It is the understanding of the United States of America that nothing in Protocol V would preclude future arrangements in connection with the settlement of armed conflicts, or assistance connected thereto, to allocate responsibilities under Article 3 in a manner that respects the essential spirit and purpose of Protocol V.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of Articles 7 and 8, this Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

Treaty Doc. 109–13, “INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS”, Resolved (two-thirds of the Senators present concurring therein), Section 1. Senate Advice and Consent subject to two declarations.

The Senate advises and consents to the ratification of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, adopted on October 5, 2001 (Treaty Doc. 110–13), subject to the declaration of section 2 and the declaration of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares that, pursuant to Article 16(2)(f)(ii)(3) of the Convention, amendments to Annex 1 of the Convention shall enter into force for the United States of America only after notification to the Secretary-General of its acceptance with respect to such amendments.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is not self-executing.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

ACTION VITIATED—H.R. 2638

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the previous action with respect to the House Message to H.R. 2638 be vitiated.

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

CONSORTIUM SECURITY, DISASTER ASSISTANCE, AND CONTINUING Appropriations Act, 2009

Mr. WHITEHOUSE. I ask unanimous consent that the Chair lay before the Senate a message from the House with respect to H.R. 2638.

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

Mr. WHITEHOUSE. I move to concur in the House amendment to the Senate amendment to H.R. 2638 and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

AMENDMENT NO. 5670

Mr. WHITEHOUSE. I now move to concur in the House amendment to the Senate amendment to H.R. 2638 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senate from Rhode Island [Mr. WHITEHOUSE] moves to concur in the House amendment to the Senate amendment to H.R. 2638, with an amendment numbered 5670.

Mr. WHITEHOUSE. I ask unanimous consent that the mandatory quorum be waived.

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

The amendment is as follows:

At the end, add the following:

The provisions of this Act shall become effective 2 days after enactment.

Mr. WHITEHOUSE. I ask for the yeas and nays.

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

The yeas and nays were ordered.

AMENDMENT NO. 5671

Mr. WHITEHOUSE. I have a second-degree amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senate from Rhode Island [Mr. WHITEHOUSE], for Mr. Reid, proposes an amendment numbered 5671 to amendment No. 5670.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
September 26, 2008

A bill (H.R. 2963) to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Mission Indians, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

(Omit the part within boldface brackets and insert the part printed in italic)

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pechanga Band of Mission Indians Land Transfer Act of 2007.”

SEC. 2. TRANSFER OF LAND IN TRUST FOR PECHPANGA BAND OF LUISENO MISSION INDIANS.

(a) TRANSFER AND ADMINISTRATION.—

(1) TRANSFER.—Effective on the date of the enactment of this Act and subject to valid existing rights, all right, title, and interest of the United States in and to the Federal land described in subsection (b) (including all improvements thereon, appurtenances thereto, and rights to all minerals thereon or therein, including oil and gas, water, and related resources) shall be held by the United States in trust for the Pechanga Band of Mission Indians, a federally recognized Indian tribe. Such transfer shall not include the 12.92 acres of land more or less, including the facilities, improvements, and appurtenances associated with the existing 230 kV transmission line from San Diego County and its 300 foot corridor, more particularly described as a portion of sec. 6, T. 9 S., R. 2 W., San Bernardino Base and Meridian, which shall be sold by the Bureau of Land Management to the United States for fair market value to San Diego Gas & Electric Company not later than 30 days after the completion of the cadastral survey described in subsection (c) and the appraisal described in subsection (d).

(2) ADMINISTRATION.—The land transferred under paragraph (1) shall be part of the Pechanga Indian Reservation and administered in accordance with—

(A) the laws and regulations generally applicable to property held in trust by the United States; and

(B) a memorandum of understanding entered into between the Pechanga Band of Mission Indians and the United States Fish and Wildlife Service, the Bureau of Land Management, and the United States Fish and Wildlife Service on November 11, 2005, which shall remain in effect until the date on which the lands described in paragraph (1) become part of the Cantil Multiple Species Habitat Conservation Plan expires.

(3) NOTIFICATION.—At least 45 days before terminating the memorandum of understanding entered into under paragraph (2), the Director of the Bureau of Land Management, the Director of the United States Fish and Wildlife Service, or the Pechanga Band of Mission Indians, as applicable, shall submit notice of the termination to—

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

(B) the Committee on Indian Affairs of the Senate;

(C) the Assistant Secretary for Indian Affairs; and

(D) the members of Congress representing the area subject to the memorandum of understanding.

(4) TERMINATION OR VIOLATION OF THE MEMORANDUM OF UNDERSTANDING.—The Director of the Bureau of Land Management and the Pechanga Band of Mission Indians shall submit to Congress notice of the termination or a violation of the memorandum of understanding entered into under paragraph (2)(B) unless the purpose for the termination or violation is the expiration or cancellation of the Western Riverside County Multiple Species Habitat Conservation Plan.

(b) DESCRIPTION OF LAND.—The lands referred to in subsection (a) consist of approximately 1,178 acres in Riverside County, California, and San Diego County, California, as referenced on the map titled “H.R. 28, the Pechanga Land Transfer Act” and dated [January 12] May 2, 2007, which, before the transfer under such subsection, were administered by the Bureau of Land Management and are more particularly described as follows:

(1) Sections 24, 29, 31, and 32 of township 8 south, range 2 west, San Bernardino base and meridian.

(2) Section 6 of township 9 south, range 2 west, lots 2, 3, 5 and 6, San Bernardino Base and Meridian.

(3) Mineral Survey 3540, section 22 of township 5 south, range 4 west, San Bernardino base and meridian.

(4) Survey.—Not later than 180 days after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete a survey of the lands transferred and to be held in trust under subsection (a) for the purpose of establishing the boundaries of the lands.

(c) CONVEYANCE OF UTILITY CORRIDOR.—

(1) IN GENERAL.—The Secretary shall convey to the San Diego Gas & Electric Company all right, title, and interest of the United States in and to the utility corridor upon—

(A) the completion of the survey required under subsection (c); and

(B) receipt by the Secretary of all rents and other fees that may be due to the United States for use of the utility corridor, if any; and

(C) the receipt of payment by United States from the San Diego Gas & Electric Company of consideration in an amount equal to the fair market value of the utility corridor, as determined by an appraisal conducted under paragraph (2).

(2) APPRAISAL.—

(A) IN GENERAL.—Not later than 90 days after the date on which the survey of the utility corridor is completed under subsection (c), the Secretary shall complete an appraisal of the utility corridor.

(B) APPLICABLE LAW.—The appraisal under subparagraph (A) shall be conducted in accordance with—

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) COSTS.—The San Diego Gas & Electric Company shall pay the costs of carrying out the conveyance of the utility corridor under paragraph (1), including any associated survey and appraisal costs.

(4) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any amounts received under paragraph (1)(C) in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

(d) MAP ON FILE.—The map referred to in subsection (b) shall be on file in the appropriate offices of the Bureau of Land Management.

(1) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval of the survey completed under subsection (c) by the duly elected tribal council of the Pechanga Band of Mission Indians, the Secretary of the Interior shall publish in the Federal Register—