Senator REID, the majority leader, and Senator MCCONNELL, the Republican leader, have invested a considerable amount of time in drafting a bipartisan and balanced piece of legislation that is focused on addressing the growing number of foreclosures nationwide, which Senator DODD just mentioned.

In an effort to maintain that balance and to preserve our bipartisan agreement, we were not able to agree to a number of amendments, some of which I believe have a great deal of merit, and I want to touch on some. It is my hope that Senator DODD and I can continue to work closely on a number of those, such as the need for meaningful GSE reform, as well as a mortgage broker and banker licensing bill.

Senator HAGEL introduced an amendment on GSE reform that I believe may represent the foundation for a very promising approach to addressing a very complex but critical set of issues. I stand ready to work with Senator DODD at any time to reach an agreement on meaningful GSE reform.

Senators FEINSTEIN and MARTINEZ introduced an amendment on mortgage broker and banker licensing that I hope also lays the foundation for further action by the Banking Committee, headed by Senator DODD.

There are other provisions that are not in this bill and that I could not support. These included the bankruptcy provision, or so-called cramdown, as well as an unprecedented expansion of the FHA guarantee to hundreds of thousands of homeowners who find themselves underwater on their mortgages and stretched beyond their means.

Mr. President, when we began consideration of this bill, I said the following:

> While we are in agreement on the measures contained in this bill, there is a line that we should not cross. That line is represented by a taxpayer-funded bailout of investors or homeowners that freely and willingly entered into mortgages that they knew or should have known they could not afford.

With that in mind, I intend to examine closely any proposals to further expose the American taxpayer to the risks freely incurred by individuals or investors. I understand that Chairman DODD intends to hold additional hearings on just such a proposal. I intend to work closely with him to ensure that all facets of this approach are examined thoroughly before we expose those who made prudent financial choices to the risks created by those who didn't.

First and foremost, I believe our primary responsibility is to the American taxpayer. In our zeal to help those who find themselves in financial difficulty, we must make sure that we do not do more harm than good. This bill does include a number of provisions that deserved my colleagues' support, and that they supported. The bill makes the necessary changes in the FHA program so that it can meet the needs of today's mortgage marketplace. The FHA language provides protections for the American taxpayer, who ultimately bears the financial risk of the program. The FHA title provides immediate help to the marketplace by reforming the Federal Housing Administration, allowing it to provide greater liquidity and thereby enhancing the options available to America's homeowners.

The bill also provides additional funding for foreclosure prevention counseling—Senator DODD has spoken on this—which will help homeowners stay current on their mortgages and be able to remain in their homes. That is our goal. This is an area in which I hope to work closely with Senator DODD over the coming year. I believe we must conduct thorough oversight to ensure that this money is being spent properly and effectively. Should additional funds be necessary, I believe they can be provided during the normal appropriations process.

In order to prevent a repeat of the current housing crisis, the bill also increases the disclosures made to consumers obtaining mortgages, which I think is very important. I believe giving consumers more information so they understand what they are doing and the ability to understand the choices they are making will help them avoid making the pitfalls and bad decisions many uninformed consumers made in the past.

To protect our soldiers, sailors, and airmen, the bill extends additional consumer protections and provides those returning from combat a chance to get back on their feet before they face any type of foreclosure proceeding.

Mr. President, in an effort to provide communities with the ability to clean up the damage caused by the foreclosures that have already occurred, we have included funding to allow States and communities to buy up and repair foreclosed residences through the Community Development Block Grant Program.

Attached to this funding is a requirement that any profits from the sale of properties must be used to buy and repair additional properties. I believe that reuse of this funding in this manner will maximize the impact of these dollars and minimize the possibility that funds will be wasted or profits inappropriately pocketed.

The bill also contains a number of tax-related provisions prepared in a bipartisan fashion by the chairman and ranking member on the Finance Committee.

Mr. President, this bill also includes a managers' package that contains a broad range of provisions offered by 13 separate Senators. Chairman DODD and I worked closely to come to agreement on including this group of provisions that, I believe, strengthens the core bill.

The first group of provisions touch upon a number of veterans and military service personnel housing programs. These measures provide greater resources, flexibility, and options for veterans and military personnel to help meet the particular challenges they face in regards to their housing needs.

The managers' package puts to greater use assets in the Home Loan Bank system to help bring additional resources to the effort to deal with current conditions in the housing market.

The package includes additional consumer protections for senior citizens who participate in the FHA-insured reverse mortgage program. The package requires enhanced scrutiny of loan originators participating in the FHA program, which should better protect the solvency of the taxpayer backed mortgage insurance fund.

The package also ensures that funds are not used to provide inappropriate benefits to private entities by prohibiting the use of funds in cases where eminent domain is used to benefit private parties.

Finally, the managers' amendment protects taxpayers by requiring that any profits made from the sale of rehabilitated homes that are not reinvested in the program are recaptured and returned to the Treasury.

Mr. President, I believe this is a focused and targeted piece of legislation that will address in an appropriate manner a number of the difficulties we are now facing in the housing market.

While there are a large and growing number of homes entering foreclosure, we must remember that the vast majority of homeowners are living within their means and making their mortgage payments.

While some would argue that we have a responsibility to aid those who find themselves under water on their mortgages or unable to afford their increasing payments, I would argue that we also have equal responsibility to those who have made prudent financial decisions. We must not forget them as we seek to help others.

Mr. President, the eve of an election year can be a very difficult time to reach consensus on just about anything.

When we are able to come together, it is incumbent upon us to seize that opportunity and move forward.

Mr. President, I think this is a good bill overall, and I was pleased to see the vote of the Senate just a few minutes ago.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## CONSOLIDATED NATURAL RESOURCES ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S. 2739, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

Mr. BINGAMAN. Mr. President, I know my colleague from New Mexico will be here in a few minutes and wishes to make a statement in support of the legislation that is before us now. I will start by making my own statement, a general statement about it. I know Senator WYDEN also is here on the Senate floor and wishes to speak on this issue and on this legislation. I know, of course, Senator COBURN is also very nearby and wishes to make a statement as well.

The Senate will consider at this time S. 2739. It is a collection of over 60 noncontroversial bills that have been reported from the Energy and Natural Resources Committee dealing with various public land, national park, water, and territorial issues.

Let me start by thanking Senator REID, our majority leader, for making it possible for us to proceed with this bill at this time. This has been a priority of his for several months now, to get this legislation before the Senate. He deserves great credit for doing that.

All of the individual bills included in S. 2739 have been passed by the House of Representatives and virtually all of the bills—or their Senate companion measures—have also been favorably reported by the Energy and Natural Resources Committee. The committee votes on reporting these bills have been unanimous.

Typically, these bills would be considered individually and passed under a unanimous consent agreement. Unfortunately, as most Senators are aware, it has become virtually impossible to get unanimous consent to pass anything this year. So despite the fact these bills generally deal with State-specific issues and have the strong support of the affected congressional delegation, and despite the fact that these bills are noncontroversial—having passed the House of Representatives and having been reported by the Energy and Natural Resources Committee with overwhelming bipartisan support—we have not been able to get them cleared.

In an attempt to move these bills forward, last month I introduced S. 2739, which simply incorporates every bill our committee has reported that has also been passed by the House of Representatives. The package includes roughly an equal mix of Democratic-sponsored bills, Republican-sponsored bills, and bills with bipartisan sponsors. As I have already noted, since these bills have been reported out of the Energy and Natural Resources Committee by unanimous votes, there really are not any outstanding issues in dispute. Many of the individual bills that are included in this package have been on the Senate calendar for several months; in fact several were reported by our committee and have been pending on the calendar since January of last year—not January of 2008 but January of 2007. A number of the bills have been approved by the Senate—by unanimous consent, I might add—in previous Congresses, in some cases in several previous Congresses.

While the individual bills in this package may not be controversial, they are nonetheless very important to the individual sponsors, and the Senate has an obligation to try and pass these bills. I would like to take a few minutes to briefly identify some of the provisions included within S. 2739.

The bills included within S. 2739 encompass lands and activities in over 30 States and the District of Columbia. The first provision in the package is Senator MURRAY's and Senator CANTWELL's proposal to designate the 106,000-acre Wild Sky wilderness in Washington State, which the Senate has passed in each of the last three previous Congresses. The Wild Sky wilderness is an important addition to the National Wilderness Preservation, and has strong local and national support.

Another provision in the bill includes language sponsored by Senators WYDEN and AKAKA to give the National Park Service important new authority to enter into cooperative agreements to protect threatened natural resources in national parks.

S. 2739 also includes additions to the Minidoka National Monument in Idaho and Washington State, the Carl Sandburg National Historic Site in North Carolina, and the Lowell National Historical Park in Massachusetts, and the bill provides the National Park Service with important new authorities at Acadia National Park in Maine and Denali National Park in Alaska.

It authorizes studies of potential new parks in Missouri, Texas, Arkansas, California, Arizona, and Massachusetts to assess whether any would be appropriate for addition to the National Park System, and it establishes commissions to commemorate significant anniversaries of the Hudson and Champlain expeditions in what are now the northeastern United States.

S. 2739 would designate two new Outstanding Natural Areas to be managed by the Bureau of Land Management: the Piedras Blancas Historic Light Station in California, and the Jupiter Inlet Lighthouse in Florida. It also allows for BLM land in Nevada to be transferred for use by the Nevada National Guard.

The package includes a new addition to the Wild and Scenic River System in Connecticut, and a new addition to the National Trails System, the ''Star-Spangled Banner'' National Historic Trail in Virginia and Maryland.

The bill includes authorizations related to new commemorative works in the District of Columbia, including one honoring President Eisenhower, and establishes a commission to study the potential creation of a National Museum of the American Latino, here in Washington.

S. 2739 would establish three new National Heritage Areas: the Abraham Lincoln National Heritage Area in Illinois; the Niagara Falls National Heritage Area in New York, and the multi-State Journey Through Hallowed Ground National Heritage Area in Virginia, Maryland, West Virginia, and Pennsylvania, and it authorizes studies of potential new heritage areas in Oregon and Kentucky. It would also increase the authorization ceiling for several existing heritage areas.

This bill will help address the water resource challenges facing many regions of the country. There are 16 provisions in the bill affecting States west-wide, including sections that will promote partnerships between the Federal Government, States, and local entities in the area of water, including paying for security costs at Bureau of Reclamation facilities; ensure a better understanding of groundwater resources; facilitate a feasibility study of serious proposals to address water shortages and avoid litigation; transfer Federal property to local ownership and eliminate Federal restrictions impeding water conservation projects; promote water recycling activities; and authorize Federal participation in the Platte River Endangered Species Recovery Program, which is strongly supported in Colorado, Nebraska, and Wyoming.

Given the critical nature of many of these items, it's important that these water-related authorities be enacted as soon as possible.

S. 2379 also reauthorizes two energy programs at the Department of Energy. One clarifies the Secretary of Energy's authority to make grants to advanced energy efficiency technology transfer centers under the Energy Policy Act of2005, and the other reauthorizes the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

The package contains two important measures related to the territories. The first involves the Commonwealth of the Northern Mariana Islands—CNMI—to respond to longstanding Federal concerns regarding immigration, labor, and law enforcement—concerns that are greatly heightened following the September 11 attacks. This bill culminates 11 years of congressional and executive branch efforts to extend the U.S. immigration laws to the CNMI including the establishment of Federal border control as anticipated by the 1976 covenant agreement between the CNMI and the United States. The bill also includes special provisions to meet the special needs of the islands' economy. The citizens of the CNMI have been U.S. citizens and members of the U.S. family for over 20 years, but they have been unable to participate in

American democracy as have the other territories. S. 2793 rectifies this by authorizing the election of a Delegate from the CNMI to the House of Representatives, a necessary step if we are to keep faith with our Nation's founding principle of representative government.

The final title of S. 2739 would make numerous amendments to the Compacts of Free Association between the United States and the Pacific island nations of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

As lengthy as that summary of the provisions in S. 2739 was, it reflects only a portion of the bills that have been considered in the Energy and Natural Resources Committee this Congress. This package reflects only a first step of Energy Committee bills that need to be considered this year. As soon as S. 2739 is passed, I will assemble a second package, with a similar number of bills, containing legislation that has been approved by our committee, but which has not yet come over from the other body. Like this package, the second bill will be a wide-ranging collection of authorizing measures.

But regardless of whether the individual items in that package are large or small, all these bills will have been reported by our committee after a full public process. I know many Senators who have bills that will be, in fact, in that second package rather than in this first package and are eager for us to move ahead. I would point out the New Mexico-specific bills I have sponsored will be in that second package; they are not in the legislation before us today. So I share in that desire to move expeditiously, and I look forward to working with Senator DOMENICI and the majority leader and, of course, the Republican Leader as well to try to get that second package ready for floor consideration as soon as possible.

Senate rule XLIV requires the chairman of the committee of jurisdiction to certify that each Congressionally directed spending item in any bill coming before the Senate has been identified and disclosed on a publicly accessible Congressional Web site. The rule defines ''congressionally directed spending items'' as spending items ''included primarily at the request of a Senator.''

Although I included none of the House-passed bills in S. 2739, primarily at the request of a Senator, in the interests of full disclosure I have provided a list of all spending authorizations for specific amounts targeted to specific localities contained in S. 2739, along with the name of the sponsor of the Senate companion of the House-passed bill.

This list has been made available on the Web site of the Committee of Energy and Natural Resources since March 11 and was previously printed in the CONGRESSIONAL RECORD on March 11, at page S. 1869.

In addition, I ask unanimous consent that the list, along with my letter to the Majority Leader accompanying the list, be printed in the RECORD for the information of all Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Washington, DC, March 11, 2008.*

Hon. HARRY REID,
*Majority Leader, U.S. Senate,*
*Washington, DC.*

DEAR MR. LEADER: S. 2739, the Consolidated Natural Resources Act of 2008, which I introduced yesterday, is a collection of 62 separate legislative measures under the jurisdiction of the Committee on Energy and Natural Resources. The purpose of the bill is to facilitate consideration in the Senate of the large and growing number of measures relating to protection of natural resources and preservation of our historic heritage that have been passed by the House of Representatives and approved by the Committee on Energy and Natural Resources. Forty-three of the measures in S. 2739 consist of the text of separate bills passed by the House of Representatives, twelve are drawn from separate titles, subtitles, or sections of two other House-passed bills, and two are House-passed concurrent resolutions. Only one provision, section 482, contains new matter that has not passed the House of Representatives.

While S. 2739 incorporates a number of provisions of S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, which I introduced three months ago, on December 14, 2007, there are a number of differences between the bills that are dictated by the amount of time that has elapsed since last December and by action that has since taken place in the House of Representatives. Two of the sections included in S. 2483 last December were subsequently enacted into law as part of the Consolidated Appropriations Act, 2008, Public Law 110–161, and, accordingly, have been left out of S. 2739. Eight new provisions, drawn from eight separate House bills or resolutions, have been added. Two of the effective dates in title VIII of S. 2483 have been extended in S. 2739 in light of the passage of time since S. 2483 was introduced. In addition, minor modifications were made in a few other provisions.

Although S. 2739 has not been referred to the Committee on Energy and Natural Resources, all of the House bills that make up S. 2739 or their Senate companions have either been reported or ordered reported by the Committee.

Rule XLIV of the Standing Rules of the Senate provides that, before proceeding to the consideration of a bill, the chairman of the committee of jurisdiction must certify that each congressionally designated spending item in the bill and the name of the Senator requesting it has been identified and posted on a publicly accessible website. The term ''congressionally designated spending item'' is broadly defined, in pertinent part, to include ''a provision ... included primarily at the request of a Senator . . . authorizing . . . a specific amount of discretionary budget authority . . . for . . . expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.''

Fifteen of the House-passed measures incorporated into S. 2739 contain provisions authorizing the appropriation of specific amounts targeted to specific entities or localities. These authorizations are included in S. 2739 because they are part of the text of the House-passed bills. No Senator submitted a request to me to include them.

In the interest of furthering the transparency and accountability of the legislative process, however, I have posted a list of the specific authorizations in S. 2739 on the Committee on Energy and Natural Resources' website. The list includes the name of the principal sponsor of the Senate companion measure that corresponds to the House-passed bill. A copy of the list is attached for your convenience.

I previously asked the principal sponsor of the Senate companion measure of each House bill contained in S. 2483 to certify that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, and have posted the certifications I have received on the Committee's website. All certifications received in relation to S. 2483 remain on the Committee's website, where they are available for public inspection in accordance with paragraph 6 of Rule XLIV. I have not received any requests for new congressionally directed spending items to be included in S. 2739.

Thus, in accordance with Rule XLIV of the Standing Rules of the Senate, I hereby certify that each congressionally directed spending item in S. 2739 has been identified through a list and that the list was posted on the Committee's publicly accessible website at approximately 3 p.m. on March 11, 2008.

Sincerely,

JEFF BINGAMAN,
*Chairman.*

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COMMITTEE ON ENERGY AND NATURAL RESOURCES CONGRESSIONALLY DIRECTED SPENDING ITEM CERTIFICATION PURSUANT TO RULE XLIV OF THE STANDING RULES OF THE SENATE

S. 2739—THE CONSOLIDATED NATURAL RESOURCES ACT OF 2008

Provisions in S. 2739 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process:

| Section | Program or entity | State | Principal sponsor of Senate bill |
|---|---|---|---|
| 314(c) | Acadia National Park | ME | Collins. |
| 333(e) | American Latino Museum Commission | DC | Salazar. |
| 334(j) | Hudson-Fulton and Champlain Commissions | NY & VT | Clinton. |
| 342(1) | Lewis & Clark Visitor Center | NE | Hagel. |
| 409 | Hallowed Ground National Heritage Area | VA | Warner. |
| 430 | Niagara Falls National Heritage Area | NY | Schumer. |
| 449 | Abraham Lincoln National Heritage Area | IL | Durbin. |
| 461 | Multiple National Heritage Areas | OH, PA, MA, SC | Voinovich |
| | | WV, TN, GA, IA, & NY | none. |
| 504(d) | Watkins Dam | UT | Hatch. |
| 505 | New Mexico water planning assistance | NM | Domenici. |

| Section | Program or entity | State | Principal sponsor of Senate bill |
|---|---|---|---|
| 509 | Multiple Oregon water projects | OR | Smith/Wyden. |
| 511 | Eastern Municipal Water District | CA | Feinstein. |
| 512 | Bay Area water recycling program | CA | Feinstein. |
| 515(b)(6) | Platte River | NE. WY, CO | Nelson (of NE). |
| 516(c) | Central Oklahoma Master Conservancy District | OK | Inhofe. |

Mr. BINGAMAN. While I have previously tried to describe all the provisions in the package, I believe the individual sponsors can better describe the merits of some of their specific provisions. I am sure many of them will want to do so.

Passage of S. 2739 will not only allow us to send this to the House and then to the President, it will also allow us to move forward and address the many legislative pending requests within our Energy and Natural Resources Committee that have been awaiting consideration behind this bill.

I think it is important to remember all the individual provisions included in the package were previously approved by the House of Representatives. I know in a few minutes the Senate will also be considering four amendments that have not been approved either in the House or by our Energy and Natural Resources Committee.

To ensure that we do not jeopardize the enactment of S. 2739, I will be opposing all those amendments, and I will urge my colleagues to do so as well, so we can finally pass this bill in a form the House can quickly pass and send to the President for his signature.

As I indicated before, I know Senator DOMENICI wishes to make a statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wish to thank Senator BINGAMAN.

I rise today in support of S. 2739, the Consolidated Natural Resources Act of 2008. This bill is a collection of 62 individual measures that were in the Energy and Natural Resources Committee that have been considered favorably and reported to the Senate.

Packaging individual bills into a single bill is not typically the way we get the natural resources side of the Energy Committee business done. It is not my preference to do it this way. However, our customary procedure has been turned on its head since the beginning of the 109th Congress, and the fact that we are here considering this bill on the floor today reflects the frustration of many Members in this regard.

I have served on this committee for over 30 years, 4 of those as chairman and the past 2 as ranking Republican member. The recent controversy over consideration of this bill is simply a continuation of the efforts by the junior Senator from Oklahoma, since the beginning of the 109th Congress, to frustrate, in my opinion, the legitimate business of this committee and the Senate in maintaining proper oversight over the stewardship of Federal lands.

While I am pleased my colleague's concern about the unanimous consent process on an earlier version of this bill has been resolved, I nevertheless remain concerned about the ability of the Energy and Natural Resources Committee to conduct its business and that of the Members of the Senate. In addition to the 62 measures in this bill, we have reported over 40 other bills that still need to be considered, and we simply do not have sufficient floor time to consider each of those bills individually.

Typically, we have passed these bills by unanimous consent after having worked out any objections by individual Senators to specific provisions. Yet that process we have used for years to get these types of bills passed has ground to a halt because of the generic objections about authorizations from the junior Senator from Oklahoma.

When I, as chairman, and now Senator BINGAMAN as chairman, have tried to address the objections, we have been met with new ones each time we think we have resolved the issue. Frankly, I believe much of this problem can be attributed to a lack of understanding about the jurisdiction of the committee, the importance of its business in ensuring proper management of our Nation's natural resource treasures. A bit of history would shed some light on the reasons for many Senators' frustration and is certainly something that deserves attention.

The Energy and Natural Resources Committee began as a public lands committee nearly 200 years ago, providing oversight over the lands acquired in the Louisiana Purchase. It was one of the first standing committees in the Senate. Over the years its jurisdiction obviously has expanded to include energy issues as well, but easily more than half the committee's business continues to be public lands issues.

