programs that are suitable for common applications based on the common or similar purposes of the Federal financial assistance;

''(2) identifies Federal financial assistance programs that are suitable for common reporting forms or requirements based on the common or similar purposes of the Federal financial assistance;

''(3) identifies common aspects of multiple Federal financial assistance programs that are suitable for common application or reporting forms or requirements;

''(4) identifies changes in law, if any, needed to achieve the goals of this Act; and

''(5) provides plans, timelines, and cost estimates for—

''(A) developing an entirely electronic, web-based process for managing Federal financial assistance, including the ability to—

''(i) apply for Federal financial assistance;

''(ii) track the status of applications for and payments of Federal financial assistance;

''(iii) report on the use of Federal financial assistance, including how such use has been in furtherance of the objectives or purposes of the Federal financial assistance; and

''(iv) provide required certifications and assurances;

''(B) ensuring full compliance by Federal agencies with the requirements of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009;

''(C) creating common applications for the Federal financial assistance programs identified under paragraph (1), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(D) establishing common financial and performance reporting forms and requirements for the Federal financial assistance programs identified under paragraph (2), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(E) establishing common applications and financial and performance reporting forms and requirements for aspects of the Federal financial assistance programs identified under paragraph (3), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(F) developing mechanisms to ensure compatibility between Federal financial assistance administration systems and State systems to facilitate the importing and exporting of data;

''(G) developing common certifications and assurances, as appropriate, for all Federal financial assistance programs that have common or similar purposes, regardless of whether the Federal financial assistance programs are administered by different Federal agencies; and

''(H) minimizing the number of different systems used to disburse Federal financial assistance.

''(b) CONSULTATION.—In developing and implementing the strategic plan under subsection (a), the Director shall consult with representatives of non-Federal entities and Federal agencies that have not received an exemption under section 6(d).

''(c) FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 6 months after the date on which the Director submits the strategic plan under subsection (a), the head of each Federal agency that has not received an exemption under section 6(d) shall develop a plan that describes how the Federal agency will carry out the responsibilities of the Federal agency under the strategic plan, which shall include—

''(A) clear performance objectives and timelines for action by the Federal agency in furtherance of the strategic plan; and

''(B) the identification of measures to improve communication and collaboration with representatives of non-Federal entities on an on-going basis during the implementation of this Act.

''(2) CONSULTATION.—The head of each Federal agency that has not received an exemption under section 6(d) shall consult with representatives of non-Federal entities during the development and implementation of the plan of the Federal agency developed under paragraph (1).

''(3) REPORTING.—Not later than 2 years after the date on which the head of a Federal agency that has not received an exemption under section 6(d) develops the plan under paragraph (1), and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the head of the Federal agency shall submit to the Director a report regarding the progress of the Federal agency in achieving the objectives of the plan of the Federal agency developed under paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(d) of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by inserting '', until the date on which the Federal agency submits the first report by the Federal agency required under section 8(c)(3)'' after ''subsection (a)(7)''.

THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. MERKLEY. Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 39 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 39) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. MERKLEY. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 39) was agreed to.

APPOINTMENT OF DAVID M. RUBENSTEIN AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 8 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 8) providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MERKLEY. I ask unanimous consent that the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 8) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the

class other than Members of Congress, occurring because of the expiration of the term of Anne d'Harnoncourt of Pennsylvania is filled by the appointment of David M. Rubenstein of Maryland. The appointment is for a term of 6 years, effective on the date of enactment of this joint resolution.

APPOINTMENT OF FRANCE A. CORDOVA AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 9 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 9) providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MERKLEY. I ask unanimous consent that the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 9) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Eli Broad of California is filled by the appointment of France A. Córdova of Indiana. The appointment is for a term of 6 years, effective on the later of April 7, 2009, or the date of enactment of this joint resolution.

ORDERS FOR WEDNESDAY, MARCH 18, 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, March 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate proceed to executive session under the previous order; further that following executive session, the Senate resume consideration of H.R. 146, the lands bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Mr. President, Senators should expect a series of votes around 2 p.m. on the confirmation of the Kirk nomination and three Coburn amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Wednesday, March 18, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

DAVID F. HAMILTON, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE KENNETH F. RIPPLE, RETIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHLEEN SEBELIUS, OF KANSAS, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

WILLIAM V. CORR, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE TEVI DAVID TROY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

MICHAEL J. MCNEIL

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

DESARAE A. JANSZEN

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 major

XAVIER A. NGUYEN
SCOTT D. ROBINSON
JENNIFER A. TAY

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 major

JOHN M. BEENE II
RAMSIS K. BENJAMIN
ELIZABETH N. SMITH

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

LAURA K. LESTER

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

BRIGITTE BELANGER

THE FOLLOWING NAMED INDIVIDUAL 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

MITZI A. RIVERA

THE FOLLOWING NAMED INDIVIDUAL 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

CATHERINE B. EVANS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

VICTOR G. KELLY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RYAN T. CHOATE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RAFAEL A. CABRERA
THOMAS D. STARKEY

To be major

JOSEPH P. JEANETTE
CAROLINE F. MERVEILLE
JESUS MULET
WYLAN C. PETERSON
ANDREW J. SCHOENFIELD
MARK R. SHASHIKANT
CARL J. TADAKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ROBERT A. BORCHERDING
ROBERT A. BROADBENT
ERIC R. CARPENTER
CHRISTOPHER D. CARRIER
DANA J. CHASE
JOHN H. COOK
MICHAEL S. DEVINE
RICHARD P. DIMEGLIO
TIERNAN P. DOLAN
MARK E. EICHELMAN
DEIDRA J. FLEMING
JOHN S. FROST, JR.
PATRICK L. GARY
LANCE S. HAMILTON
DONNA C. HANSEN
STEPHEN L. HARMS
PETER R. HAYDEN
BRIAN A. HUGHES
RUSSELL K. JACKSON
JOHN P. JURDEN
ELIZABETH KUBALA
KATHERINE A. LEHMANN
JULIE A. LONG
DION LYONS
ELIZABETH G. MAROTTA
ALISON C. MARTIN
JEFFREY A. MILLER
JOSEPH B. MORSE
JOHN T. RAWCLIFFE
TRAVIS L. ROGERS
CARLOS O. SANTIAGO
DANIEL P. SAUMUR
JOSHUA S. SHUEY
DANIEL A. TANABE
JAMES J. TEIXEIRA, JR.
PETER H. TRAN
JAMES S. TRIPP
MARK A. VISGER
DOUGLAS K. WATKINS
WARREN L. WELLS
DEAN L. WHITFORD
DARYL B. WITHERSPOON
MICHAEL C. WONG

EXECUTIVE OFFICE OF THE PRESIDENT

DEMETRIOS J. MARANTIS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE KAREN K. BHATIA, RESIGNED.

DEPARTMENT OF STATE

ROSE EILENE GOTTEMOELLER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE), VICE PAULA A. DESUTTER, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

WILLIAM CRAIG FUGATE, OF FLORIDA, TO BE ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE R. DAVID PAULISON.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 17, 2009 withdrawing from further Senate consideration the following nomination:

DEMETRIOS J. MARANTIS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 16, 2009.