Those of you who have served on the committee know this includes everything from our national parks and monuments to all the Bureau of Reclamation water projects. The committee oversees the management of the Department of Interior and the Forest Service, of 535 million acres of land, and includes 58 national parks, 88 national monuments, including those on the Mall, and over 428 million acres of wilderness areas. This is over 30 percent of the total area of the United States.

The committee also has oversight of the Bureau of Reclamation projects that include more than 600 dams and reservoirs, including Hoover and Grand Coulee Dams. Our job is to make sure our national treasures are properly managed and that the departments of the executive branch charged with that task maintain a proper balance between the Federal, State, and local interests.

In addition, the committee oversees all matters related to U.S. territories, Puerto Rico, and the Virgin Islands. Because the jurisdiction is vast, the number of bills the Energy and Natural Resources Committee considers each Congress generally far exceeds that of other Senate committees.

In the 109th Congress alone, a total of 491 bills and resolutions have been referred to the committee for consideration. Most of these measures, as with the measures that are embodied in 2739, the bill currently before us, are required because the administrative agencies either have not taken action in addressing such things as boundary adjustments, land exchanges, or other matters relating to Federal lands, as Senators feel are necessary within their States. But in the 109th, we passed fewer than half of what we should have historically passed in previous Congresses because of the Senator from Oklahoma's objections. I am hoping together we are learning and the Senator from Oklahoma will work with us and understand all these bills are authorization bills, authorizing bills. They do not spend money until something else is done.

Money must be appropriated or spent by some committee or administrative body if it has authority because these bills authorize, they do not appropriate. The futile exercise ignores the balance between authorizing committees and appropriations committees; that is, the futile exercise that has been put upon us by the Senator from Oklahoma over the last 2½ years.

Let me pursue this point a little further, Mr. President.

The Constitution says, ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .'' Note that the Constitution says, ''appropriations.'' Under most circumstances, an authorization does not compel an appropriation of money from the Treasury. So, as I have attempted to reason with the Senator from Oklahoma, authorizations that involve the HOPE of appropriations occur all the time in this body. Most of the time, appropriations fall far short of the authorized level of spending. A case in point is the decision of Congress to not spend as much money on No Child Left Behind as the authorization bill would have allowed. In some cases, appropriations are made in the absence of authorization. So, clearly, the passage of these lands bills compels no appropriations bill in the future, and, thus, no point of order under the Congressional Budget Act lies against

these bills. My attempts to persuade the Senator from Oklahoma of this fact have failed, leading to this Senator's frustrations. Let's be clear here: these are authorization bills, they compel no appropriations in most cases, and spending to carry out the intent of the vast majority of these bills is contained in the salaries and expenses of the Departments within whose jurisdiction these matters lie. So, the premise of the Senator from Oklahoma—that these bills will inflate spending and increase the deficit—is fundamentally flawed.

As I have noted, most of these measures have no direct cost to the Treasury; rather, they set priorities for the Departments for the use of their administrative budgets that will be appropriated each year. But one of the principal objections the Senator from Oklahoma has raised to all the bills the committee has is they cost too much money or, as he puts it: They will some day cost money.

That may be true. But the Congressional Budget Office reports on most of these bills that the administrative costs to implement them would be negligible. In the rare instance where the bill would require significant resources, no action could be taken unless there were additional appropriations.

So, basically, there have been no reasons for holding up these bills. The business of the Committee that is before us in this bill should have been able to have been taken a long time ago. I do not believe the judgment regarding park boundaries in Wyoming, a land exchange in Arizona, a water project in Colorado, should supplant that of the 23 members of the committee—that one Senator should supplant that.

Those 23 members of this committee make their judgments on information compiled by a professional staff with a combined service of relevant departments in Congress of over 70 years on the Republican staff side alone. They spend a great deal of time on these bills. They know more than anyone else. They give that knowledge to us, the 23 members, and we vote. It is not as if these bills are put together, brought here, much time, effort and money and resources are put into them before they are put together and before we ask the Senate to pass them. I hope we will not find ourselves in this bind again.

We have four amendments offered by the junior Senator from Oklahoma. I have seen them all. I do not think any of them have received appropriate hearings. I do not think any of them have had the study that goes into the bill, that are in this bill before us. For that reason and many others, I do not intend to vote for them.

I do thank the Senator from Oklahoma, the junior Senator, for finally arriving at something that will conclude the matter. It will be concluded today, and many Senators will be pleased and many House members will be pleased, and all I can tell them is: We have tried our best to do this sooner, and we will try our best to do the next one sooner rather than later.

In the face of all of this, I cannot in good conscience vote to delay passage of at least some of the bills that we have worked so hard on in the committee and that are packaged in S. 2739. The amendments the Senator has filed under the unanimous agreement are sweeping generic changes to aspects of Federal land management. While aspects of some of them may have merit, they should only be considered through the committee process where the substance and consequences can be illuminated and debated in hearings. I doubt that there is any Senator, including me, who is 100 percent supportive of every line in these bills that compose S. 2739; but, as with everything else we do around here, there had to be give and take on both sides of the aisle to come to agreement on many of these measures. And since it has not been my experience that we will ever be able to satisfy the junior Senator from Oklahoma, I recommend that we proceed to pass this bill without amendment.

I yield the floor and thank Senator BINGAMAN for yielding to me.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I wished to begin this morning by thanking Chairman BINGAMAN for his public assurance today that S. 2739, the Consolidated Natural Resources Act of 2008, will not be the final public lands bill taken up by the Senate this year.

I know that is going to be encouraging news to the people of my home State who, in particular, want to see our treasured Mount Hood receive additional protection and want to make sure its scenic beauty will be preserved for future generations.

As the chair of the Subcommittee on Public Lands and Forests, I know firsthand how important these public lands bills are to folks in the States where the lands are located. There are several pieces of legislation that involve my home State. The proposals contained in this bill have all passed the House, passed the Senate Energy and Natural Resources Committee, and I hope they will become law.

I especially express my appreciation to the distinguished senior Senator from Washington, Mrs. MURRAY, who has toiled month after month after month on her extraordinarily important wild sky wilderness legislation. She, of course, is joined in that by our colleague Senator CANTWELL. This is going to be something of great pride to all of us in the Pacific Northwest. I congratulate Senator MURRAY and Senator CANTWELL on their efforts.

Today, though, as we deal with S. 2739, we also include in that legislation that I authored, referred to by Chairman BINGAMAN, the Park Service authority to enter into cooperative agreements to better protect the parks' natural resources. Chairman AKAKA has joined me in this effort, and I commend him for all of his work to protect our treasured national parks.

The legislation also includes another bill to study the Columbia Pacific Natural Heritage Area, something that has been of great importance to local communities. It also includes important legislation for my home State to protect our water resources.

It is important to note that our work cannot be considered done with this legislation. There is another public lands package reflecting the work of many Senators in the Energy and Natural Resources Committee which also contains a number of important pieces of legislation that have strong bipartisan support. Among those bills are two measures vitally important to the people of my home State: the Lewis and Clark Mount Hood Wilderness Act of 2007 and the Copper Salmon Wilderness Act. That is why it is my view that the Senate should move quickly on today's legislation, S. 2739, and then, with the bipartisan leadership of Chairman BINGAMAN and Senator DOMENICI and colleagues on both sides of the aisle, go forward with other measures that have been, regrettably, stalled for much of this Congress.

I have been to the floor before to speak about the Mount Hood Wilderness Act. This is a thoroughly bipartisan piece of legislation that I and Senator SMITH have worked on for many years. It passed unanimously out of the Energy and Natural Resources Committee. Regrettably, it has been held up for many months now. Mount Hood is one of the most photographed and visited wild places in the United States. The legislation we have written to protect this icon is the result of many meetings, scores of discussions from a diverse number of Oregonians. They are anxious to see this legislation moved forward. That is why it is so important that the Senate act after the Senate passes S. 2739. Countless Oregonians and other westerners have been frustrated to see all their years' efforts to enact new wilderness protections for Mount Hood, which has passed the Senate Natural Resources Committee, get stalled here on the floor.

As I have noted in the past, the bill to protect scenic areas as Lewis and Clark first saw them has now taken longer to get through the Senate than it took Lewis and Clark to get to Oregon. Our constituents don't understand how a bill that has such strong bipartisan support is being held up. They don't want to see it held hostage, not for partisan politics or for any other reason. They also feel that Copper Salmon is a gem that deserves protection.

The bipartisan legislation to protect Mount Hood builds on existing Mount Hood wilderness but adds more wild and scenic rivers and provides a recreation area to allow diverse recreational opportunities. We would protect the

lower elevation forests surrounding Mount Hood and the Columbia River gorge. The protected areas include scenic vistas, almost 126,000 acres of wilderness and, in tribute to the great river-dependent journey of Lewis and Clark, the addition of 79 miles on nine free-flowing stretchers of rivers would be added to the National Wild and Scenic River system. From what Senator SMITH and I hear about our legislation and the places we have proposed for wilderness protection—and we have talked to local community leaders, to environmentalists, to timber and mining interests—we believe we have gotten this legislation right.

The bill responds to the thousands of comments I have received on both of my previous efforts to protect Mount Hood, input at public meetings held in Oregon, and letters and phone calls. I have met with over 100 community groups and local government leaders, members of our congressional delegation, the Governor and the Bush administration. Among the comments we got was a resounding cry for additional wilderness, particularly more recreational opportunities.

There are currently 189,200 acres of designated wilderness on the Mount Hood National Forest. The legislation we are talking about would increase that amount by about 126,000 new acres of wilderness. These protections, protections for such important Oregon places, should not be held up by procedural wrangling. It is one thing if there is any sense on a piece of legislation involving wilderness of significant interest groups not being consulted, not being allowed to participate. I can see every reason to hold up that kind of legislation. But when everybody feels they have been consulted, you have complete bipartisan support from the State and the Natural Resources Committee, we ought to be in a position to move forward.

I am going to repeat today what I have said before: My doors are open to every Member of the Senate on this legislation and everything else. If you want to get anything important done, you have to work with colleagues. If there are additional objections to Senator SMITH and me moving forward with the Mount Hood legislation, we want anybody who has an objection to come to us, because we will meet them halfway in an effort to try to address their concerns. But we have to do what Chairman BINGAMAN has pledged today, and that is to have an additional package of bills that is so important. I know the distinguished chairman from New Mexico has measures that are important to him. He has brought a bill to the floor of the Senate today because he wants to help all of the communities across this country that have worked to try to address these issues. I commend Chairman BINGAMAN for it. Frankly, I respect his selflessness in this effort. But we have to move on after we act today.

I hope this legislation will pass quickly, that it will then be possible for the Senate to turn to the next public lands bill, and we will be able to adopt that swiftly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have listened patiently to what has been said. One of the things that has to be stated, if we want to change the rules of the Senate, that is fine, but it is important for the American people to know what a unanimous consent request is. This bill contains 26 separate pieces of legislation where on over four dozen of them we have had no objection whatsoever, ever. Not one time have we raised any objection. But a unanimous consent request says, No. 1, you agree with the legislation. No. 2, you don't think it should be amended. No. 3, you don't think the Senate ought to vote on it. We have a major difference of opinion about what priorities are and what they should be.

I heard the distinguished Senator from New Mexico talk about frustration. Who is watching out for the frustration a child born today, encompassing $400,000 of unfunded liabilities, is going to have when that bill comes due? Where is the worry about the frustration for future generations? People say this is noncontroversial. Let me tell you, it is controversial when you are talking about infringing on the property rights of people without their permission. That is controversial. We have a difference of opinion on that. We think heritage areas and the disclaiming of heritage area has no impact on property rights.

That is absolutely untrue. It does impact. Property rights are a real right guaranteed in this country. We are going to set up boards that will influence, with the money we give them, private property use and utilization without an equal influence by the private property owners. We do have a difference of opinion.

At the end of this fiscal year, September 30, the accrued actual debt on the books for this country will become $10 trillion. We are going to add $3,000—2,800 and some odd dollars—per man, woman, and child at the end of this year to the debt. People say it is noncontroversial. Four dozen of these are noncontroversial. But this idea that we have to authorize, it is either a wink and a nod, or we are totally dishonest with the American people. If we are authorizing it, we intend to spend the money. We wouldn't be authorizing it if we didn't intend to spend the money. My objections are not that we do the right things for protecting our parks or creating the right environments in our forests and ensuring that the great treasures of our country are not protected. I want to make sure they are available. But to claim, when we have a $9 billion deficit in terms of backlogged work in our parks right now, as documented by the U.S. Park Service, $9 billion of work that needs to get done that we can't get done, to say this isn't going to have any impact on it, it is going to have an impact. It is going to delay the maintenance on the very things we say we treasure. So what have we done? What are we doing?

We are having a discussion about a small area that supposedly doesn't cost much money. It hasn't been scored, but those things in it that have been scored, it is over $350 million per year, a third of a billion dollars. What are we talking about? This debate is about whether we face up to the priorities in front of us as a nation. It is not about being against parks. It is not about being against the process. It is about making sure somebody in this body is standing up thinking about the future finances of this country and what we are going to do to our children. This is another example of what I believe—and I know I am in the minority—is a misplaced priority. How do we justify it, when we own, as the Senator from New Mexico said, 30 percent—I thought it was 38.5 percent—of all the land in the country? When we are not taking care of the land we have, how do we justify adding more land? We added 90 million acres to Federal Government property in the last 8 years. That is 90 million acres that are taken off the property rolls of communities and States. We take it away. We control it, and then we don't take care of it. But now we are adding more. We are doing it more.

Let's talk about some of the issues. This is a noncontroversial bill is what we have heard. How about $2 million of our kids' money to celebrate the 200th anniversary of Robert Fulton and the Claremont? At a time when this year we are going to borrow $600 billion, we are going to spend $2 million on a celebration? Why don't we celebrate the fact that we are going to put our kids in debt more? That is what we should be celebrating, if we are so proud of this. How about $2 million to create a commission to celebrate the 400th anniversary of the voyage of the Champlain. Do we have $2 million to throw away? We are going to throw that away on something that is not important, considering where we are in this Nation and the debt and the heritage we are going to leave our children. You bet we have a difference of opinion.

The American people want us to start thinking in the long term, not the short term. Do we look good if we have done all these bills back home? You bet. We wink and nod and say: We are doing it. Either we are going to appropriate the money or we were dishonest with them in the first place. We are going to spend the money. How do we walk out of here and say: We got you what you wanted? We do not really intend to spend the money—unless we really do intend to spend the money, so then it really does make a difference, and we cannot maintain what we have.

There was a very wise historian, his name was Alexander Tytler. This is attributed to him. I am not sure it is really his, but the words were spoken. They are not mine, but it is very apropos for where we are, not just on this

issue; I am not a voice of frustration just on this issue. My colleagues know that. I think it is time for us to start thinking about the long-term in this country and not the short-term politically expedience that says we look good at home.

Here is what Tytler said: A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess from the public treasury. From that time on, the majority always votes for the candidates promising the most benefits—we got you done what you want done at home; whether we can afford it or not does not matter, but we got it done—with the result that a democracy always collapses due to loose fiscal policy, always followed by a dictatorship.

That is the history of the world. We are contributing to our own demise as we think short-term political expediency so we can look good at home, so we can satisfy demands at home.

Will Durant said:

A great civilization is [never] conquered from without until it has destroyed itself [from] within.

We have now $79 trillion worth of unfunded liabilities that we are getting ready to lay on our kids and grandkids, and we are not thinking a thing about probably $1 billion with this bill of new additional expenditures for next year, if it gets appropriated. It is the price of doing business in Washington. We do not have that luxury anymore. We do not have the luxury of mortgaging the future of our children anymore.

Why is the dollar at a historic low right now? Is it because we are in a slowdown or a recession? Is that it? No. It does not have anything to do with it. It has to do with the world confidence in our ability to repay our debt and the debt the rest of the world sees coming to us, which comes out to, if you were born today, $400,000 over your lifetime. Now, how many of us have children or grandchildren who could absorb just the interest on $400,000? A few, but most of us could not do that.

So this debate is a philosophical debate. I am not worried about being a source of frustration in the Senate. I am worried about the future of our country, and if I create some scrapes and bruises on my way to wake us up to what the American people want us to do—which is think long-term, fix the structural problems, and quit pandering back to our individual desires in the State—this Congress has become a parochial Congress. It is more important to do what is right for your State than it is for what is right for the country. How dare us. That has nothing to do with our oath. None of us has our State mentioned in the oath we take when we accept this office.

So we are about to pass 62 pieces of legislation, none of which had a hearing until after they passed out of the committee—17 hearings post coming out of the committee. As to saying we have to meet this because it is bipartisan, it is a bipartisan failure to think about the future of this country and what is in the long-term best interests of the country, as we satisfy looking good at home to ensure our next election is put ahead of the next generation of this country.

I am not going to participate in that. I am going to continue to work to make sure any piece of legislation that comes to this floor is thinking about the long-term, not the short-term. If that creates ill will among my colleagues, I apologize in advance. I would much rather be remembered as somebody who was interested in protecting the future of our children than playing nice in the Senate. As Phil Gramm said: I didn't come here to make friends, and I haven't been disappointed.

The real fact is, what did we all come here for? We all came here with that in mind, to do what is best in the long-term interests of our country. It is important for us to be reminded when we are not doing that. There can be a difference of opinion about priorities. There cannot be a difference of opinion about the amount of trouble we are in. There is no difference of opinion in terms of trouble. It does not matter how we got here. The fact is, we are here. We are in trouble.

How is it that we put a delegate for an island territory in this bill that has 60,000 residents that we are going to put $5.6 million into over the next 3 years? That we are going to create another delegate—what does that have to do with natural resources and lands? How did that get in here?

We have added an intermodal transportation center in Trenton, ME. It authorizes the Federal Government to pay 40 percent of it, no matter what it costs. There is no limitation that this will be a competitively bid contract. No matter what it costs, we are on the hook for 40 percent of whatever it costs. And we are on the hook for 85 percent of what it will cost to run it thereafter. The only problem is, there are three other visitor centers within walking distance of this one. But we wanted to do it.

I could go on and on and on. The fact is, this debate is not about process. It may be to you, but it is not to me. This debate, for me, is whether we are going to change our behavior at every point to start thinking about the long-term future of this country.

I have the greatest respect for Chairman BINGAMAN. He has been an absolute gentleman to me in every way in every dealing. But we have a philosophical difference. He is charged to move bills out, to get things done. Most of them that have no cost he will readily agree I have had no objection to. He knows that. We have not tried to block those. But they are combined with the other bills because they know that is a force to create the votes, to get things that might be somewhat more controversial spending. That is his job. I understand that.

I have no ill will toward anyone. What I have an ill will for—and when I leave the Senate, what I will take to my grave—is not being good enough to convince us to do what we swore an oath to do, and that is to think long-term, think what is best for our country, not what is best for our State; think what is best for our children, not what is best for us; think what is best for our country, not what is best for our party; think what is best for America. We are losing. Consequently, we see it happening in our country.

So it is time to really clarify what this debate is about. It is really not about a lands bill; it is about the philosophy where we continue to work and run like a loose barge in the Mississippi River that does not have a tug associated with it. Are we going to do that? Because that is what is happening.

One amendment I am going to be offering just says we ought to know what things cost. How much land do we have and how much does it cost to have it? We are going to have it objected to, not because it is not common sense but because we are afraid the whole package might not get accepted if something common sense is in it like knowing how much our land costs us, knowing how much land we have, having an inventory, and making a judgment, a metric about what we are doing. Nobody is thinking the big picture. We are thinking the political picture. So here is the amendment. It is not going to go anywhere, most likely, but it absolutely makes common sense that we would do that, that we would know all the properties we own.

We have another amendment that is going to say that citizens have to give their approval when somebody comes onto their land who does not own their land—just basic property rights saying: If somebody is going to set up a heritage area, they ought to get permission to come onto private land, if it is your land and somebody is coming on it. We take that right away in heritage areas. It is gone. They do not have to do it. It is a commonsense amendment that says if you own land, you ought to have the right that is guaranteed you under the Constitution to have your land protected. It is your land.

We have so much unwanted property where all the land agencies want a way to get rid of it, but yet they cannot. They cannot. They do not even have the money to get rid of it. So there is an amendment that says: Let's take 1 percent of the cost of this bill and allow the different agencies to get rid of the excess properties they have. It is not complicated.

The other thing is, we are going to offer an amendment requiring that citizens within a national heritage area are informed of the designation before it happens. If we are going to pass a law that is going to impact somebody's private property, shouldn't we tell them ahead of time? Shouldn't they have notice? Shouldn't they have the

rights guaranteed to them under the Constitution?

I have spoken enough, but I think under the guise of the lands bill I have explained the real problem. There is a difference of philosophy. I will not stop fighting until we start thinking about the long-term problems facing this country.

I will not stop objecting to spending money that we know we intend to spend. We are just playing the game that: Oh, it is not an appropriation. Well, almost 30 percent of the appropriations are not authorized. So you cannot have it both ways. A third of the money we appropriate under the appropriations process is not authorized to begin with. So authorizations actually do not mean anything, do they? Or do they? Yes, they do, because they are not going to get appropriated, or they are, and if they are, we ought to be talking about real money that is going to be spent.

I want to talk for a minute about the backlogs in our parks because I think if the American people knew it, they would not stand for it until we did something. The National Park Service faces, right now, a $9 billion backlog. That is their number. That is not TOM COBURN's number. That is their number, a $9 billion backlog. With this legislation, they are going to take on more responsibility with no increased funds, which means the backlog is going to grow.

The Facilities Management Division of the National Park Service reveals there are at least 10 States where National Park Service maintenance backlogs exceed $100 million per park—$100 million per park. Twenty States have facilities with deferred maintenance exceeding $50 million. That does not include road maintenance, which is far higher. None of these numbers include the road maintenance we have not supplied the money for either.

They maintain 1,466 buildings built before 1900 but do not have the money to maintain them. They have 4,975 buildings constructed before 1950 but do not have the money to maintain them. They have 2,500 fixed assets—2,500 fixed assets—they do not want but this committee will not create a way for them to get rid of. They are still spending money on 2,500 facilities—2,500 different buildings—that they do not want, that they spend money on every year, that they are not using, but they have to keep it up.

The National Park Service has 31 sites in California alone. They have a State backlog, in California parks alone, of $584 million, exclusive of any roadwork. California is home to many of our treasures: Yosemite, Golden Gate, Sequoia.

New York national parks: They face a $347 million backlog—$347 million—home to Ellis Island, the Statue of Liberty. The Statue of Liberty has a maintenance backlog of $185 million, work that needs to be done on it. We are not doing it.

National parks in Wyoming: a $205 million maintenance backlog. That is Yellowstone, Grand Teton, Devils Tower. Yellowstone has a $130 million backlog. It is one of our great treasured western assets. Everybody who visits there has total enjoyment from it, and yet it has a $130 million backlog which we have not addressed.

There are no increased authorizations for maintenance backlogs. Glacier National Park in Montana, a backlog of $400 million; Washington, DC, home to our monuments, a $371-million maintenance backlog; New Mexico, $41 million; Arizona, $192 million. The National Parks Conservation Association said this: The average budget shortfall among 100 park units is 32 percent. In other words, we are supplying two-thirds of what they need to maintain their parks adequately, and with this bill we are going to be adding to all that and other lands other things they are going to have to be doing because of this bill, but we are not going to address the real needs.

Each of the new projects in this bill will siphon funds away one way or the other, directly or indirectly, from these important projects. Are we good stewards if we add things to be stewards of when we are not caring for the things we have already?

There was a wise man who once said: He who is faithful with small things will be faithful with big things. I would surmise and put forward to this body that we have not been good stewards with what we have already. Yet we are going to add to them.

AMENDMENT NO. 4522

Mr. President, I call up amendment No. 4522, and I ask unanimous consent that it be read and that Mr. MCCAIN be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4522.

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 require the Director of the Office of Management and Budget to determine on an annual basis the quantity of land that is owned by the Federal Government and the cost to taxpayers of the ownership of the land)

At the end, add the following:

**TITLE IX—MISCELLANEOUS**

**SEC. 901 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.—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) 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.

Mr. COBURN. Mr. President, this is a straightforward amendment. It requires an annual report of the Federal Government detailing the amount of property the Federal Government owns and the cost of Government and land-ownership to taxpayers.

This is just a small chart that shows the amount of land the Federal Government owns. As my colleagues can see, two-thirds of the Western United States is owned by the Federal Government in one form or another. It recognizes all of the core land, the parkland, the forest land, the heritage areas that are not—it doesn't recognize the heritage areas that we don't own, but it does recognize all the land holdings. Nobody has a metric on what we own. Not any one agency knows what we own in total, nor does anybody know

what it costs us to own it, nor does anybody know what it costs the communities for us to own it because it has been taken off the tax rolls.

Each year, the Office of Management and Budget would be required to issue a public report detailing Federal landownership. The report would specifically include the total amount of land in the United States and the percentage that is owned by the Federal Government; the percentage of all U.S. property that is controlled by the Federal Government—not necessarily owned, but controlled—the total cost of operating and maintaining Federal real property, including land, buildings and structures; a list of all Federal property that is unused and vacant—because why should we continue to maintain properties that are unused and vacant—including all buildings and structures; and the estimated cost of the maintenance backlog at each Federal agency with regard to their land holdings.

What this will do is give the taxpayers some transparency about the real nature of what we are doing. We are going down an alley blindly. We don't know what the cost is. We don't know what the total is. We certainly don't know what we are creating when we add more to it when we don't know the metrics on what we have already.

One of the things we need is greater accountability on the maintenance. It is strange to me that we can do what we are doing with this bill and not already know this information. Why would we not know what our total land holdings are and what their costs are? There are no requirements under current law to require public disclosure of the amount of land controlled by the Federal Government or the cost of such occupation to the taxpayers. There was an Executive order issued in 2004 that would require some of it to become publicly available, but what this amendment says is it all should be. It is an inventory. Every other organization, including the States, know what they own, and they know the cost to manage what they own. It is called management accountability. Transparency is the thing that leads to accountability.

When the President directly required the Office of Management and Budget to release a high-level report giving a picture of property ownership between 2004 and 2005, the Government decided to stop releasing the information on public domain lands. Wonder why that is. What happened is 90 percent of the lands aren't reported. So this amendment would legally require the Government to release information on all land it owns, how much it costs to maintain, and require the Government to track the growth of Federal landownership around the country.

This isn't hard to do. Once you have the database, all you do is add and subtract. The first year it will be tough. Every year after that it would not be hard at all. It is a computer program.

Governments track the property that individuals own. The Government therefore should disclose the same information about the land holdings that it has. The Government knows what land we own. Why shouldn't the American people know what land the Government owns? It is just common sense. If we want to manage our resources and manage our properties, then we have to know what it is and what it costs, but we don't. We don't use zero-based budgeting. Whatever they spent last year, they just ask for more. At the end of the year, if it is not all spent, they make sure they spend it; otherwise, they are liable to get a cut. So we are not putting the money in based on what we know the need is; we are putting the money in based on a historical record that is obviously failing to maintain our national parks.

I will discontinue with any further debate on this amendment and yield to the chairman of the committee. I would just say commonsense knowledge about what we own and what it costs us is something the American taxpayer ought to have, and to vote against this for some reason because we can't goes back to the same philosophical argument. We are going to have the short-term excuse for the long-term problem, and we are never going to get out of this hole.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me respond on this particular amendment that the Senator from Oklahoma has presented or called up for consideration.

The amendment does require the Director of the Office of Management and Budget to post an annual report on the Internet that details quite a few different things. First, how much land is ''within the jurisdiction of the United States;'' second, how much of that land is owned by the Federal Government, both in total and on a State-by-State basis; third, a description of how much it costs to maintain all lands, buildings, and structures on an agency-by-agency basis; fourth, extensive information on the number of unused and vacant assets and the value of operating costs for each such vacant asset; fifth, the estimated maintenance backlog of each Federal agency, presumably on these various assets.

The amendment does not just apply to national parks and national forests and reclamation projects and public domain lands which, of course, our committee would have jurisdiction of, the Energy and Natural Resources Committee, but also the national wildlife refuges, Indian trust lands, GSA properties, post offices, military bases and facilities, veterans hospitals. And those, of course, are under the jurisdiction of other committees I do not serve on.

To give a sense of the breadth of the amendment, the Office of Management and Budget would have to provide detailed information each year on approximately 1.2 billion real property assets worldwide and over 636 million acres of land.

There is no provision in the amendment to exempt any sensitive information that the Department of Defense might wish to withhold or the Department of Energy or the CIA or any other agency that has a national security responsibility.

While there is certainly room for improvement in Federal property management—and in that regard I agree with the Senator from Oklahoma—I do not believe we are ready to act on this amendment at this time or adopt this amendment. I believe compliance with the amendment would be very burdensome, time consuming, and expensive, and, of course, it is a responsibility that would have to be updated each year.

My own view is, this amendment, if proposed as a freestanding bill, would not be referred to our committee, not the Energy and Natural Resources Committee. I believe it would be referred to the Homeland Security Committee because they have Government-wide responsibility. We have no idea how much cost would be involved to each agency in compiling this information for the Office of Management and Budget. I assume it would be a substantial cost, and it is not one that I think we should act upon with this bill without any idea of that cost.

So my own preference, frankly, would be that if the Senator wishes to have a report such as this developed, the appropriate way to proceed would be to go to the chairman and ranking member of the Homeland Security Committee, ask for a hearing on this proposal, get that committee to look seriously at what can be done to develop this kind of report, what cost is involved in developing this kind of report, whether there are needs that national security would require for putting some exemptions into this report so that we would not be putting on the Internet information that some of our national-security-related agencies would not want posted on the Internet. That would be the approach I would urge on my colleague.

So for all of those reasons, I oppose the amendment and urge my colleagues to oppose it when it comes to a vote.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I will defer to my colleague from Oklahoma.

Mr. COBURN. Mr. President, would my colleague yield for just a moment so I may respond?

Mr. SCHUMER. I would be happy to.

Mr. COBURN. I want the chairman of the committee to know that we worked very closely with OMB as we developed this amendment. This is not a significant cost because they have been gathering this data to a certain extent already. I would gladly take a second-degree amendment to offset any sensitive

data that might be incurred so it would not be made available.

There is no question there is some cost to it, but the yearly cost is minimal, and OMB has already stated that. The cost of establishing it, yes, I agree, it would be hard. But what my colleague has said is we really don't want to manage all of the properties because we don't want to know. That is the important thing, that we can't directly manage them unless we do that.

So I yield the floor.

Mr. SCHUMER. Mr. President, I thank my colleague from Oklahoma, with whom I do not agree on many things, but I know he speaks with integrity and from the heart.

I rise to speak in support of S. 2739, the Consolidated Natural Resources Act of 2008, which we are working on. I wish to thank my colleague from New Mexico, Chairman BINGAMAN, and Vice Chairman DOMENICI for their leadership on this legislation. We have waited a long time for it. In the Senate we need to get just about everyone on board. Due to some Senators' steadfastness, including Majority Leader REID's, we are here today.

All provisions of the legislation are important, but there is one provision for western New York for which we have waited a very long time, and that is the provision that would designate land at thematic sites along the entire Niagara River corridor—from Buffalo in the south to Lake Ontario in the north—as a national heritage area.

Establishing this heritage area will allow us to protect the world class natural resources of Niagara Falls while promoting tourism and economic development in the region. For the first 5 years of this heritage area, a Federal commission would work to implement a management plan to capture the full benefits of the natural, historic, cultural, and recreational resources of the entire Niagara Falls region.

Known the world over, Niagara Falls, of course, is a geological wonder that has drawn visitors for more than 200 years. But the region has so much more than just the profound drama of beautifully cascading waters.

The Niagara River corrridor has played an important role in our Nation's history. Native American culture, early European exploration, the French and Indian War, the American Revolution, the War of 1812, the Underground Railroad, and the development of hydroelectric power all have strong connections to the region.

Furthermore, the Niagara River corridor abounds with scenic beauty that offers something for recreational enthusiasts of all stripes. With numerous State parks in the area, hikers, fishermen, birders, and hunters flock to the region to enjoy its outdoor splendor.

Despite these strong assets for tourism, visitors to the U.S. side of Niagara Falls have been on the decline for several years. Too much of the New York side of the border is marked by aging infrastructure and blighted land. And all too frequently, visitors spend far more time on the Canadian side of the falls, while barely visiting the New York side. We must reverse this trend.

Let me be clear. The attractions and resources exist for the Niagara River corridor to become a world class destination. But the attractions it offers lack a comprehensive, unifying thread that ties the elements together in a meaningful way for the visitor.

Designating the land a heritage area will help us link the existing sites of interest in a coordinated fashion, marking the region effectively, and attract more visitors. It will promote collaboration among Federal, State, and local resources and help spur investment and economic development in the region.

Let me say that this heritage area has been years in the making. When I first was elected to the Senate in 1999, people in Niagara Falls said we have to do something. It probably surprises my colleagues that there is virtually no Federal involvement at Niagara Falls, one of our greatest scenic wonders. We tried to figure out the way to go. Some advocated it should be a national park, and there were other things. We concluded that the heritage area is the right way to go. It will allow Federal help to come to the region, Federal resources and experience, with planning and linking the great wonder of Niagara Falls to other historic and tourist attraction sites, but at the same time it will allow the local region to maintain control.

So in 2001, at my request, the NPS reconnaissance team visited the region and recommended a congressionally authorized study be undertaken to determine the best development strategies for the area along the Niagara River. We asked them to look at the heritage area.

In 2005, the National Parks Service completed that study. I thank the Park Service, because they certainly relied on local input. There was tremendous local input here, so nobody in the Niagara Falls area felt anything was being rammed down their throat. What they found—the Park Service—is strong local support for a heritage area, as well as a very great need for the resources it would offer. The report wrote:

> In order for Niagara Falls to fulfill its strategic role as a key regional attraction, it is necessary for it to upgrade the visitor experience to match the expectations of 21st century travelers.

That sums up the challenge we face in Niagara Falls. The study concluded that based on Niagara Falls' natural and cultural resources, the evidence of a thematic framework, the potential for effective public and private partnerships, as well as strong public support, the region met the criteria for designation as a National Heritage Area.

Last May, the Subcommittee on National Parks held a hearing on this issue, where I testified in support of the bill. After the hearing, we worked closely with both the National Park Service and the Energy Committee staff—whom I thank for the good work they do—to iron out the technical corrections to the bill so it could be discharged by the full committee. The heritage area has been studied now for more than 7 years. It has broad public support, and it is time for it to become law.

The $10 million authorized under this act should help Niagara Falls realize a substantial return on that investment. First and foremost, any Federal expenditures will be matched by State, local, or private contributions, adding millions more to the investment in the region.

Second, it is estimated that implementing the heritage area would attract 140,000 new visitors per year, and some estimates project that this would infuse up to $20 million into the local economy annually.

With the summer tourist season fast approaching, we are reminded that far too many visitors only view Niagara Falls from the Canadian side of the border. They have missed out on the history, culture, recreation, and natural beauty that is found in equal measure on the New York side. This legislation will take great strides in balancing that inequity and help revitalize an area of our country in need of investment and economic development.

With that, I yield the floor and thank my colleague for working so long and hard with us to make this legislation today a reality.

Mr. BINGAMAN. Mr. President, I believe the Senator from Oklahoma has three additional amendments he wants to present. I believe he has 30 minutes on his side and I have less than 15 on our side. I will defer to him to go ahead, and then I will have a few minutes to respond.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Oklahoma is recognized.

AMENDMENT NO. 4521

Mr. COBURN. Mr. President, I think we will finish well before 2:15. That is my hope. So if we are looking at votes, I hope they will have some notice about that time. I ask unanimous consent to set aside the pending amendment and bring up my amendment No. 4521, and I ask unanimous consent that Senator MCCAIN be added as a cosponsor of the amendment.

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], for himself and Mr. MCCAIN, proposes an amendment numbered 4521.

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 require approval prior to the assumption of control by the Federal Government of State property)

At the end, add the following:

**TITLE IX—MISCELLANEOUS**

**SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.**

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of a voluntary exchange between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a portion of the parcel of land is located terminates on the date that is 10 years after the date on which the citizens of each political subdivision approve the control of the parcel of land by the Department of the Interior, the Department of Energy, or the Forest Service under that subsection.

(2) RENEWAL OF APPROVAL.—With respect to a parcel of land described in subsection (a), the Department of the Interior, the Department of Energy, or the Forest Service, as applicable, may renew, by referendum, the approval of the citizens of each political subdivision in which a portion of the parcel of land is located.

Mr. COBURN. Mr. President, the American Farm Bureau and American farmers and ranchers had endorsed all of these amendments at an earlier time. I assume they would again, because it is the same language that was used in the past. Today, the National Taxpayers' Union endorsed these as commonsense freedoms for us.

This amendment is pretty straightforward. It says that if the Government wants to take your land, you ought to be able to say, yes, I agree or you ought to be able to say no. What this bill does is it authorizes the Federal Government—they can still acquire new lands, but if it is going to have an impact on your land—not their land but your land—the citizens ought to get a vote on it. It is called real transparency in government and real participatory democracy.

A lot of Americans are concerned about the excessive Government influence over their land. We can say they are not, but they are. People in my State of Oklahoma, in New Mexico, New York, and every other State have great concerns about property rights. This amendment is intended to address those concerns. It simply requires the citizens affected by Federal Government land grabs, or heritage areas, or others where we are talking about private lands being impacted, to have a vote, to have a say in the matter. It authorizes the Departments of Agriculture and Interior to continue to acquire land by purchase or exchange. It will not affect that.

The amendment would only apply to situations involving Federal eminent domain, when the Government takes property without the consent of the owner, or State and local governments cede private land to the Federal Government. The decision to cede property to the Federal Government may be voluntary by the State and local governments, but such a decision impacts the whole community. So all residents of an area, therefore, should have a voice in the decision to turn over public property that is controlled by bureaucrats in DC.

Do you realize that in all of our Western States, any single bureaucrat has more control in that State than the Governor of the State, where they own the majority of the land? Their implied power is greater than the highest elected official in the State. What they say goes, because it is the Federal Government. So whether it is a park ranger or forest ranger or manager of a forest or the BLM, what they say has more power than what the chief executive of any of those States says. When we look at this, we are saying if the Federal Government is going to take something by eminent domain, the people it will impact should get a chance to say yea or nay.

This goes back to the concept that we have a real right to own and hold property in this country. That is something many countries don't offer their citizens. We ought to be about protecting it at every level.

This amendment would involve local residents in Government decisions about their neighborhoods and communities. Sam Adams profoundly questioned, ''What liberty can there be where property is taken away without consent?'' What liberty is there when your property is taken away without consent or impacted without your consent or your zoning ordinance, because some bureaucracy from Washington funded through a heritage area decided what the zoning ordinances are going to be and has millions of dollars to move it, to your detriment, the private owner of property. What liberty is there when property rights are taken away? This amendment ensures both liberty and consent. It is very straightforward. It doesn't affect Federal transportation projects, national defense, or homeland security.

Delegating property decisions is not unusual. Eminent domain has been exercised through both legislation and legislative delegation. It is usually delegated to another government body. But the power may be delegated to private corporations, as we saw in Connecticut, such as public utilities, railroads, and bridge companies.

This amendment will delegate the final decision to the property holders who are being impacted—real property rights. If we agree as a majority, it happens; if we disagree, it doesn't.

The Supreme Court has approved the widespread use of the power of eminent domain in conjunction with private companies to facilitate urban renewal, for low-cost housing, for deteriorated housing, and the promotion of values, as well as economic development. In Berman v. Parker, a unanimous Court observed:

> The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic, as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious, as well as clean, well-balanced, as well as carefully patrolled.

This ever-expanding government power essentially allows Congress and unelected bureaucrats for any reason to take private property from citizens with little, if any, recourse. What liberty when property rights are not preserved?

This amendment is designed to provide some check on the ever-growing expansion on private property rights within this country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me speak briefly in opposition to this amendment and explain my understanding of it. This amendment prohibits the three agencies, the Department of Interior, Department of Energy, and the Forest Service, from assuming control—that is the phrasing in the amendment—over any parcel of land except through a voluntary exchange, unless the citizens of the political subdivision in which the parcel is located approve the assumption of control by referendum. Even if the assumption of control by the agency is approved by a referendum, that approval terminates at the end of 10 years, unless there is another referendum that extends it beyond 10 years.

It seems likely to me that the amendment would affect more than just the acquisition of fee title to land. It appears to include the interests in lands, such as rights of way, easements, possibly water rights, taking lands into trust for Indian tribes, and perhaps even friendly condemnations for public purposes.

As I read the amendment, since the only exception is for voluntary exchanges of property, I would think the sale of property—if one of these agencies wants to buy the land and a private landowner wants to sell the land to the agency, it would have to be approved by referendum. The amendment would give counties and communities, political subdivisions, veto authority over any Federal land ownership by these three agencies. I think it would frustrate congressional efforts to purchase or protect lands to make it virtually impossible to provide for any long-term Federal management or protection, such as is attempted in our national parks and monuments, wildlife refuges, historic sites, and wilderness areas. The amendment would adversely impact much more than land designated for conservation purposes. It would also impact Bureau of Reclamation dams, reservoirs, energy pipelines, and DOE facilities.

I think the concept of having to do another referendum every 10 years—I don't know how that would work, frankly. I don't know what would happen if you lose. Suppose the Federal Government goes ahead and acquires land through whatever means for a reservoir. At the end of the 10 years, there has to be another referendum on whether the Federal Government should maintain that land for that reservoir. If the referendum fails, I don't know what we would do with that reservoir at that point. There is not much of a private market for reservoirs. I don't know what action the Government would be expected to take at that point.

For a variety of reasons, I do not think this is a workable amendment, and it is one I urge my colleagues to oppose.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am going to try to move this debate forward. I see the Senator from Washington. Does she have debate on a specific amendment or comments on the bill?

Mrs. MURRAY. Just comments.

Mr. COBURN. Mr. President, we are going to try to get through our time agreement. I have two more amendments, if that is agreeable with the Senator from Washington.

I will make one comment on what the Senator from New Mexico said. What I heard him say is there is something wrong with people deciding it. The real concept of our country is we get to decide, and we have bastardized that by saying the Federal Government knows best.

I believe the people out there kind of know how things impact them. I think a plebiscite about what we are doing would be something that almost every American would welcome.

Will there be problems with it? You bet. Democracy is messy, but it is free. Giving them the right to have that answer and to vote, that is something that was guaranteed in the Constitution before we had an activist court that took it away. This is about putting it back.

AMENDMENT NO. 4520

I ask unanimous consent that the pending amendment be set aside and amendment No. 4520 be called up, and I ask unanimous consent that Senator MCCAIN be added as a cosponsor.

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], for himself and Mr. MCCAIN, proposes an amendment numbered 4520.

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

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

The amendment is as follows:

(Purpose: To ensure that all individuals who reside, or own property that is located, in a proposed National Heritage Area are informed of the designation of the National Heritage Area)

On page 203, between lines 2 and 3, insert the following:

**Subtitle G—Notification and Consent Requirements Relating to National Heritage Areas**

**SEC. 491 NOTIFICATION REQUIREMENT.**

The Secretary of the Interior shall not approve a management plan for a National Heritage Area designated by this title unless the local coordinating entity of the proposed National Heritage Area provides written notification through the United States mail of the designation to each individual who resides, or owns property that is located, in the proposed National Heritage Area.

**SEC. 492. WRITTEN CONSENT REQUIREMENT.**

With respect to each National Heritage Area designated by this title, no employee of the National Park Service or member of the local coordinating entity of the National Heritage Area (including any designee of the National Park Service or the local coordinating entity) may enter a parcel of private property located in the proposed National Heritage Area without the written consent of the owner of the parcel of property.

Mr. COBURN. Mr. President, this is another straightforward, what I believe most Americans would agree with, commonsense amendment. It says citizens within a national heritage area are informed of the designation and that governing officials must receive permission to enter private property. It is simple.

If I am in a heritage area, what happens often now is those who are empowered by the heritage area stake and survey your land, do all these things without your permission to enter your land—your land, not their land, your land. What we do is we broadly give the ability to violate property rights through the heritage area laws so people can access private property without permission. If I am wrong about that, then this amendment would cause absolutely no harm. But the fact is, I am right about it.

This amendment reestablishes the right of private property owners to control who goes on their land, when they go on their land, and what they are doing with their land. It reaffirms that if you have ownership, it is your land, and it does not take that right of a property owner away because it happens to be in a heritage area.

More and more heritage area designations are being made with little knowledge of the landowners involved. S. 2739 establishes three new heritage areas and extends the authorization and funding of several existing national heritage areas.

There is no requirement for the Federal Government to notify the individual within the area of its designation or its meaning. If we are going to have national heritage areas—and I agree at points they are great—do we not have an obligation to tell the landowner their land is getting ready to be subjected to all the parameters associated with a national heritage area? Do we not have the right and the obligation to ensure their property rights are protected as they are brought into a national heritage area?

I believe the Constitution says we ought to do this, we ought to restore what was already there. What is liberty without the rights of property?

I yield back the remainder of my time on this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak in opposition to this amendment as well.

This amendment would establish new restrictions for the three national heritage areas that are designated in this bill. It would prohibit the Secretary of the Interior from approving a management plan for a heritage area unless the local coordinating entity, which is usually a nonprofit group that is promoting tourism in this heritage area and developing the management plan, has provided written notification to each individual residing or owning property there.

The amendment also prohibits employees of the National Park Service or the local coordinating entity, usually the nonprofit group, from entering any private property within the heritage area without the written consent of the property owner.

The amendment, in my view, fails to understand what the designation of a heritage area means. Let me read some boilerplate language we put in every one of these national heritage area bills. It says in the bill, and we have this three times in this legislation because there are three heritage areas: Nothing in the subtitle abridges the rights of any property owner, including the right to refrain from participating in any plan, project, program or activity conducted within the heritage area. Nothing in the subtitle requires any property owner to permit public access to the land. Nothing in the title alters any duly adopted land use regulation. Nothing in the title authorizes or implies the reservation or appropriation of any water or water rights. Nothing in the title creates any liability, affects any liability under any other law of any private property owner with respect to any person injured on private property.

There is substantial confusion, I believe, about the idea that there is some great decrement of private property rights by the designation of these heritage areas.

The prohibition against employees of the National Park Service or coordinating entity from being able to enter private property without written permission of the landowner does not make sense, in my opinion. Heritage areas do not involve acquisition of Federal land. The amendment applies to any private land within large areas of the State. We have one in northern New Mexico which I was urged to try to establish—and we were able to establish it—by people who wanted to

promote tourism in northern New Mexico.

Under this language, a member of the Park Service or the coordinating entity would not be able to go to a mall or a restaurant or go to any other private property in northern New Mexico in a three-county area without written consent of the landowner.

In my view, the amendment should be defeated, and I urge my colleagues to vote against it when the time comes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, in response, I wish to take a moment and read what three experts say about what the Senator from New Mexico said.

James Burling, principal property rights attorney for the Pacific Legal Foundation:

The so-called protections for private property are largely symbolic; so long as regulators can browbeat landowners into becoming ''willing sellers'' we will continue to see the erosion of fee simple property ownership in rural America. With the influx of federal funding, the regulatory pressure on landowners to sell will, in many cases, be insurmountable. The legacy we will leave to future generations will not be the preservation of our history, but the preservation of a facade masquerading as our history subverted by the erosion of the rights that animated our history for the first two centuries of the Republic.

Joe Waldo, president of the Virginia property rights law firm Waldo and Lyle, said this:

The bill before Congress has nothing to do with a ''heritage trail'' but will result in a ''trail of tears'' for those least able to stand up for their property rights. This is no more than an effort to overreach by the federal Government with regulations that will restrict homeowners, farmers and small business people in the use of their property.

I ask unanimous consent, because of time limitations, to have printed in the RECORD the rest of these comments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REAL PRIVATE PROPERTY PROTECTIONS IN THE BILL? WHAT DO THE EXPERTS SAY?

(1) James Burling, principal property rights attorney for the Pacific Legal Foundation, had this to say about H.R. 5195 (similar ''protections'' in 109th Congress)

''The so-called protections for private property are largely symbolic; so long as regulators can browbeat landowners into becoming 'willing sellers' we will continue to see the erosion of fee simple property ownership in rural America. With the influx of federal funding, the regulatory pressure on landowners to sell will, in many cases, be insurmountable. The legacy we will leave to future generations will not be the preservation of our history, but of the preservation of a facade masquerading as our history subverted by the erosion of the rights that animated our history for the first two centuries of the Republic.''

(2) Joe Waldo, president of the Virginia property rights law firm Waldo and Lyle, said this regarding H.R. 5195:

''The bill before Congress has nothing to do with a 'heritage trail' but will result in a 'trail of tears' for those least able to stand up for their property rights. This is no more than an effort to over reach by the federal Government with regulations that will restrict homeowners, farmers and small business people in the use of their property.

''Traditionally the elderly, minorities and the poor are most impacted by regulatory measures that restrict property owners in the use of their land. Protecting our heritage is a noble ambition, however these matters need to be handled at the local level by those closest to the issues at hand. It is important that the fundamental right of private property not be threatened by more misguided federal legislation.''

(3) R.J. Smith, recognized property rights expert and senior fellow at the National Center for Public Policy Research, said:

''The name itself for this National Heritage Area raises serious questions. It seems improper, even indecent, to name this the Hallowed Ground corridor and claim it is to 'appreciate, respect and experience this cultural landscape that makes it uniquely American' when it tramples on the very principles of private property rights, individual liberty and limited government that the Founding Fathers risked and gave their lives for. Lincoln himself reminded us in the Gettysburg Address that 'we cannot dedicate—we cannot consecrate—we cannot hallow this ground.' He reminded us that we must be dedicated to see that this 'new nation' 'conceived in liberty' had 'a new birth of freedom' and did 'not perish from the Earth.' Rejecting the very principles of the Founding Fathers that created our liberty and freedom is not a journey any free person should want to undertake.

''Any legitimate effort to attract tourism to old homes and mansions and to quaint little country main streets should properly be done privately and voluntarily by chambers of commerce, booster groups, and preservationist organizations. Not by the compulsory diktat of the National Park Service, the U.S. Congress, and anti-growth Greens. If you want to attract visitors try billboards, not federal force.''

(4) And as Dr. Roger Pilon, director of the Cato Institute's Center for Constitutional Studies, notes:

''There's nothing wrong with historic preservation—in fact, it's commendable—but it's got to be done the right way. However worthy your ends, when you prohibit people from using their property as they would otherwise have a perfect right to do, you've got to pay them for their losses. Indeed, it is not a little ironic to simply take those historic rights in the name of historic preservation.''

Mr. COBURN. Mr. President, here is what I would say in response to the chairman's comment. It is not unreasonable to have somebody who does not own your land, has no real business on your land, ask permission to come on your land. That is an absolute subrogation of the rights guaranteed under the Constitution which we are now embracing and say it is fine to not have to get permission. That is not what comes with property rights under the Constitution. If our defense is we do not believe in the Constitution and the rights of private property rights, then I would say we are misguided in what we are doing.

This is a simple way of saying, if we are going to have heritage areas and if I am a private property owner in a heritage area and you want to come on my property and survey, you ought to have to get my permission. You should not be able to come on my land without permission to do so.

The fact is, example after example—and I will submit additionally an article from the Nation magazine on examples of exactly what happens in heritage areas to private property rights. It is called ''An Ugly Heritage.'' I ask unanimous consent to have printed in the RECORD this article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Nation, Jan. 28, 2008]

AN UGLY HERITAGE—THE POOR MAN'S NATIONAL PARK; THE CITIZEN'S BURDEN

(By John J. Miller)

A few years ago, Lee Ott was driving around his vegetable farm in Yuma, Ariz., when he spotted a crew of surveyors putting stakes in his land. ''I stopped and asked them what was going on,'' he recalls. It turned out they were marking the boundaries of the Yuma Crossing National Heritage Area. Ott's farm fell entirely within its 22 square miles, and nobody had bothered to tell him. ''I became worried because I wanted to build a new house and a shop on the farm,'' he says. ''I didn't need anybody to give me a bunch of rules about how they should look or whether I could even build them.''

So he decided to fight back. He met with the Yuma County Farm Bureau, which then contacted all of the landowners within the Yuma Crossing National Heritage Area. ''About 600 people came to our meeting,'' says Harold Maxwell, a farm-equipment distributor. ''When I asked for a show of hands from those who knew they were in the NHA, only one hand went up.''

National Heritage Areas are like a poor man's National Park—they aren't actually owned by the federal government, but they're zoned by it. Instead of employing Park Rangers in stiff-brimmed hats, they're often administered by liberal groups that want to weaken the property rights of the people who hold a piece of land within or even near NHA boundaries. This is generally done in the name of historic preservation and environmental conservation. The Yuma Crossing National Heritage Area, for instance, includes an old territorial prison and some wetlands along the Colorado River. Yet NHAs are perhaps best regarded as a clever combination of pork-barrel spending and land-use regulations—and they're an increasingly popular tool for slow-growth activists who bristle at the thought of economic development that they don't personally control.

Since the first NHA was created in 1984 to preserve a 61-mile canal that runs between Lake Michigan and the Illinois River, more than three dozen have come into existence. Today, they're a growth industry: Ten were added in 2006 alone, and last fall, the House of Representatives passed a $135 million bill that swould set up six more. Some, such as the one in Yuma, are just dots on the map. Others are sprawling. The Tennessee Civil War National Heritage Area takes up the entire state.

''These are basically federal zoning laws,'' says Peyton Knight of the National Center for Public Policy Research, a free-market think tank that has tried to draw attention to the problem. The rules governing NHAs vary from place to place, but they tend to have a few features in common. One important element is the involvement of a ''management entity'' that works in conjunction with the Park Service to come up with a plan—in the case of one NHA, this means creating an ''inventory'' of properties of ''national historic significance'' that it wants ''preserved,'' ''managed,'' or ''acquired.''

Sometimes the ambitions of an NHA amount merely to a bit of parkland pump-priming. The website of the Rivers of Steel NHA near Pittsburgh boasts that it ''is spearheading a drive'' to have the National Park Service absorb an old steel mill and mentions a bill in Congress. So it's a federally funded organization that lobbies Washington for ever more subsidies.

But does the National Park Service really need more parks? It already operates almost 400 sites. Although some remain incredibly popular, visits within the system have declined in the last decade—a trend that started before the terrorist attacks of 9/11 resulted in fewer foreign visitors. What's more, the Department of the Interior is having trouble maintaining the properties it already runs. Its maintenance backlog is a multibillion-dollar wish list of unfunded repairs and improvements. The National Parks Conservation Association, a non-profit group, says that the parks need an extra $800 million per year just to fund their existing operations adequately. This certainly isn't the result of a Scrooge-like Bush administration: The Park Service is spending more money per visitor, per acre, and per employee than ever before.

Supporters of NHAs insist that they aren't in the business of buying or regulating property, which is true in the sense that NHAs do neither of these things directly. But they work to achieve these results indirectly, by encouraging local governments to implement restrictive land-use plans. ''That's how they achieve their goals—by pushing counties and towns to do what they can't do for themselves,'' says Cheryl Chumley, a Virginia writer who has tracked NHAs.

They do this by dangling the prospect of federal largesse in front of potential recipients. West Virginia's Wheeling NHA, which is basically a downtown preservation project, makes this explicit, according to a Heritage Foundation report by Chumley and Ron Ott. Its management plan calls for new zoning ordinances and the acquisition of private property. And how will it achieve these goals? As Chumley and Ott write, ''Major funding to support the activities . . . and the recommendations of this plan will be coming from the National Park Service.'' In the year prior to its most recent available tax filing, the Wheeling NHA received more than $2.5 million in government contributions—and not a dime from private sources.

One of the most controversial NHAs is the proposed Journey Through Hallowed Ground, which would encompass a corridor roughly 175 miles in length between Charlottesville, Va., and Gettysburg, Pa. The exact boundaries aren't determined because this NHA at least technically remains on the drawing board. But that didn't stop Congress in 2005 from giving a $1 million earmark to the Journey Through Hallowed Ground Partnership, a non-profit group that's pushing for the NHA. The organization's board is full of slow-growthers, including Peter Brink, the senior vice president of the National Trust for Historic Preservation. ''If this NHA becomes a reality, it would essentially deputize the National Trust and its allies to oversee land-use policy in the whole region,'' says Knight.

Once upon a time, historic-preservation groups operated public-education programs and tried to save old homes and hotels, often by purchasing them. Nowadays, however, they're much more interested in regulating land that they don't own. In Oregon and Washington state, where property-rights advocates have put forth ballot initiatives to compensate landowners when government regulations lower the value of their property, the National Trust has campaigned to defeat them. It even worked to derail a transportation project in Virginia because a proposed road expansion would have increased traffic near the Chancellorsville battlefield—not in it, just near it. Three years ago, Emily Wadhams of the National Trust testified to Congress that ''private-property rights have never been allowed to take precedence over our shared national values and the preservation of our country's heritage.''

Last October, the Journey Through Hallowed Ground Partnership issued a report on how it would pursue its objectives in an NHA: ''Farmland, in particular, is a threatened resource. . . . There are many opportunities to further protect these resources through conservation easements, Rural Historic District designations, Agricultural and Forestal districts, and private and public easement and land acquisition.'' Except for easements, in which landowners sell certain rights to their land, each of these suggestions would amount to having government agencies tell property holders what they can do—or, more likely, what they can't do. In September, more than 110 groups, including the American Conservative Union, the Family Research Council, and Freedom Works, signed a letter urging Congress to reject new NHAs.

Backers of Journey Through Hallowed Ground, including Republican congressman Frank Wolf of Virginia, cite a poll to claim that the public is behind them. What they don't reveal is something that the Fauquier Times-Democrat, a local newspaper, uncovered: The poll was sponsored by a group that endorses, the NHA, and 96 percent of the people in the survey didn't even know what the NHA is.

That's what happened in Yuma, Ariz.: Congress created the Yuma Crossing NHA, and hardly any of the locals knew about it until Lee Ott saw the surveyors on his property. The good news is that, Yuma's farmers fought back—they'asked members of Arizona's congressional delegation to intervene, and eventually the NHA was downsized dramatically. Today, it covers only, four square miles. Threats loom elsewhere, however, and an exhibit on the Yuma County Farm Bureau's experience will be featured at this year's American Farm Federation Bureau convention.

Although Monticello, the home of Thomas Jefferson, is run by a private group rather than the federal government, supporters of the Journey Through Hallowed Ground like to mention that the boundaries of their NHA would include it. They would do well to read Jefferson's words, and in particular a line that their foes enjoy quoting: ''The true foundation of republican government is the equal right of every citizen in his person and property and in their management.''

Mr. BINGAMAN. Mr. President, before we leave this amendment, I wish to make one more point. I read the language that is in the bill in each of these heritage area provisions that says there is nothing that prohibits or restricts the right of the landowner to deny access to his or her private property. That is the case under State property law in every State in the Union.

If I own a piece of property, if I am a private landowner and I don't want people coming on the land, I have the right to deny them access on my land. That includes Federal officials, surveyors, anybody I want to deny the right to come on my land. There is nothing in our legislation that in any way changes that.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4519

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 4519 be the pending business. I also ask unanimous consent that Senator MCCAIN be added as a cosponsor.

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], for himself and Mr. MCCAIN, proposes an amendment numbered 4519.

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

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

The amendment is as follows:

(Purpose: To require the transfer of certain funds to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service)

At the end, add the following:

**TITLE IX—DISPOSITION OF CERTAIN FUNDS**

**SEC. 901 CANDIDATE ASSET DISPOSITION LIST.**

For fiscal year 2008, and each fiscal year thereafter, amounts made available to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service shall be equal to 1 percent of, and derived by transfer from, all amounts made available to the Secretary of the Interior carry out this Act for each such fiscal year.

Mr. COBURN. Mr. President, I will try to do this fairly quickly because I know we are under a time constraint. Amendment No. 4519 requires 1 percent of the——

Mr. DOMENICI. Will the Senator yield?

Mr. COBURN. I will be happy to yield.

Mr. DOMENICI. To inquire, I heard the Senator ask who be made a cosponsor?

Mr. COBURN. Senator MCCAIN.

Mr. DOMENICI. Did the Senator have an opportunity to discuss this with Senator MCCAIN?

Mr. COBURN. Senator MCCAIN contacted me and asked me, requested to be a cosponsor of my amendments.

Mr. DOMENICI. Of all these amendments.

Mr. COBURN. All four of these amendments, yes.

Mr. DOMENICI. I see. I will speak to that in my turn. I thank the Senator.

Mr. COBURN. Mr. President, this amendment requires 1 percent of the new spending authorized in this bill to be used to dispose of excess, unused, and unneeded Federal property to offset some of the cost of the bill.

What we know is we have a tremendous backlog in our parks. We have a tremendous backlog in almost every land ownership we have. We have tremendous maintenance needs in the Forest Service and tremendous maintenance needs in BLM. We are suffering to care for what we have.

All this amendment says is take 1 percent—they listed 6,500 different

items they want to get rid of—and use the money to help them get rid of them so they do not continue to spend money maintaining what they don't want and don't need. At a minimum, this bill authorizes $380 million of new spending, which only represents a fraction when we actually see what will happen. We will track this. My staff will track the actual spending that comes out of this bill in terms of appropriations so we will have it for historical reference. My amendment says to take 1 percent for use to get rid of these items and then take them away. When we have gotten rid of the excess items, we would not use the money to do that and that money will go to maintain the public parks we all value so much. It will help offset the hundreds of millions of dollars of new spending in the 2,000 property assets that in the Park Service alone have been slated for disposal but cannot be sold off solely due to the lack of funding to get rid of them.

So all this does is it directs some authorization and says: Park Service, take these 2,000 things, here is some money, get rid of them—the things you want to get rid of. And everybody agrees we should get rid of them. They haven't because they don't have the money because they have to go through all these various steps under the Federal Government's property rights legislation. But we say to them: Here is the money, so you don't continue to spend money on that, and instead you continue to spend money against this $9 billion backlog in our national parks.

What this does is it allows them to get rid of assets they no longer need. This gives them a way and the funds to do that. It allows them to truly dispose of what they want to dispose of.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak briefly on this amendment and in opposition to this amendment as well.

The amendment provides 1 percent of all amounts made available to the Secretary of the Interior to carry out the various provisions of the legislation—that is to the 60-some odd bills that are included here—beginning in 2008 and each fiscal year thereafter, be made available to the Director of the Park Service to dispose of assets described in the candidate asset disposition list. This is a list of structures the Park Service intends to demolish or to dispose of.

I think the description the Senator from Oklahoma made contemplated the sale of property. The truth is this is a list the Park Service keeps of buildings they no longer want to maintain. They wish to dispose of these, in the sense of destroying them, or tearing them down.

The amendment is essentially a tax on future appropriations for all of the programs in this package to pay for a specific asset disposal program of one agency within the Department of the Interior. Many of the programs authorized in this legislation have nothing to do with the National Park Service. It makes no sense, in my view, to reduce amounts appropriated for various unrelated programs and to other agencies, especially when the Park Service has never identified funding of its asset disposal program as a problem.

Each year we get a budget from the Department of Interior. They have never requested specific funds for this purpose. Instead, they use their regular construction funding to destroy property, to destroy these buildings when they determine that is a priority for them.

The amendment, of course, in my view also impinges upon the jurisdiction of the Appropriations Committee. I am not on the committee, my colleague Senator DOMENICI is, but we are essentially saying here that all future appropriations that relate to bills that are part of this legislation shall be taxed by 1 percent for this other purpose. That seems to me an unusual way for the Congress to begin undermining, through an authorizing bill, the appropriations that otherwise should be made by the Congress.

I urge my colleagues to oppose the legislation.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Might I ask my colleague from New Mexico, how much time do you have left?

Mr. BINGAMAN. Mr. President, 2 minutes is remaining?

Mr. DOMENICI. For both of us?

Mr. BINGAMAN. I gather that is in our total hour?

I am glad to yield that to my colleague.

Mr. DOMENICI. I thank my colleague.

Senator, were you going to get some time on an amendment?

Mrs. MURRAY. Mr. President, I have not had a chance to speak on the bill. If I could—I understand we may be delaying the votes because of other reasons. If I could get 12 minutes to speak, after Senator DOMENICI, on the bill.

Mr. DOMENICI. Mr. President, first, I want to say to the Senator from Oklahoma that I have nothing but respect for him, and we have talked about the profession he practiced before he was a Senator, saving lives and being a doctor. But I do want to say that I wholeheartedly disagree with his approach to these bills and to what the Senator is doing in the Committee on Energy and Natural Resources in producing these bills for a vote. I think the Senator is wrong. I hope the Senate understands what he is doing, and I think if they do, they could each say to him: We appreciate what you are trying to do, but it is the wrong way to do it. It won't work.

Now, if you talk to Senators about what is going on in the Senate, I think most of them will tell you today that the Senate is borderline dysfunctional. We can't get things done. There are too many nuances that have been imposed upon us that we didn't know when we were putting them on that they were going to run us in all different directions, but we are there. So we can hardly get things done. It is kind of a dysfunctional body.

Along comes a bright Senator, and here is a package of bills, and so he looks at them and says: Oh my, this is a way to show I am going to save money. Well, Senator, you have the wrong package of bills. You have got the wrong package of bills. There will be plenty of opportunity for you to save the taxpayers money. Every appropriations bill or facsimile thereof—supplemental—put them together, 10 in 1 or one at a time, but plenty of opportunity for you to save money by attacking pieces of the appropriations bills. That is how you save money.

And for all those who are watching the good Senator from Oklahoma, all they have to do is say: Senator, we think you are on the right track, go after the appropriations bills. I am not asking you to, because I am an appropriator, but I am telling you if you want to save money for the taxpayers, that is what you should do, and there is plenty of opportunity.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I had intended to ask unanimous consent for 5 minutes. Did I not get it?

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DOMENICI. I thank the Chair.

Secondly, Senator, if you want to save the taxpayers money, then go after the place where the money is that is about to break your country, and that is the entitlements for Social Security, Medicare, and Medicaid. If you want to save your taxpayers from ruination, then get involved in reforming those programs so they do not make us go broke. Anybody who knows about your government will tell you, dear Senator, if that is what you want to do, DOMENICI is right, go after appropriations; that is where money is spent. Go after entitlements; that is where money is spent that is going to break your country.

And to prove to you that this bill does not spend money, all I can do is do it the way the Senate does it and ask the Congressional Budget Office: How much do these bills cost the taxpayers? Senator BINGAMAN, you asked that, and I don't know whether you already said it, but I am going to repeat it. This is Senator BINGAMAN's letter. He asked the Congressional Budget Office.

Now, we have to have institutions that take care of things, don't we? The Congressional Budget Office, not the Senator from Oklahoma, is charged with evaluating a bill and telling us about it. You know what they told us about this bill? Not only does it not

cost money, it makes money. This bill will bring into the Treasury in the next 4 years $48 million, because we have authorized the disposition of a couple of boats that were under lease. We said: Okay, go ahead and buy them, and they gave us the money.

So contrary to all the debate about costing money, and the taxpayers going broke, the bill makes money. Now, you can say: Oh no, it doesn't, I have another way of figuring it out. That is what the Senator says. But we can't have another way to do everything around here, another way to figure out what bills cost. We already have enough ways to figure them out, and they have got us so confused with what we have that we don't need any more. But if the Senator thinks he has a new one, and that is to delay this bill and take a piece of it and talk about it and say it is a bad piece that doesn't make sense, that is fine. But don't say you have a new way to protect the great public of America from overspending and that is to take after a lands bill full of authorization that nobody heretofore has thought of taking on for appropriations purposes, because it doesn't appropriate.

The good Senator is phenomenal. He is a phenomenon. But he isn't so great that of all the time in history we have had to look at these land bills nobody has said: We are going to follow each one and see how much it costs. That is one of his amendments, to follow its cost into government. You know what that means? It means there is a whole new set of books we have to set up. His approach will cost more money and wreak more havoc if we have to do that—find out how much they cost, even if he does them himself, as he suggested. He is going to see how much these authorizations cost, if anything, as they reach fruition—if they do.

Now, having said that, each and every one of the amendments offered by the Senator is very erudite. They lend themselves to discussion and debate. But every one of them, Mr. President and fellow Senators, every one of the amendments is so complicated, so full of contortions and turning the government this way and that way, that they ought to at least have a hearing. They haven't had a hearing. They shouldn't be adopted on this bill, where we have carefully had hearings on the bill, had votes on the bill, with 23 Senators participating before we put them in this package.

We should not put these four new ones on, one of which has to do with local government approving the acquisition of property by the Federal Government for parks. Before you can sell your property to the government, local government has to take a vote, and then 10 years later they have to take another vote to see if they were right. Do you understand, in the argument for simplicity of government, for making sure everybody can have their way, we have made government more complex by these amendments than anybody could ever imagine?

I, for one, say my hat is off to the Senator. I hope he finds a new approach, something new to attack to save money, but not a group of lands bills that are authorization bills only, that we have been told by the Congressional Budget Office will cost nothing in the way we handle bills here.

Now, if you want to change the way and have a new way to figure out how much bills cost, then we will have to have a long debate on which way we are going to do that.

I thank the Senate for listening, and I thank the Senate for yielding me some time, and I thank the Senator from Oklahoma for letting me speak as long as I have.

Mr. ALLARD. Mr. President, I rise today in opposition to amendment No. 4519 offered by my distinguished colleague from Oklahoma.

This amendment mandates a 1 percent across-the-board redirection of funds each year from all amounts appropriated to programs in this bill for the sole and specific purpose of removing assets—mostly old buildings and facilities—from Park Service operated lands that are determined to be surplus to need.

This 1 percent ''off the top'' charge has the effect of setting the disposal of National Park Service surplus assets above all other programs that are in this bill. In essence, it ties the hands of the appropriations committee to determine what amounts should be devoted to the disposal of Park Service surplus facilities each year.

Also, there is no connection between the wide variety of programs and projects that are in this public lands bill, and would be assessed this 1 percent charge, and the need to remove old buildings from parks. Put simply, this amendment does not make good sense.

As the ranking member of the Interior Appropriations subcommittee that provides the funding for the Park Service, I simply can't support such a proposal. It is up to the Appropriations Committee to review the agency's budget each year and set the appropriate funding levels for the various activities of the Service, including the disposal of surplus facilities.

Budget priorities change each year based on many factors, including the shifting needs of the agencies and the amount of money we have to work with under the budgetary caps set by Congress. That is why we have an annual appropriations process to weigh these variables.

To transfer 1 percent of funds appropriated under this act for one purpose forevermore takes away the Appropriation Committee's discretion, and indeed, its obligation to set priorities each year for the needs of our Nation's parks.

Last year, the Interior subcommittee provided the National Park Service nearly $1 billion to address maintenance and construction needs. I believe these funds are sufficient to allow the Park Service to address the most critical maintenance requirements including the removal of unneeded assets.

I urge my colleagues to support the chairman and ranking member of the Energy and Natural Resources committee and oppose this amendment.

I yield the floor.

Mr. COBURN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 13 minutes 4 seconds.

Mr. COBURN. Mr. President, I will speak a minute or two, and then I will yield the Senator from Washington 5 minutes.

Mrs. MURRAY. I will speak after.

Mr. COBURN. We actually have a time agreement on the vote, so I am happy to yield the Senator some of my time, is what I am trying do, so I end up finishing. Is there a certain amount of time you need?

Mrs. MURRAY. Mr. President, I was going to ask unanimous consent to speak after all of the votes. I wanted to speak for about 12 minutes, and the other Senator from Washington, Senator CANTWELL, wanted to speak for 3 or 4 minutes. I know everyone wants to get to the vote, so I will use my time after the vote.

I ask unanimous consent that following the disposition of all of the votes on this package, on final passage, I be recognized to speak for 12 minutes, and the other Senator from Washington, Senator CANTWELL, be allowed to speak for 3 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Congressional Budget Office dated January 31, 2008.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, January 31, 2008.*

Hon. TOM A. COBURN, M.D.,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR: This letter responds to your request for information on the estimated discretionary costs of S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, as introduced on December 13, 2007. Because the bill was not reported from committee (the point at which we typically prepare estimates), CBO has not prepared a complete cost estimate for S. 2483; we transmitted a table showing the direct spending and revenue effects of the bill to the Senate Committee on Energy and Natural Resources on January 24, 2008.

Although we have not completed our analysis of S. 2483, we have previously completed cost estimates for bills (mostly in the House) that authorize projects similar or identical to nearly all of those authorized by S. 2483. The estimated discretionary costs contained in those previous estimates totaled nearly $320 million over five years, assuming appropriation of the necessary amounts. That figure is a reasonable approximation of the potential discretionary costs of S. 2483.

If you wish further details about S. 2483 or our previous estimates, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

PETER R. ORSZAG,
*Director*.

Mr. COBURN. Mr. President, this letter shows a cost of $320 million for these bills over the next 5 years. So this is the Congressional Budget Office. This isn't my paper, this is theirs.

I will spend a few minutes, and then I will yield back my time because I know people want to get to some votes.

Mr. DOMENICI. Mr. President, will the Senator yield for a question?

Mr. COBURN. Absolutely.

Mr. DOMENICI. Doesn't that letter say ''if appropriated''?

Mr. COBURN. Assuming appropriation. Yes, it does.

Mr. DOMENICI. That means if it is not appropriated, it doesn't cost anything.

Mr. COBURN. If it is not appropriated. But we are not passing these bills under the assumption they are not going to be appropriated. We are passing these bills under the assumption they will be appropriated.

As a matter of fact, the promise is made as we pass this. And either it is a hollow promise you are sending back home so you can say, yes, I did this, and lie to your constituents, or we are going to appropriate the money. It is one or the other. So either we are dishonest with whom we are telling we are doing something for or we absolutely intend to appropriate it. There isn't any other option.

I will finish up by saying this. Obviously, the senior Senator from New Mexico did not hear my earlier comments. We are in tremendous economic straits in the long term. This debate is not about the lands bill. It is about will we change the philosophy, will we honor our oath, and will we start doing what is right in the long term for those who come after us. The heritage we have embraced in this country is one of sacrifice—one generation sacrifices so the next has opportunity. If we keep doing this without regard—we don't know how much we are spending; we don't know how much the monthly costs are; we are not taking care of the parks as we should because we do not have an idea; we have a hodgepodge; we have a barge floating down the river without a tug on it—we are going to make the problem worse. I will remind my colleagues, the true accounting of this year's estimate is a $607 billion deficit. That is over $2,000 for every man, woman and child in this country. Every child born today in this country inherits an unobligated obligation they will have to pay, that they got no benefit from, of $400,000.

Am I frustrating the Senators from New Mexico? You bet. Are our children worth it? You bet. I am not going to stop. I am going to stand and say we are going to think long term, we are going to start protecting property rights, we are going to start thinking about our children, and we are not going to give up because we get lectured because we are not doing it the way we have always done it. The way we have always done it has us bankrupt. It is time for a change. Republicans and Democrats alike, our children are worth it.

With that, I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays on each of the amendments of the Senator from Oklahoma, if that is appropriate.

The PRESIDING OFFICER. Is there an objection to that request?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4519.

Mr. COBURN. Mr. President, I ask unanimous consent we vote on the amendments in the order in which they were presented.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to amendment No. 4522.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Illinois (Mr. Obama) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 63, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—30

| | | |
|---|---|---|
| Allard | Cornyn | Lugar |
| Barrasso | DeMint | McCaskill |
| Bayh | Ensign | McConnell |
| Brownback | Enzi | Sessions |
| Burr | Graham | Shelby |
| Chambliss | Grassley | Specter |
| Coburn | Hutchison | Sununu |
| Cochran | Inhofe | Thune |
| Coleman | Isakson | Vitter |
| Collins | Kyl | Wicker |

NAYS—63

| | | |
|---|---|---|
| Akaka | Dorgan | Mikulski |
| Alexander | Durbin | Murkowski |
| Baucus | Feingold | Murray |
| Bennett | Feinstein | Nelson (FL) |
| Biden | Gregg | Nelson (NE) |
| Bingaman | Hagel | Pryor |
| Bond | Harkin | Reed |
| Boxer | Hatch | Reid |
| Brown | Inouye | Roberts |
| Bunning | Johnson | Rockefeller |
| Byrd | Kerry | Salazar |
| Cantwell | Klobuchar | Sanders |
| Cardin | Kohl | Schumer |
| Carper | Landrieu | Smith |
| Casey | Lautenberg | Snowe |
| Conrad | Leahy | Stabenow |
| Corker | Lieberman | Stevens |
| Craig | Lincoln | Tester |
| Crapo | Martinez | Voinovich |
| Domenici | Menendez | Warner |
| | | Webb |
| | | Whitehouse |
| | | Wyden |

NOT VOTING—7

| | | |
|---|---|---|
| Clinton | Kennedy | Obama |
| Dodd | Levin | |
| Dole | McCain | |

The amendment (No. 4522) was rejected.

Mrs. MURRAY. Mr President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4521

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4521 offered by the Senator from Oklahoma.

Mr. BINGAMAN. Mr. President, we have just now concluded the debate on these amendments. I would yield back the time unless the Senator from Oklahoma wishes to speak.

Mr. COBURN. Mr. President, I ask unanimous consent that we yield back all time on all amendments so our colleagues who have planes and things they want to do can get them.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. If we do not do that, what will the order be?

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided prior to a vote on each amendment.

Mr. DOMENICI. No objection.

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

The question is on agreeing to Coburn amendment No. 4521. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 76, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—19

| | | |
|---|---|---|
| Barrasso | DeMint | McConnell |
| Brownback | Ensign | Roberts |
| Burr | Enzi | Shelby |
| Chambliss | Graham | Thune |
| Coburn | Grassley | Wicker |
| Cochran | Inhofe | |
| Coleman | Isakson | |

NAYS—76

| | | |
|---|---|---|
| Akaka | Biden | Byrd |
| Alexander | Bingaman | Cantwell |
| Allard | Bond | Cardin |
| Baucus | Boxer | Carper |
| Bayh | Brown | Casey |
| Bennett | Bunning | Collins |

| | | |
|---|---|---|
| Conrad | Kohl | Rockefeller |
| Corker | Kyl | Salazar |
| Cornyn | Landrieu | Sanders |
| Craig | Lautenberg | Schumer |
| Crapo | Leahy | Sessions |
| Dodd | Levin | Smith |
| Domenici | Lieberman | Snowe |
| Dorgan | Lincoln | Specter |
| Durbin | Lugar | Stabenow |
| Feingold | Martinez | Stevens |
| Feinstein | McCaskill | Sununu |
| Gregg | Menendez | Tester |
| Hagel | Mikulski | Vitter |
| Harkin | Murkowski | Voinovich |
| Hatch | Murray | Warner |
| Hutchison | Nelson (FL) | Webb |
| Inouye | Nelson (NE) | Whitehouse |
| Johnson | Pryor | Wyden |
| Kerry | Reed | |
| Klobuchar | Reid | |

NOT VOTING—5

| | | |
|---|---|---|
| Clinton | Kennedy | Obama |
| Dole | McCain | |

The amendment (No. 4521) was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4520

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, the question is on agreeing to amendment No. 4520. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 67, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—27

| | | |
|---|---|---|
| Allard | DeMint | McConnell |
| Barrasso | Ensign | Roberts |
| Brownback | Enzi | Sessions |
| Burr | Graham | Shelby |
| Chambliss | Grassley | Snowe |
| Coburn | Hutchison | Sununu |
| Coleman | Inhofe | Thune |
| Collins | Isakson | Vitter |
| Cornyn | Kyl | Wicker |

NAYS—67

| | | |
|---|---|---|
| Akaka | Crapo | Levin |
| Alexander | Dodd | Lieberman |
| Baucus | Domenici | Lincoln |
| Bayh | Dorgan | Lugar |
| Bennett | Durbin | Martinez |
| Biden | Feingold | McCaskill |
| Bingaman | Feinstein | Menendez |
| Bond | Hagel | Mikulski |
| Boxer | Harkin | Murkowski |
| Brown | Hatch | Murray |
| Bunning | Inouye | Nelson (FL) |
| Byrd | Johnson | Nelson (NE) |
| Cantwell | Kennedy | Pryor |
| Cardin | Kerry | Reed |
| Carper | Klobuchar | Reid |
| Casey | Kohl | Rockefeller |
| Conrad | Landrieu | Salazar |
| Corker | Lautenberg | Sanders |
| Craig | Leahy | Schumer |
| Smith | Tester | Whitehouse |
| Specter | Voinovich | Wyden |
| Stabenow | Warner | |
| Stevens | Webb | |

NOT VOTING—6

| | | |
|---|---|---|
| Clinton | Dole | McCain |
| Cochran | Gregg | Obama |

The amendment (No. 4520) was rejected.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4519

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4519. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 73, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—22

| | | |
|---|---|---|
| Brownback | Graham | Sessions |
| Burr | Grassley | Sununu |
| Chambliss | Hatch | Thune |
| Coburn | Inhofe | Vitter |
| Coleman | Isakson | Warner |
| Cornyn | Kyl | Wicker |
| DeMint | McCaskill | |
| Ensign | McConnell | |

NAYS—73

| | | |
|---|---|---|
| Akaka | Domenici | Murkowski |
| Alexander | Dorgan | Murray |
| Allard | Durbin | Nelson (FL) |
| Barrasso | Enzi | Nelson (NE) |
| Baucus | Feingold | Pryor |
| Bayh | Feinstein | Reed |
| Bennett | Hagel | Reid |
| Biden | Harkin | Roberts |
| Bingaman | Hutchison | Rockefeller |
| Bond | Inouye | Salazar |
| Boxer | Johnson | Sanders |
| Brown | Kennedy | Schumer |
| Bunning | Kerry | Shelby |
| Byrd | Klobuchar | Smith |
| Cantwell | Kohl | Snowe |
| Cardin | Landrieu | Specter |
| Carper | Lautenberg | Stabenow |
| Casey | Leahy | Stevens |
| Cochran | Levin | Tester |
| Collins | Lieberman | Voinovich |
| Conrad | Lincoln | Webb |
| Corker | Lugar | Whitehouse |
| Craig | Martinez | Wyden |
| Crapo | Menendez | |
| Dodd | Mikulski | |

NOT VOTING—5

| | | |
|---|---|---|
| Clinton | Gregg | Obama |
| Dole | McCain | |

The amendment (No. 4519) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AKAKA. Madam President, today, I express my support of S. 2739, the Consolidated Natural Resources Act. I commend the chair and ranking member of the Senate Committee on Energy and Natural Resources for their leadership and the work of their staff on this important legislation. This bill represents a bicameral-and-bipartisan supported package of bills. It has many good initiatives that demonstrate our commitment to be responsible stewards of our national treasures and historic sites. The legislation also has targeted provisions that address unique circumstances and issues occurring in the Pacific region.

I express my support for titles VII and VIII of S. 2739 that relate to the Commonwealth of the Northern Mariana Islands, CNMI, and the Freely Associated States, the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau.

The CNMI is a group of islands located east of the Philippines and south of Japan. Following World War II, the United States administered the islands under a United Nations trusteeship. In 1975, the people of the CNMI voted for a political union with the United States. The 1976 covenant enacted by Congress gave U.S. citizenship to CNMI residents and extended most U.S. laws to the CNMI. However, the covenant exempted the CNMI from U.S. immigration law. As a result of the CNMI's policies, today the population has increased fivefold, from 16,000 to 80,000. This growth has made both U.S. citizens, and the indigenous people of the islands, minorities in their own communities.

This legislation meets the Federal Government's interest in further implementation of the covenant, securing our borders, and in the establishment of stable immigration and labor policies on which the CNMI can build its future. The provisions included in title VII are identical to those passed by the U.S. House of Representatives on December 11, 2007. As the sponsor of the companion CNMI bill, I am pleased to report the CNMI provisions contained in S. 2739 are sensitive to the special circumstances and to the current economic downturn in the CNMI. The legislation provides a basis to transition the CNMI to Federal immigration laws, while protecting the local economy. These provisions are crucial to address the immigration abuses that have persisted in the CNMI for the past 20 years.

As chairman of the Subcommittee on National Parks, I am particularly pleased to join Senator WYDEN in including a provision on cooperative agreements that will protect the natural resources on our national parks. Title III of S. 2739 will give the Secretary of the Interior the authority to enter agreements with Federal, public, nonprofit organizations, and even private landowners to protect our coasts, wetlands, and watersheds contained within and outside of national park boundaries. This act supports collaborative efforts that will greatly benefit generations of park visitors.

Just as important as having cooperative agreements is the ability of these entities to work together and use them to combat the spread of invasive species. Invasive species are one of the greatest threats to our natural and cultural heritage. Invasive species are the primary cause of decline in Hawaii's threatened and endangered species, and cause hundreds of millions of dollars in damages to Hawaii's agricultural industry, tourism, real estate, and water quality.

One very successful public-private partnership in my State is occurring at Hawaii Volcanoes National Park on the island of Hawaii. The Ola'a-Kilauea Partnership is a cooperative land management effort involving State and Federal entities and willing private landowners. This partnership has jointly fenced 14,100 acres on State and private lands and eliminated the feral pig population from 9,800, while also controlling feral pigs in an additional 4,300 acres.

There are other examples, such as efforts on the island of Maui. I am proud to mention the work of the Maui Invasive Species Committee, which brings together the resources of individuals, and the Federal and State governments to collaborate and combat invasive species. One of the barriers they have faced in the past is the inability to spend Federal funds on projects that treat invasive species on lands adjacent to national park borders, where there is a clear and direct benefit to parks. This bill will provide the necessary authorization to support such efforts. This is especially vital as such cooperative agreements focus cooperative action to reduce invasive species on our national parks and other lands across the country.

The cooperative agreement provisions of Title III provide a very important step in controlling invasive species that are crossing geographic and jurisdictional boundaries. Land managers and other involved governments and organizations will have another tool to help address their invasive species management issues. Also it will allow the Secretary of the Department of Interior to protect park resources through collaborative efforts in lands within and outside of National Park System units.

I stand in strong support for the Consolidated Natural Resources Act. I encourage my colleagues to join in keeping our precious national resources and historic sites available for future generations, as well as meeting the needs of the Pacific region.

● Mr. McCAIN. Madam President, I am pleased that the Senate passed the Cesar Estrada Chavez Study Act of 2007, which was included as part of the larger public lands package, S. 2739. The bill would authorize the National Park Service to study whether any of the sites significant to Chavez's life meet the criteria for being listed on the National Register of Historic Landmarks. The goal of the study is to establish a foundation for future legislation that would then designate appropriate sites for national historic landmark status.

Since the 107th Congress, I've worked to pass the Cesar Chavez study language. It has received an overwhelming positive response, not only from my fellow Arizonans, but from Americans all across the Nation.

Cesar Chavez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders. It is important that we remember his struggle and do what we can to preserve appropriate landmarks that are significant to his life.●

Mr. CARDIN. Madam President, today the Senate takes an important step forward in celebrating and commemorating one of our Nation's most important emblems and historic periods. Included in the Consolidated Natural Resources Act of 2008 is legislation that I authored, the Star-Spangled Banner National Historic Trail Act. I am proud to be joined by cosponsors of the original bill, including Senators MIKULSKI, WARNER, WEBB, and KENNEDY.

This land and water trail of almost 300 miles covers parts of Maryland, Virginia, and the District of Columbia to commemorate the events leading up to the writing of the ''Star-Spangled Banner'' during the Chesapeake Campaign of the War of 1812.

The trail traces the following major events: the arrival of the British fleet on the Patuxent River; the landing of the British forces in Benedict, MD; the sinking of the Chesapeake Flotilla at Pig Point in Prince George's County and Anne Arundel County, MD; the American defeat at the Battle of Bladensburg; the siege of the Nation's Capital and the burning of the U.S. Capitol and the White House in Washington, DC; the route of the American troops from Washington through Georgetown, the Maryland counties of Montgomery, Howard, and Baltimore, and the city of Baltimore to the Battle of North Point; and the ultimate victory of the Americans at Fort McHenry on September 14, 1814.

The National Park Service will administer the trail and coordinate the efforts of public and private entities on trail administration, planning, development, and maintenance. Fort McHenry will be the lead park unit for trail operations. The land routes would follow existing public roads, along which British and American troops traveled. Over time, the routes will be marked on the ground and at water access points. In cases where the original routes have been lost to development or other causes, they could be interpreted through waysides as appropriate and feasible.

The bill requires the Secretary to encourage public participation and consult with landowners, Federal, State, and local governments on the administration of the trail. The bill prohibits land or interest in land outside the exterior boundaries of any federally administered area from being acquired for the trail without the consent of the owner.

The trail will open new economic opportunities for many Maryland communities, including Calvert County, our Port Towns of Prince George's County, and Baltimore City. More importantly, the Star-Spangled Banner National Historic Trail will guide Americans on a path that will help them understand the events that lead up to the epic battle at Fort McHenry in Baltimore Harbor.

At the fort, the garrison flag was flown on September 13 and 14, 1814, during the Battle of Baltimore. As the routed British ships sailed out of Baltimore Harbor on the morning of the 14th, lawyer Francis Scott Key was inspired to write the patriotic and defiant words of a poem that became the rallying cry for Americans who had fought their first war as a united nation. The poem was set to music and the song became the national anthem in 1931.

The ''Star-Spangled Banner'' was given to the Smithsonian Institution in 1907 by the grandson of the commander of Fort McHenry, LTC George Armistead, so that it could be preserved and displayed for the public. While the Smithsonian's National Museum of American History is currently closed for extensive renovation, its reopening this summer will showcase the Banner in an impressive new exhibit.

Mr. President, every day across the country, Americans salute the American flag. The Senate recites the Pledge of Allegiance to the Flag every legislative day. In sports arenas and countless other venues, we salute the flag daily. Today, I salute the work of the Senate in passing the Star-Spangled Banner National Historic Trail as part of the Consolidated Natural Resources Act of 2008. Through this legislation, millions of visitors will be inspired with the history of this iconic object and its significance during this important period of American history.

Mr. NELSON of Nebraska. Madam President, I rise today to speak on an item included in the bill before us. Before I address this particular issue, I first want to voice my strong support for some of the individual components that have been assembled in the consolidated package currently before the body.

The Lewis and Clark National Historic Trail extension and the Platte River Recovery Implementation Program and Pathfinder Modification Project authorization are measures I have been working on for some time, and I want to thank Chairman BINGAMAN for his efforts in bringing these measures to the point where they will shortly pass the Senate.

But there is another matter in this bill that is of some importance to Nebraska and to my constituents. Included in the bill is a section expressing the sense of Congress that a museum located in Paducah, KY should be designated as ''the National Quilt Museum of the United States.'' Now, this measure is nonbinding and carries no legal authority. As far as we can tell, it confers no authority for funding or anything of that nature. However, I would be remiss if I failed to mention that I had been working to resolve some concerns that I and some of my constituents have with this section.

You see, just the week before last, the International Quilt Study Center & Museum opened its doors in Lincoln, NE. This is a remarkable, 37,000 square foot facility that houses the world's largest privately held collection of quilts.

Thus, back in February, I objected to a unanimous consent request to pass H. Con. Res. 209, a concurrent resolution expressing the sense of Congress regarding the designation of the museum. That resolution had previously passed the House of Representatives unanimously. I have been working with the distinguished minority leader, Mr. MCCONNELL, and Congressman WHITFIELD of Kentucky, whose district includes Paducah, to craft a solution that would appropriately praise both museums for their individual and unique contributions to the world of quilts and quilt-making. I would like to thank them for their willingness to work with me.

Unfortunately, the entirety of H. Con. Res. 209 was included in section 335 of this bill before these discussions were able to run their course. I have filed an amendment to strike this section from the bill, so that we might continue to work out a resolution that properly honors the Paducah museum while not making any exclusive designations that exclude the International Quilt Study Center, but I understand the situation is such that my amendment is prevented from consideration before the full Senate.

Looking forward, I plan to honor this remarkable organization at the University of Nebraska in an appropriate manner. For purposes of balancing the record here today, I want to mention a few things about the remarkable facility in Nebraska.

The International Quilt Study Center & Museum has 37,000 square feet of exhibition galleries, collections storage, collections care, a reception hall, a library, reading room and classroom space. It is housed in a beautiful, newly constructed building designed by world-renowned architecture firm Robert A.M. Stern Architects and built with $12 million in private donations.

The mission of the International Quilt Study Center & Museum is to collect, preserve, study, exhibit, and promote discovery of quilts and quilt-making traditions from many cultures, countries, and time periods. The International Quilt Study Center & Museum is a dynamic center of formal and informal learning and discovery for students, teachers, scholars, artists, quilters, and others from across the Nation and around the world.

The International Quilt Study Center & Museum has the largest privately held quilt collection in the world—more than 2,300 quilts from 49 States and 23 foreign countries.

The International Quilt Study Center & Museum is centrally located in the heart of the United States and is open to the public year-round. I wish I could share information on the number of visitors who enjoy the museum each year, but the new facility is so new that such data is unavailable. However, we do know that individuals from all 50 States and from more than 15 foreign countries have visited the International Quilt Study Center & Museum in its previous homes.

The International Quilt Study Center & Museum has an international advisory board and annual supporters from all 50 States and many foreign countries, and hundreds of supporters, volunteers, and quilt guilds have supported the International Quilt Study Center annually since its formation in 1997.

The International Quilt Study Center's collections represent the entire gamut of quilt making in the United States, plus its antecedents in Europe. In addition, the International Quilt Study Center holds examples of cultural traditions from more than 23 countries.

In closing, the International Quilt Study Center & Museum in Nebraska is recognized nationally and internationally for its place of prominence in its field. It has the largest publicly held collection of quilts in the world; it is the largest quilt museum in the world; it is the only academic center devoted to quilt studies; it offers the only graduate program in textile history with a quilt studies emphasis. At the appropriate time, I hope the Congress will see fit to bestow upon it an honor befitting its contributions to our Nation's art, our heritage, and our history.

Mr. DURBIN. Madam President, as the Senate considers the Consolidated Natural Resources Act, I would like to highlight two provisions that are important for Illinois: the Abraham Lincoln National Heritage Area and the Lewis and Clark National Historic Trail Extension.

Illinois is known as the Land of Lincoln for good reason. Our 16th President spent more than 30 years of his life in central Illinois, starting in 1830 when his family moved to Macon County from Indiana. Abraham Lincoln had virtually no formal education—perhaps 18 months of schooling. His rise from humble origins to the highest office in the land and his decisive leadership through the most harrowing period of U.S. history brings hope and inspiration to all of us.

Next year marks the bicentennial of Lincoln's birth. Among the public activities planned to honor his life is development of the Abraham Lincoln National Heritage Area. Communities in 42 Illinois counties have worked together to document Lincoln's time in the State, assess the status of the places that played a role in his life and career, and recommend a plan to help develop the narrative of Lincoln's imprint on Illinois. The goal is to help develop sites in places where there is a Lincoln story to tell but no place to tell that story. Although the heritage area focuses on the life of Abraham Lincoln, the heritage area also brings out the rich history of each participating community, creating a broader context for Lincoln and his times.

Illinois features prominently in another important, earlier story in the making of America—the historic expedition of Meriwether Lewis and William Clark across the western frontier. Much has been said and written about that western journey, but equally fascinating is the ''Eastern Legacy'' of the Lewis and Clark expedition.

The journey began right here in the District of Columbia. That is where President Thomas Jefferson directed his private secretary Meriwether Lewis in June 1803 to lead a mission through the vast unknown territory west of the Mississippi River to the Pacific Ocean. Lewis gathered supplies and men in many Eastern States before meeting up with William Clark in Kentucky and traveling to Illinois.

Lewis and Clark established their winter camp at the mouth of the Wood River in Illinois. The following spring their Corps of Discovery departed Camp Dubois and began their historic scientific expedition west. Lewis marked this spot near present-day Wood River, IL, as the official ''point of departure.'' Two and a half years later, the team returned to this camp after its remarkable adventure to the Pacific coast.

The bill the Senate is considering will preserve this important and fascinating story through the Lewis and Clark National Historic Trail Extension, which will include sites associated with the preparation and return phases of the expedition—the Eastern Legacy. The trail extension includes sites in 11 Eastern States and the District of Columbia. The trail in Illinois includes sites from Metropolis along the Ohio River to Wood River at the confluence of the Missouri and Mississippi Rivers.

These two initiatives are very important to Illinois. I know the bill includes similar initiatives in other States. These development areas are significant, not just for the historic and cultural legacy but also for the economic development value for the host communities. Many Illinois communities participating in these heritage areas are very rural—with populations less than 3,000, few resources, and high unemployment rates.

The bill does much to preserve areas of natural beauty and expand our national historic trail system and national heritage areas that bring families outdoors and across our Nation to discover important events and geographic locations in the creation of America. It also celebrates Native American, Colonial American, European American, Latino American, and African American heritage. Finally, the bill establishes memorials and museums to honor our past and authorizes studies as the first step toward preserving historic sites that are at risk of being forgotten

Illinoisans are proud of our heritage and our place in history. The preservation programs in the Consolidated Natural Resources Act help tell America's stories—stories of sacrifice, bravery, and awe of the land's natural beauty—so that we and our children can carry on the historical traditions that others have handed down to us.

The Consolidated Natural Resources Act is a bipartisan package that brings together nearly four dozen projects to preserve our Nation's land and our Nation's heritage.

Mr. INOUYE. Madam President, today I join my colleagues in supporting the passage of S. 2739, the omnibus lands bill, which included two issues of special interest to me. First, the bill seeks to correct profound problems in local immigration laws that have enabled the import of low paid, short termed indentured workers to be brought to the Commonwealth of the Northern Mariana Islands, CNMI. Some were bought to work in garment factories. Others arrived in the CNMI, only to find that there was no job waiting for them, and were forced to find unpalatable means to work off their bondage debt. I am pleased that today, this bill will address longstanding concerns regarding the CNMI's immigration problems.

Secondly, this bill also includes a provision to expand the boundary of the Minidoka Internment National Monument, and establish a unit on Bainbridge Island, Washington, for a new Japanese American Memorial at the Eagledale Ferry Dock. The Minidoka site is significant, because the Minidoka Internment Camp featured the highest level of military participation in any of the camps, and Bainbridge Island was the first community for Japanese Americans to be relocated to. I believe that we need to do all that we can to preserve internment camp sites, because they serve as a powerful reminder of how important it is to have a vibrant democracy that protects the civil liberties of all.

Mr. WARNER. Madam President, I rise today in support of the Consolidated Natural Resources Act, S. 2739. This omnibus package includes language that is especially important to my State, as well as the Nation. Amongst other things, S. 2739 would designate some of America's most historic and beautiful lands as National Heritage Areas, including the area along Route 15 in Virginia. Known as the Journey Through Hallowed Ground, this effort has been championed by myself, my good friend Congressman FRANK WOLF, and Senator JIM WEBB. I thank them for all their efforts on behalf of this legislation.

As my colleagues are aware, National Heritage Areas are intended to encourage residents, government agencies, nonprofit groups, and private partners to collaboratively plan and implement programs and projects to recognize, preserve, and celebrate many of America's defining landscapes. Today, there are 37 National Heritage Areas spread out across the United States.

In Virginia, we are lucky enough to have a landscape that is worthy of the recognition and celebration that a National Heritage Area designation would afford it. Stretching through four States, and generally following the path of the Old Carolina Road, today's Route 15, the proposed Journey Through Hallowed Ground National Heritage Area is home to some of our Nation's greatest historic, cultural, and natural treasures. The region's riches read like a star-studded list of American History: Monticello, Montpelier, Manassas, Gettysburg. The list goes on. In all, there are 15 National Historic Landmarks, 47 historic districts, a number of Presidential homes, and the largest collection of Civil War battlefields in the Country. It is an area, literally, where America happened.

With basic, technical assistance from the National Park Service, this proposed Heritage area would be managed by The Journey Through Hallowed Ground Partnership, a nonprofit entity whose sole purpose is to trumpet the magnificence of the Hallowed Ground's offerings. Already, the Partnership has provided opportunities for thousands of visitors to enjoy the region's spectacular natural and historical resources, and they have worked hard to get this area the designation and recognition it deserves.

Now, before I conclude, I would like to take a quick moment to address several of the arguments voiced by critics against national heritage areas. First and foremost among these arguments, is that national heritage areas infringe upon private property rights. This simply is not accurate. As the Government Accountability Office, GAO, noted in testimony to the Energy and Natural Resources Committee, ''National heritage areas do not appear [to affect] private property rights'', GAO–04–593T. Furthermore, as an example that they don't, I offer up the State of Tennessee, in its entirety, which today is designated a national heritage area and has had no intrusion on property rights. And, lastly, I point to language in this legislation that I specifically put in to ensure that no intrusion on property rights occured. It states, in some detail, that ''nothing in this subtitle abridges the rights of any property owner.''

Other criticisms include concerns about the costs of heritage areas, and also that heritage areas increase the role of the Federal Government. To the issue of costs, I note that heritage areas provide a way for the Federal Government to highlight our Nation's historical, cultural, and natural resources without having to actually own and maintain them—which, as we know by the current maintenance backlogs in the Park System, are quite costly to the American taxpayer. Secondly, I would like to remind my friends that often heritage areas require a funding match before a single Federal dollar can be appropriated. This is the case for the heritage area which I come to champion today—The Journey Through Hallowed Ground. Every taxpayer dollar that is appropriated to the Journey Through Hallowed Ground must be matched equally by non-Federal entities.

As for the other criticism, that heritage areas increase the role of the Federal Government and impose upon State and local governments, I note that heritage areas require and provide exorbitant opportunity for State and local input. In fact, in forming the Hallowed Ground, the local coordinating entity sought and received support from every local city, county, and town within the proposed Heritage Area. The Governor and Virginia General Assembly, whom I sincerely thank, also supported this effort. I commend the Journey Through Hallowed Ground Partnership for reaching out to all these groups.

In conclusion, I urge my colleagues to join me in supporting this legislation, and I thank you for this opportunity to speak on behalf of The Journey Through Hallowed Ground.

Mr. DODD. Madam President, I support of S. 2739, the Consolidated Natural Resources Act of 2008, sponsored by Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee. This legislation will protect and preserve natural treasures all across this country. It is of particular importance to me and to the people of Connecticut, as it contains a provision I authored that would ensure the preservation of the Eightmile River watershed under the auspices of the Wild and Scenic Rivers Act.

As elected representatives, I believe that one of our most important obligations is to ensure that this country's vast array of natural resources and wilderness is managed in an environmentally responsible and sustainable way. We owe it to future generations of Americans to protect the areas of pristine beauty and ecological diversity that figure so prominently in our Nation's history and character. Since 1968, the National Wild and Scenic River Act has played a critical role in furthering this mission by making it the policy of the United States to preserve in free-flowing fashion, rivers of, to quote the act, ''scenic, recreational, geologic, fish and wildlife, historic,

cultural or other similar values . . . for the benefit and enjoyment of present and future generations.''

Designation of the Eightmile River as a Wild and Scenic River enjoys extraordinarily broad support in my home State, and a 3-year study by the National Park Service found that the river meets the criteria to receive a ''scenic'' designation. The entire Connecticut Congressional delegation supports this legislation, as does the Connecticut State Legislature, which passed a resolution of support. Most importantly, designation is supported by the communities that will be most affected by this designation, those in the Eightmile watershed. This effort to preserve the special attributes of the Eightmile is a product of the communities' recognition of the beauty and fragility of the special place in which they live. Votes in each community were strongly in favor of designation, in part because the study process and debate allowed for many perspectives to be heard.

The attributes of the river that are so valued by the residents of Connecticut include its clean water, with 92 percent of the watershed's streamwater meeting the State's highest quality standards, and no point sources of pollution. The streams flow freely with no dams or diversions—rare in a State that has been densely populated as long as Connecticut. Eighty percent of the land area is forested. The natural streams and large areas of interconnected forest provide habitat for rare species. In fact, the study for eligibility determined that the Eightmile River watershed ranks in the 99th percentile in New England for globally rare species per unit area. The residents of this unique area treasure the beautiful character of the Eightmile watershed. It is a quintessential rural New England landscape, dotted with colonial homes and historic churches and unmarred by modern industrial development.

The towns within the watershed have begun to implement the parts of the watershed management plan that are in their jurisdiction. Congressional designation as a Wild and Scenic River will bolster these efforts and provide the stability for ongoing long-term preservation. I urge my colleagues to join me in supporting this important legislation, and I thank the chairman of the Energy Committee for his extraordinary commitment to protecting this country's natural treasures.

Mr. SALAZAR. Madam President, I rise today in strong support of S. 2739, a package of natural resource bills that Chairman BINGAMAN has assembled. The bills that are in this package have received the unanimous endorsement of the Senate Energy and Natural Resources Committee and have cleared the House. I want to thank Senator BINGAMAN for his leadership in the Committee and I want to thank Majority Leader REID for bringing this package before the Senate for consideration.

There are four bills in this package that I am particularly proud to support: S. 500, a bill that would form a commission to study the possible creation of the National Museum of the American Latino; S. 1116, a bill that would help make better use of the water that is produced as a byproduct of energy development; S. 752, a bill that would authorize a program to assist with endangered species recovery along the Platte River in Colorado, Nebraska, and Wyoming; and S. 327, the César Estrada Chávez Study Act, which would help preserve the legacy of one of our Nation's most important civil rights leaders.

I want to spend a couple minutes talking about each of these bills, but first, Mr. President, I want to discuss the process through which we are debating these bills.

This is, as my colleagues all know, a highly unusual process for debating natural resource bills. Typically, the Senate is able to take up and pass with the strong support the 100 Members in this Chamber—most bills that pertain to national parks, forests, national museums, historic preservation, and cultural resource protections. If a bill clears the Senate Energy and Natural Resources Committee by unanimous consent it is likely that the full Senate will clear it by unanimous consent.

Why has this been the practice? Because most of the bills we pass out of the Energy and Natural Resources Committee are bipartisan, noncontroversial, and easily garner the unanimous support of 100 Members.

This is how Congress established the Black Canyon of the Gunnison National Park in Colorado in 1999. It is how we passed the Great Sand Dunes National Park and Preserve Act in my native San Luis Valley in 2000. It is how we established the Sand Creek Massacre National Historic Site in Kiowa County in 2005.

It is how we pass bills like the Buffalo Soldiers Commemoration Act, the Eisenhower Memorial Act, and the Ojito Wilderness Act. The list goes on and on.

Mr. President, on issues like health care, the economy, and Iraq, the parties do have real and substantial differences, and those differences merit serious debate here on the floor. But on how to protect our national treasures and traditions, we are usually in lock step.

Unfortunately, that has not been the case this year. Instead, every single bill that leaves the Energy and Natural Resources Committee, regardless of its subject or content, has encountered an objection.

Mr. President, each of us is certainly within our rights in objecting to a bill. That is a solemn right in this chamber, and it is one that ensures that when a Member has a strong, substantive objection to a bill, he or she can be heard.

Unfortunately, Mr. President, I fear that the objections to these bills make it even more difficult to make progress on the issues that face our Nation.

All the bills in this package have my support and the support of the Energy and Natural Resources Committee, but there are four bills of which I am particularly proud.

The first, S. 500, would help us determine how we can more properly recognize the contributions of Hispanic Americans to our nation's history. The Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007 would do what its title suggests: it would establish a commission to study the potential creation of a national museum dedicated to the art, culture, and history of Hispanic Americans. The Commission will be tasked with studying the impact of the potential museum and the cost of construction and maintenance. It will also be tasked with developing an action plan, a fundraising plan, and a recommendation on whether to proceed with construction of the museum.

The second, S. 1116, is a bill I worked on with my colleague from Colorado, Representative MARK UDALL, which would help make better use of the water that is produced during energy development. Each day, more than two million gallons of useable groundwater are wasted, turned into what is known as ''produced water,'' after it is brought to the surface during oil and gas drilling or coal bed methane extraction. This water is often contaminated beyond use.

The ''More Water, More Energy, Less Waste Act of 2007'', cosponsored by Senators BINGAMAN, DOMENICI, and ENZI—along with the late Senator Thomas—initiates a feasibility study on recovering ''produced water.'' It also establishes a grant program to test technologies that would convert ''produced'' water to ''useable'' water.

This bill will be of great value in the arid West, where we are constantly looking for ways to increase our water supplies for crop irrigation, livestock watering, wildlife habitat, and recreational opportunities. It is deserving of swift passage.

The third bill I would like to highlight is S. 752, the Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act of 2007. It is a bill that Senator BEN NELSON, Senator ALLARD, Senator HAGEL and I introduced. The bill authorizes the Secretary of the Interior to participate in a program to help endangered species recovery along the Platte River in Nebraska, Colorado, and Wyoming. The Governors of Nebraska, Colorado, and Wyoming and the Department of Interior spent nine years developing the plan for this program, which they finalized in 2006.

S. 752 authorizes the Secretary of Interior to carry out the Endangered Species Recovery Program in partnership with the States. Under the bill, the States and Federal Government will share costs, 50–50, on projects that provide benefits for endangered and threatened species recovery and that

help with the monitoring and research on the benefits of the program. The bill authorizes $157 million to support the federal portion of the work.

Finally, Mr. President, this package includes a bill, S. 327, that would help preserve the legacy of one of our Nation's top civil rights leaders, César Estrada Chávez.

We all know the story of César Chávez. From a family of migrant farm workers, César Chávez began working in the fields at age 10. He moved from job to job across the Southwest, enduring the hardships and injustices of farm worker life. In 1952, at age 35, Chávez started working as a community activist, fighting for civil rights for all workers. Ten years later, he founded the National Farm Workers Association, which became the United Farm Workers of America, and led efforts to improve wages and working conditions. Chávez, through his work to improve the lives of farm workers across the country, is one of our nation's most important civil rights leaders. We must honor his memory and remember the sacrifices he made on our behalf.

To that end, the César Estrada Chávez Study Act would authorize the Secretary of the Interior to conduct a resource study, not later than 3 years after funds are made available, of sites associated with the life of César Estrada Chávez. The study would help determine whether those sites meet the criteria for being listed on the National Register of Historic Places or possible designation as national historic landmarks. I am a proud co-sponsor of this bill and will continue to fight until it is passed.

Mr. President, I want to again thank Chairman BINGAMAN and Majority Leader REID for their leadership in bringing this package of lands bills to the floor and for working to overcome the obstructionism that has, unfortunately, become so common in this body. These are bipartisan, commonsense bills that will help protect our nation's natural, cultural, and historic heritage, and I urge their prompt passage.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—91

| | | |
|---|---|---|
| Akaka | Dorgan | Mikulski |
| Alexander | Durbin | Murkowski |
| Allard | Ensign | Murray |
| Barrasso | Enzi | Nelson (FL) |
| Baucus | Feingold | Nelson (NE) |
| Bayh | Feinstein | Pryor |
| Bennett | Graham | Reed |
| Biden | Grassley | Reid |
| Bingaman | Hagel | Roberts |
| Bond | Harkin | Rockefeller |
| Boxer | Hatch | Salazar |
| Brown | Hutchison | Sanders |
| Brownback | Inouye | Schumer |
| Bunning | Isakson | Sessions |
| Burr | Johnson | Shelby |
| Byrd | Kennedy | Smith |
| Cantwell | Kerry | Snowe |
| Cardin | Klobuchar | Specter |
| Carper | Kohl | Stabenow |
| Casey | Kyl | Stevens |
| Chambliss | Landrieu | Sununu |
| Cochran | Lautenberg | Tester |
| Coleman | Leahy | Thune |
| Collins | Levin | Voinovich |
| Conrad | Lieberman | Warner |
| Corker | Lincoln | Webb |
| Cornyn | Lugar | Whitehouse |
| Craig | Martinez | Wicker |
| Crapo | McCaskill | Wyden |
| Dodd | McConnell | |
| Domenici | Menendez | |

NAYS—4

| | |
|---|---|
| Coburn | Inhofe |
| DeMint | Vitter |

NOT VOTING—5

| | | |
|---|---|---|
| Clinton | Gregg | Obama |
| Dole | McCain | |

The bill (S. 2739) was passed, as follows:

S. 2739

*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 ''Consolidated Natural Resources Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

## TITLE I—FOREST SERVICE AUTHORIZATIONS

### SEC. 101. WILD SKY WILDERNESS.

(a) ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled ''Wild Sky Wilderness Proposal'' and dated February 6, 2007, which shall be known as the ''Wild Sky Wilderness''.

(2) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this section with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The map and description shall have the same force and effect as if included in this section, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) ADMINISTRATION PROVISIONS.—

(1) IN GENERAL.—

(A) Subject to valid existing rights, lands designated as wilderness by this section shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that, with respect to any wilderness areas designated by this section, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(B) To fulfill the purposes of this section and the Wilderness Act and to achieve administrative efficiencies, the Secretary of Agriculture may manage the area designated by this section as a comprehensive part of the larger complex of adjacent and nearby wilderness areas.

(2) NEW TRAILS.—

(A) The Secretary of Agriculture shall consult with interested parties and shall establish a trail plan for Forest Service lands in order to develop—

(i) a system of hiking and equestrian trails within the wilderness designated by this section in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(ii) a system of trails adjacent to or to provide access to the wilderness designated by this section.

(B) Within 2 years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the trail plan required under this section. This report shall include the identification of priority trails for development.

(3) REPEATER SITE.—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a joint Forest Service and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communications for safety, health, and emergency services.

(4) FLOAT PLANE ACCESS.—As provided by section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines to be desirable.

(5) EVERGREEN MOUNTAIN LOOKOUT.—The designation under this section shall not preclude the operation and maintenance of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of such lookout was

occurring as of the date of enactment of this Act.

(c) AUTHORIZATION FOR LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary of Agriculture is authorized to acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as ''Priority Acquisition Lands'' on the map described in subsection (a)(1). The boundaries of the Mt. Baker-Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any lands acquired pursuant to this section.

(2) ACCESS.—Consistent with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary of Agriculture shall ensure adequate access to private inholdings within the Wild Sky Wilderness.

(3) APPRAISAL.—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this section.

(d) LAND EXCHANGES.—The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled ''Chelan County Public Utility District Exchange'' and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within 90 days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of the date of enactment of this Act, to maintain an existing telemetry site to monitor snow pack on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this section shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a telemetry site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

**SEC. 102. DESIGNATION OF NATIONAL RECREATIONAL TRAIL, WILLAMETTE NATIONAL FOREST, OREGON, IN HONOR OF JIM WEAVER, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.**

(a) DESIGNATION.—Forest Service trail number 3590 in the Willamette National Forest in Lane County, Oregon, which is a 19.6 mile trail that begins and ends at North Waldo Campground and circumnavigates Waldo Lake, is hereby designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243) and shall be known as the ''Jim Weaver Loop Trail''.

(b) INTERPRETIVE SIGN.—Using funds available for the Forest Service, the Secretary of Agriculture shall prepare, install, and maintain an appropriate sign at the trailhead of the Jim Weaver Loop Trail to indicate the name of the trail and to provide information regarding the life and career of Congressman Jim Weaver.

## TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

**SEC. 201. PIEDRAS BLANCAS HISTORIC LIGHT STATION.**

(a) DEFINITIONS.—In this section:

(1) LIGHT STATION.—The term ''Light Station'' means Piedras Blancas Light Station.

(2) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Piedras Blancas Historic Light Station Outstanding Natural Area established pursuant to subsection (c).

(3) PUBLIC LANDS.—The term ''public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(e)).

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

(b) FINDINGS.—Congress finds as follows:

(1) The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations.

(2) The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine habitat that provides critical information to research institutions throughout the world.

(3) The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities.

(4) The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes.

(5) The Light Station is historically associated with the nearby world-famous Hearst Castle (Hearst San Simeon State Historical Monument), now administered by the State of California.

(6) The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.

(7) Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management.

(8) Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States.

(c) DESIGNATION OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Piedras Blancas Light Station, in San Luis Obispo County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Piedras Blancas Historic Light Station Outstanding Natural Area.

(2) MAPS AND LEGAL DESCRIPTIONS.—The boundaries of the Outstanding Natural Area as those shown on the map entitled ''Piedras Blancas Historic Light Station: Outstanding Natural Area'', dated May 5, 2004, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

(3) BASIS OF MANAGEMENT.—The Secretary shall manage the Outstanding Natural Area as part of the National Landscape Conservation System to protect the resources of the area, and shall allow only those uses that further the purposes for the establishment of the Outstanding Natural Area, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws.

(4) WITHDRAWAL.—Subject to valid existing rights, and in accordance with the existing withdrawal as set forth in Public Land Order 7501 (Oct. 12, 2001, Vol. 66, No. 198, Federal Register 52149), the Federal lands and interests in lands included within the Outstanding Natural Area are hereby withdrawn from—

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

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

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

(d) MANAGEMENT OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, including an emphasis on preserving and restoring the Light Station facilities, consistent with the requirements of subsection (c)(3).

(2) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in subsection (c)(1).

(3) MANAGEMENT PLAN.—Not later than 3 years after of the date of enactment of this Act, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in subsection (c)(1). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and the contents shall include—

(A) provisions designed to ensure the protection of the resources and values described in subsection (c)(1);

(B) objectives to restore the historic Light Station and ancillary buildings;

(C) an implementation plan for a continuing program of interpretation and public education about the Light Station and its importance to the surrounding community;

(D) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in paragraph (1) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and

(E) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16

U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(4) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with the local communities and the Hearst San Simeon State Historical Monument, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(5) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in subsection (c)(1) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(6) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(7) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

(8) OVERFLIGHTS.—Nothing in this section or the management plan shall be construed to—

(A) restrict or preclude overflights, including low level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

(B) restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Outstanding Natural Area; or

(C) modify regulations governing low-level overflights above the adjacent Monterey Bay National Marine Sanctuary.

(9) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(10) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this subsection, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the Indian tribe or Indian religious community. 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 et seq.; commonly referred to as the ''American Indian Religious Freedom Act'').

(11) NO BUFFER ZONES.—The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this section can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 202. JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.**

(a) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) LIGHTHOUSE.—The term ''Lighthouse'' means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) LOCAL PARTNERS.—The term ''Local Partners'' includes—

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under subsection (c)(1).

(5) MAP.—The term ''map'' means the map entitled ''Jupiter Inlet Lighthouse Outstanding Natural Area'' and dated October 29, 2007.

(6) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Jupiter Inlet Lighthouse Outstanding Natural Area established by subsection (b)(1).

(7) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

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

(9) STATE.—The term ''State'' means the State of Florida.

(b) ESTABLISHMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in paragraph (2) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(2) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(A) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(B) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(4) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights, subsection (e), and any existing withdrawals under the Executive orders and public land order described in subparagraph (B), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(i) all forms of entry, appropriation, or disposal 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 and the mineral materials laws.

(B) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in subparagraph (A) are—

(i) the Executive Order dated October 22, 1854;

(ii) Executive Order No. 4254 (June 12, 1925); and

(iii) Public Land Order No. 7202 (61 Fed. Reg. 29758).

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(A) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(B) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(2) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(A) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, and other partners; and

(B) in a manner that ensures full public participation.

(3) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(4) INCLUSIONS.—The management plan shall include—

(A) objectives and provisions to ensure—

(i) the protection and conservation of the resource values of the Outstanding Natural Area; and

(ii) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(B) objectives and provisions to maintain or recreate historic structures;

(C) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(D) a proposal for administrative and public facilities to be developed or improved that—

(i) are compatible with achieving the resource objectives for the Outstanding Natural Area described in subsection (d)(1)(A)(ii); and

(ii) would accommodate visitors to the Outstanding Natural Area;

(E) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(F) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(5) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

(d) MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) MANAGEMENT.—

(A) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(i) as part of the National Landscape Conservation System;

(ii) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems; and

(iii) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws.

(B) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(2) USES.—Subject to valid existing rights and subsection (e), the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further the purposes for which the Outstanding Natural Area is established.

(3) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary may, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area

(4) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in subsection (b)(2).

(5) ACQUISITION OF LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(i) adjacent to the Outstanding Natural Area; and

(ii) identified in the management plan as appropriate for acquisition.

(B) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under subparagraph (A) only by donation, exchange, or purchase from a willing seller with donated or appropriated funds.

(C) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under subparagraph (A) shall be added to, and administered as part of, the Outstanding Natural Area.

(6) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(A) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(B) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(C) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(7) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

(e) EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 203. NEVADA NATIONAL GUARD LAND CONVEYANCE, CLARK COUNTY, NEVADA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, Clark County, Nevada, may convey, without consideration, to the Nevada Division of State Lands for use by the Nevada National Guard approximately 51 acres of land in Clark County, Nevada, as generally depicted on the map entitled ''Southern Nevada Readiness Center Act'' and dated October 4, 2005.

(b) LIMITATION.—If the land described in subsection (a) ceases to be used by the Nevada National Guard, the land shall revert to Clark County, Nevada, for management in accordance with the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343).

## TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

### Subtitle A—Cooperative Agreements

**SEC. 301. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources and—

(1) provide for—

(A) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(B) preventing, controlling, or eradicating invasive exotic species that are within a unit of the National Park System or adjacent to a unit of the National Park System; or

(C) restoration of natural resources, including native wildlife habitat or ecosystems;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit of the National Park System; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

### Subtitle B—Boundary Adjustments and Authorizations

**SEC. 311. CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT.**

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term ''Historic Site'' means Carl Sandburg Home National Historic Site.

(2) MAP.—The term ''map'' means the map entitled ''Sandburg Center Alternative'' numbered 445/80,017 and dated April 2007.

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

(b) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange not more than 110 acres of land, water, or interests in land and water, within the area depicted on the map, to be added to the Historic Site.

(c) VISITOR CENTER.—To preserve the historic character and landscape of the site, the Secretary may also acquire up to five acres for the development of a visitor center and visitor parking area adjacent to or in the general vicinity of the Historic Site.

(d) BOUNDARY REVISION.—Upon acquisition of any land or interest in land under this section, the Secretary shall revise the boundary of the Historic Site to reflect the acquisition.

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

(f) ADMINISTRATION.—Land added to the Historic Site by this section shall be administered as part of the Historic Site in accordance with applicable laws and regulations.

**SEC. 312. LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.**

The Act entitled ''An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes'' approved June 5, 1978 (Public Law 95–290; 92 Stat. 290; 16 U.S.C. 410cc et seq.) is amended as follows:

(1) In section 101(a), by adding a new paragraph after paragraph (2) as follows:

''(3) The boundaries of the park are modified to include five parcels of land identified on the map entitled 'Boundary Adjustment, Lowell National Historical Park,' numbered 475/81,424B and dated September 2004, and as delineated in section 202(a)(2)(G).''.

(2) In section 202(a)(2), by adding at the end the following new subparagraph:

''(G) The properties shown on the map identified in subsection (101)(a)(3) as follows:

''(i) 91 Pevey Street.

''(ii) The portion of 607 Middlesex Place.

''(iii) Eagle Court.

''(iv) The portion of 50 Payne Street.

''(v) 726 Broadway.''.

**SEC. 313. MINIDOKA NATIONAL HISTORIC SITE.**

(a) DEFINITIONS.—In this section:

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

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

(b) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Minidoka Internment National Monument, located in the State and established by Presidential Proclamation 7395 of January 17, 2001, is adjusted to include the Nidoto Nai Yoni (''Let it not happen again'') memorial (referred to in this subsection as the ''memorial''), which—

(i) commemorates the Japanese Americans of Bainbridge Island, Washington, who were the first to be forcibly removed from their homes and relocated to internment camps during World War II under Executive Order No. 9066; and

(ii) consists of approximately 8 acres of land owned by the City of Bainbridge Island, Washington, as depicted on the map entitled ''Bainbridge Island Japanese American Memorial'', numbered 194/80,003, and dated September, 2006.

(B) MAP.—The map referred to in subparagraph (A) shall be kept on file and made available for public inspection in the appropriate offices of the National Park Service.

(2) ADMINISTRATION OF MEMORIAL.—

(A) IN GENERAL.—The memorial shall be administered as part of the Minidoka Internment National Monument.

(B) AGREEMENTS.—To carry out this subsection, the Secretary may enter into agreements with—

(i) the City of Bainbridge Island, Washington;

(ii) the Bainbridge Island Metropolitan Park and Recreational District;

(iii) the Bainbridge Island Japanese American Community Memorial Committee;

(iv) the Bainbridge Island Historical Society; and

(v) other appropriate individuals or entities.

(C) IMPLEMENTATION.—To implement an agreement entered into under this paragraph, the Secretary may—

(i) enter into a cooperative management agreement relating to the operation and maintenance of the memorial with the City of Bainbridge Island, Washington, in accordance with section 3(1) of Public Law 91–383 (16 U.S.C. 1a–2(1)); and

(ii) enter into cooperative agreements with, or make grants to, the City of Bainbridge Island, Washington, and other non-Federal entities for the development of facilities, infrastructure, and interpretive media at the memorial, if any Federal funds provided by a grant or through a cooperative agreement are matched with non-Federal funds.

(D) ADMINISTRATION AND VISITOR USE SITE.—The Secretary may operate and maintain a site in the State of Washington for administrative and visitor use purposes associated with the Minidoka Internment National Monument.

(c) ESTABLISHMENT OF MINIDOKA NATIONAL HISTORIC SITE.—

(1) DEFINITIONS.—In this section:

(A) HISTORIC SITE.—The term ''Historic Site'' means the Minidoka National Historic Site established by paragraph (2)(A).

(B) MINIDOKA MAP.—The term ''Minidoka Map'' means the map entitled ''Minidoka National Historic Site, Proposed Boundary Map'', numbered 194/80,004, and dated December 2006.

(2) ESTABLISHMENT.—

(A) NATIONAL HISTORIC SITE.—In order to protect, preserve, and interpret the resources associated with the former Minidoka Relocation Center where Japanese Americans were incarcerated during World War II, there is established the Minidoka National Historic Site.

(B) MINIDOKA INTERNMENT NATIONAL MONUMENT.—

(i) IN GENERAL.—The Minidoka Internment National Monument (referred to in this subsection as the ''Monument)'', as described in Presidential Proclamation 7395 of January 17, 2001, is abolished.

(ii) INCORPORATION.—The land and any interests in the land at the Monument are incorporated within, and made part of, the Historic Site.

(iii) FUNDS.—Any funds available for purposes of the Monument shall be available for the Historic Site.

(C) REFERENCES.—Any reference in a law (other than in this title), map, regulation, document, record, or other paper of the United States to the ''Minidoka Internment National Monument'' shall be considered to be a reference to the ''Minidoka National Historic Site''.

(3) BOUNDARY OF HISTORIC SITE.—

(A) BOUNDARY.—The boundary of the Historic Site shall include—

(i) approximately 292 acres of land, as depicted on the Minidoka Map; and

(ii) approximately 8 acres of land, as described in subsection (b)(1)(A)(ii).

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

(4) LAND TRANSFERS AND ACQUISITION.—

(A) TRANSFER FROM BUREAU OF RECLAMATION.—Administrative jurisdiction over the land identified on the Minidoka Map as ''BOR parcel 1'' and ''BOR parcel 2'', including any improvements on, and appurtenances to, the parcels, is transferred from the Bureau of Reclamation to the National Park Service for inclusion in the Historic Site.

(B) TRANSFER FROM BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the land identified on the Minidoka Map as ''Public Domain Lands'' is transferred from the Bureau of Land Management to the National Park Service for inclusion in the Historic Site, and the portions of any prior Secretarial orders withdrawing the land are revoked.

(C) ACQUISITION AUTHORITY.—The Secretary may acquire any land or interest in land located within the boundary of the Historic Site, as depicted on the Minidoka Map, by—

(i) donation;

(ii) purchase with donated or appropriated funds from a willing seller; or

(iii) exchange.

(5) ADMINISTRATION.—

(A) IN GENERAL.—The Historic Site shall be administered in accordance with—

(i) this Act; and

(ii) laws (including regulations) 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.).

(B) INTERPRETATION AND EDUCATION.—

(i) IN GENERAL.—The Secretary shall interpret—

(I) the story of the relocation of Japanese Americans during World War II to the Minidoka Relocation Center and other centers across the United States;

(II) the living conditions of the relocation centers;

(III) the work performed by the internees at the relocation centers; and

(IV) the contributions to the United States military made by Japanese Americans who had been interned.

(ii) ORAL HISTORIES.—To the extent feasible, the collection of oral histories and testimonials from Japanese Americans who were confined shall be a part of the interpretive program at the Historic Site.

(iii) COORDINATION.—The Secretary shall coordinate the development of interpretive and educational materials and programs for the Historic Site with the Manzanar National Historic Site in the State of California.

(C) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—The Bainbridge Island Japanese American Memorial shall be administered in accordance with subsection (b)(2).

(D) CONTINUED AGRICULTURAL USE.—In keeping with the historical use of the land following the decommission of the Minidoka Relocation Center, the Secretary may issue a special use permit or enter into a lease to allow agricultural uses within the Historic Site under appropriate terms and conditions, as determined by the Secretary.

(6) DISCLAIMER OF INTEREST IN LAND.—

(A) IN GENERAL.—The Secretary may issue to Jerome County, Idaho, a document of disclaimer of interest in land for the parcel identified as ''Tract No. 2''—

(i) in the final order of condemnation, for the case numbered 2479, filed on January 31, 1947, in the District Court of the United States, in and for the District of Idaho, Southern Division; and

(ii) on the Minidoka Map.

(B) PROCESS.—The Secretary shall issue the document of disclaimer of interest in land under subsection (a) in accordance with section 315(b) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745(b)).

(C) EFFECT.—The issuance by the Secretary of the document of disclaimer of interest in land under subsection (a) shall have the same effect as a quit-claim deed issued by the United States.

(d) CONVEYANCE OF AMERICAN FALLS RESERVOIR DISTRICT NUMBER 2.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term ''Agreement'' means Agreement No. 5–07–10–L1688 between the United States and the District, entitled ''Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2''.

(B) DISTRICT.—The term ''District'' means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, of the State.

(2) AUTHORITY TO CONVEY TITLE.—

(A) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(i) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(ii) to the city of Gooding, located in Gooding County, of the State, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(iii) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(B) COMPLIANCE WITH 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.

(3) COMPLIANCE WITH OTHER LAWS.—

(A) IN GENERAL.—On conveyance of the land and improvements under paragraph (2)(A)(i), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(B) APPLICABLE AUTHORITY.—Nothing in this subsection modifies or otherwise affects the applicability of 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 project water provided to the District.

(4) REVOCATION OF WITHDRAWALS.—

(A) IN GENERAL.—The portions of the Secretarial Orders dated March 18, 1908, October 7, 1908, September 29, 1919, October 22, 1925, March 29, 1927, July 23, 1927, and May 7, 1963, withdrawing the approximately 6,900 acres described in Appendix E of the Agreement for the purpose of the Gooding Division of the Minidoka Project, are revoked.

(B) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subparagraph (A) subject to valid existing rights.

(5) LIABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), upon completion of a conveyance under paragraph (2), the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(B) EXCEPTION.—Subparagraph (A) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

(C) FEDERAL TORT CLAIMS ACT.—Nothing in this paragraph increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

(6) FUTURE BENEFITS.—

(A) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under paragraph (2)(A)(i), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(B) ELIGIBILITY FOR FEDERAL FUNDING.—

(i) IN GENERAL.—Except as provided in clause (ii), the District shall not be eligible to receive Federal funding to assist in any activity described in subparagraph (A) relating to land and improvements transferred under paragraph (2)(A)(i).

(ii) EXCEPTION.—Clause (i) shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

(7) NATIONAL ENVIRONMENTAL POLICY ACT.—Before completing any conveyance under this subsection, the Secretary shall complete all actions required under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(D) all other applicable laws (including regulations).

(8) PAYMENT.—

(A) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under paragraph (2)(A)(i), the District shall pay the fair market value for the withdrawn lands to be acquired by the District, in accordance with the terms of the Agreement.

(B) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka National Historic Site, the Secretary, acting through the Commissioner of Reclamation, shall provide to the District a grant in the amount of $52,996, in accordance with the terms of the Agreement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 314. ACADIA NATIONAL PARK IMPROVEMENT.**

(a) EXTENSION OF LAND CONVEYANCE AUTHORITY.—Section 102(d) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking paragraph (2) and inserting the following:

''(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless lands within the Park boundary and owned by the town have been conveyed to the Secretary.''.

(b) EXTENSION OF ACADIA NATIONAL PARK ADVISORY COMMISSION.—

(1) IN GENERAL.—Section 103(f) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking ''20'' and inserting ''40''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 25, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 106 of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding the following:

''(c) ADDITIONAL FUNDING.—In addition to such sums as have been heretofore appropriated, there is hereby authorized $10,000,000 for acquisition of lands and interests therein.''.

(d) INTERMODAL TRANSPORTATION CENTER.—Title I of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding at the end the following new section:

**''SEC. 108. INTERMODAL TRANSPORTATION CENTER.**

''(a) IN GENERAL.—The Secretary may provide assistance in the planning, construction, and operation of an intermodal transportation center located outside of the boundary of the Park in the town of Trenton, Maine to improve the management, interpretation, and visitor enjoyment of the Park.

''(b) AGREEMENTS.—To carry out subsection (a), in administering the intermodal transportation center, the Secretary may enter into interagency agreements with other Federal agencies, and, notwithstanding chapter 63 of title 31, United States Code, cooperative agreements, under appropriate terms and conditions, with State and local agencies, and nonprofit organizations—

''(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

''(2) to conduct activities that facilitate the dissemination of information relating to the Park and the Island Explorer transit system or any successor transit system;

''(3) to provide financial assistance for the construction of the intermodal transportation center in exchange for space in the center that is sufficient to interpret the Park; and

''(4) to assist with the operation and maintenance of the intermodal transportation center.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary not more than 40 percent of the total cost necessary to carry out this section (including planning, design and construction of the intermodal transportation center).

''(2) OPERATIONS AND MAINTENANCE.—There are authorized to be appropriated to the Secretary not more than 85 percent of the total cost necessary to maintain and operate the intermodal transportation center.''.

**Subtitle C—Studies**

**SEC. 321. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.**

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled ''Vision Plan for Newtonia Battlefield Preservation'' and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson's Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) 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 subsection (a).

(d) TRANSMISSION TO CONGRESS.—Not later than three years after the date on which funds are first made available for the study under subsection (a), 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 conclusions and recommendations of the Secretary.

**SEC. 322. NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM.**

(a) FINDINGS.—Congress finds as follows:

(1) The Soldiers' Memorial is a tribute to all veterans located in the greater St. Louis area, including Southern Illinois.

(2) The current annual budget for the memorial is $185,000 and is paid for exclusively by the City of St. Louis.

(3) In 1923, the City of St. Louis voted to spend $6,000,000 to purchase a memorial plaza and building dedicated to citizens of St. Louis who lost their lives in World War I.

(4) The purchase of the 7 block site exhausted the funds and no money remained to construct a monument.

(5) In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise $1,000,000 to construct a memorial building and general improvement of the plaza area and the construction of Soldiers' Memorial began on October 21, 1935.

(6) On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site.

(7) On Memorial Day in 1938, Mayor Dickmann opened the building to the public.

(b) STUDY.—The Secretary of the Interior shall carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum, located at 1315 Chestnut, St. Louis, Missouri, as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct and completion of the study required by this section.

(d) REPORT.—The Secretary shall submit a report describing the results the study required by this section to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

**SEC. 323. WOLF HOUSE STUDY.**

(a) IN GENERAL.—The Secretary shall complete a special resource study of the Wolf House located on Highway 5 in Norfork, Arkansas, to determine—

(1) the suitability and feasibility of designating the Wolf House as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Wolf House 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) 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. 324. SPACE SHUTTLE COLUMBIA STUDY.**

(a) DEFINITIONS.—In this section:

(1) MEMORIAL.—The term ''memorial'' means a memorial to the Space Shuttle Columbia that is subject to the study in subsection (b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY OF SUITABILITY AND FEASIBILITY OF ESTABLISHING MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall conduct a special resource study to determine the feasibility and suitability of establishing a memorial as a unit or units of the National Park System to the Space Shuttle Columbia on land in the State of Texas described in paragraph (2) on which large debris from the Shuttle was recovered.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

(B) the parcel of land owned by Temple Inland Inc., 10 acres of a 61-acre tract bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas;

(C) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas; and

(D) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(3) ADDITIONAL SITES.—The Secretary may recommend to Congress additional sites in the State of Texas relating to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

**SEC. 325. CÉSAR E. CHÁVEZ STUDY.**

(a) 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 sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); or

(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)); and

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union; and

(C) State and local historical associations and societies, including any State historic preservation offices in the State in which the site is located.

(c) REPORT.—On completion of the study, 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 recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 326. TAUNTON, MASSACHUSETTS, SPECIAL RESOURCE STUDY.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the appropriate State historic preservation officers, State historical societies, the city of Taunton, Massachusetts, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

(2) have an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for 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 on the findings, conclusions, and recommendations of the study required under subsection (a).

(c) PRIVATE PROPERTY.—The recommendations in the report submitted pursuant to subsection (b) shall include discussion and consideration of the concerns expressed by private landowners with respect to designating certain structures referred to in this section as a unit of the National Park System.

**SEC. 327. RIM OF THE VALLEY CORRIDOR STUDY.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the

''Secretary'') shall complete a special resource study of the area known as the Rim of the Valley Corridor, generally including the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California, to determine—

(1) the suitability and feasibility of designating all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area; and

(2) the methods and means for the protection and interpretation of this corridor by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) DOCUMENTATION.—In conducting the study authorized under subsection (a), the Secretary shall document—

(1) the process used to develop the existing Santa Monica Mountains National Recreation Area Fire Management Plan and Environmental Impact Statement (September 2005); and

(2) all activity conducted pursuant to the plan referred to in paragraph (1) designed to protect lives and property from wildfire.

(c) 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).

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, 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—Memorials, Commissions, and Museums**

**SEC. 331. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.**

(a) FINDINGS.—The Congress finds the following:

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that ''as for this damned old swamp fox, the devil himself could not catch him''. Thus, the legend of the ''Swamp Fox'' was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. Since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Brigadier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act'').

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) DEFINITIONS.—For the purposes of this section, the terms ''commemorative work'' and ''the District of Columbia and its environs'' have the meanings given to such terms in section 8902(a) of title 40, United States Code.

**SEC. 332. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.**

Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1274) is amended—

(1) by striking subsection (j) and inserting the following:

''(j) POWERS OF THE COMMISSION.—

''(1) IN GENERAL.—

''(A) POWERS.—The Commission may—

''(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

''(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;

''(iii) hold hearings and enter into contracts;

''(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

''(v) take such actions as are necessary to carry out this section.

''(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—

''(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and

''(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title.

''(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

''(3) FEDERAL COOPERATION.—At the request of the Commission, a Federal department or agency may provide any information or other assistance to the Commission that the head of the Federal department or agency determines to be appropriate.

''(4) POWERS OF MEMBERS AND AGENTS.—

''(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

''(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

''(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

''(ii) perform other duties as designated by the Chairperson of the Commission.

''(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

''(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.'';

(2) by redesignating subsection (o) as subsection (q); and

(3) by adding after subsection (n) the following:

''(o) STAFF AND SUPPORT SERVICES.—

''(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

''(2) STAFF.—

''(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS–15 of the General Schedule.

''(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not

to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

''(3) STAFF OF FEDERAL AGENCIES.—On request of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

''(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

''(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

''(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—

''(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

''(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

''(7) VOLUNTEER SERVICES.—

''(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

''(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

''(C) LIABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), a volunteer described in subparagraph (A) shall be considered to be a volunteer for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

''(ii) EXCEPTION.—Section 4(d) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(d)) shall not apply for purposes of a claim against a volunteer described in subparagraph (A).

''(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.''.

**SEC. 333. COMMISSION TO STUDY THE POTENTIAL CREATION OF A NATIONAL MUSEUM OF THE AMERICAN LATINO.**

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established the Commission to Study the Potential Creation of a National Museum of the American Latino (hereafter in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall consist of 23 members appointed not later than 6 months after the date of enactment of this Act as follows:

(A) The President shall appoint 7 voting members.

(B) The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 3 voting members.

(C) In addition to the members appointed under subparagraph (B), the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 1 nonvoting member.

(3) QUALIFICATIONS.—Members of the Commission shall be chosen from among individuals, or representatives of institutions or entities, who possess either—

(A) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

(i) expertise in museum administration;

(ii) expertise in fundraising for nonprofit or cultural institutions;

(iii) experience in the study and teaching of Latino culture and history at the post-secondary level;

(iv) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or

(v) extensive experience in public or elected service; or

(B) experience in the administration of, or the planning for the establishment of, museums devoted to the study and promotion of the role of ethnic, racial, or cultural groups in American history.

(b) FUNCTIONS OF THE COMMISSION.—

(1) PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.—The Commission shall submit a report to the President and the Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC (hereafter in this section referred to as the ''Museum'').

(2) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

(3) REPORT ON ISSUES.—The Commission shall examine (in consultation with the Secretary of the Smithsonian Institution), and submit a report to the President and the Congress on, the following issues:

(A) The availability and cost of collections to be acquired and housed in the Museum.

(B) The impact of the Museum on regional Hispanic- and Latino-related museums.

(C) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the Commission of Fine Arts, the Department of the Interior and Smithsonian Institution.

(D) Whether the Museum should be located within the Smithsonian Institution.

(E) The governance and organizational structure from which the Museum should operate.

(F) How to engage the American Latino community in the development and design of the Museum.

(G) The cost of constructing, operating, and maintaining the Museum.

(4) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under paragraph (1) and the report submitted under paragraph (3), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

(5) NATIONAL CONFERENCE.—In carrying out its functions under this section, the Commission may convene a national conference on the Museum, comprised of individuals committed to the advancement of American Latino life, art, history, and culture, not later than 18 months after the commission members are selected.

(c) ADMINISTRATIVE PROVISIONS.—

(1) FACILITIES AND SUPPORT OF DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall provide from funds appropriated for this purpose administrative services, facilities, and funds necessary for the performance of the Commission's functions. These funds shall be made available prior to any meetings of the Commission.

(2) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(3) TRAVEL EXPENSES.—Each member shall be entitled to travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) FEDERAL ADVISORY COMMITTEE ACT.—The Commission is not subject to the provisions of the Federal Advisory Committee Act.

(d) DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.—

(1) DEADLINE.—The Commission shall submit final versions of the reports and plans required under subsection (b) not later than 24 months after the date of the Commission's first meeting.

(2) TERMINATION.—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out the activities of the Commission $2,100,000 for the first fiscal year beginning after the date of enactment of this Act and $1,100,000 for the second fiscal year beginning after the date of enactment of this Act.

**SEC. 334. HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION.**

(a) COORDINATION.—Each commission established under this section shall coordinate with the other respective commission established under this section to ensure that commemorations of Henry Hudson, Robert Fulton, and Samuel de Champlain are—

(1) consistent with the plans and programs of the commemorative commissions established by the States of New York and Vermont; and

(2) well-organized and successful.

(b) DEFINITIONS.—In this section:

(1) CHAMPLAIN COMMEMORATION.—The term ''Champlain commemoration'' means the commemoration of the 400th anniversary of the voyage of Samuel de Champlain.

(2) CHAMPLAIN COMMISSION.—The term ''Champlain Commission'' means the Champlain Quadricentennial Commemoration Commission established by subsection (c)(1).

(3) COMMISSION.—The term ''Commission'' means each of the Champlain Commission and the Hudson-Fulton Commission.

(4) HUDSON-FULTON COMMEMORATION.—The term ''Hudson-Fulton commemoration'' means the commemoration of—

(A) the 200th anniversary of the voyage of Robert Fulton in the Clermont; and

(B) the 400th anniversary of the voyage of Henry Hudson in the Half Moon.

(5) HUDSON-FULTON COMMISSION.—The term ''Hudson-Fulton Commission'' means the Hudson-Fulton 400th Commemoration Commission established by subsection (d)(1).

(6) LAKE CHAMPLAIN BASIN PROGRAM.—The term ''Lake Champlain Basin Program'' means the partnership established by section

120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) between the States of New York and Vermont and Federal agencies to carry out the Lake Champlain management plan entitled, ''Opportunities for Action: An Evolving Plan for the Lake Champlain Basin''.

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

(c) ESTABLISHMENT OF CHAMPLAIN COMMISSION.—

(1) IN GENERAL.—There is established a commission to be known as the ''Champlain Quadricentennial Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Champlain Commission shall be composed of 10 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Hudson-Fulton-Champlain Quadricentennial Commission of the State of New York; and

(II) residents of Champlain Valley, New York;

(iii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Lake Champlain Quadricentennial Commission of the State of Vermont; and

(II) residents of the State of Vermont; and

(iv) 1 member shall be appointed by the Secretary, and shall be an individual who has—

(I) an interest in, support for, and expertise appropriate with respect to, the Champlain commemoration; and

(II) knowledge relating to the history of the Champlain Valley.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Champlain Commission shall be appointed for the life of the Champlain Commission.

(ii) VACANCIES.—A vacancy on the Champlain Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Champlain Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain;

(B) facilitate activities relating to the Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Champlain Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the Lake Champlain Basin Program;

(iv) the National Endowment for the Arts; and

(v) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyage of Samuel de Champlain;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyage of Samuel de Champlain;

(G) ensure that the Champlain 2009 anniversary provides a lasting legacy and a long-term public benefit by assisting in the development of appropriate programs and facilities;

(H) help ensure that the observances of the voyage of Samuel de Champlain are inclusive and appropriately recognize the experiences and heritage of all people present when Samuel de Champlain arrived in the Champlain Valley; and

(I) consult and coordinate with the Lake Champlain Basin Program and other relevant organizations to plan and develop programs and activities to commemorate the voyage of Samuel de Champlain.

(d) ESTABLISHMENT OF HUDSON-FULTON COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Hudson-Fulton 400th Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Hudson-Fulton Commission shall be composed of 15 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 1 member shall be appointed by the Secretary, after considering the recommendation of the Governor of the State of New York;

(iii) 6 members shall be appointed by the Secretary, after considering the recommendations of the Members of the House of Representatives whose districts encompass the Hudson River Valley;

(iv) 2 members shall be appointed by the Secretary, after considering the recommendations of the Members of the Senate from the State of New York;

(v) 2 members shall be—

(I) appointed by the Secretary; and

(II) individuals who have an interest in, support for, and expertise appropriate with respect to, the Hudson-Fulton commemoration, of whom—

(aa) 1 member shall be an individual with expertise in the Hudson River Valley National Heritage Area; and

(bb) 1 member shall be an individual with expertise in the State of New York, as it relates to the Hudson-Fulton commemoration;

(vi) 1 member shall be the Chairperson of a commemorative commission formed by the State of New York (or the designee of the Chairperson); and

(vii) 2 members shall be appointed by the Secretary, after—

(I) considering the recommendation of the Mayor of the city of New York; and

(II) consulting the Members of the House of Representatives whose districts encompass the city of New York.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Hudson-Fulton Commission shall be appointed for the life of the Hudson-Fulton Commission.

(ii) VACANCIES.—A vacancy on the Hudson-Fulton Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Hudson-Fulton Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate—

(i) the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River; and

(ii) the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis;

(B) facilitate activities relating to the Hudson-Fulton-Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Hudson-Fulton Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the National Park Service, with respect to the Hudson River Valley National Heritage Area;

(iv) the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13061, dated September 11, 1997;

(v) the National Endowment for the Humanities;

(vi) the National Endowment for the Arts; and

(vii) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson and Robert Fulton;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Hudson-Fulton commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson and Robert Fulton;

(G) ensure that the Hudson-Fulton 2009 commemorations provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities; and

(H) help ensure that the observances of Henry Hudson are inclusive and appropriately recognize the experiences and heritage of all people present when Henry Hudson sailed the Hudson River.

(e) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of a commission established under this section have been appointed, the applicable Commission shall hold an initial meeting.

(2) MEETINGS.—A commission established under this section shall meet—

(A) at least twice each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of 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.—A commission established under this section shall act only on an affirmative vote of a majority of the voting members of the applicable Commission.

(f) 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.—

(A) CHAMPLAIN COMMISSION.—The Champlain Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Champlain commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyage of Samuel de Champlain.

(B) HUDSON-FULTON COMMISSION.—The Hudson-Fulton Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Hudson-Fulton commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Henry Hudson and Robert Fulton.

(7) TECHNICAL ASSISTANCE.—The Commission shall provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration and Hudson-Fulton commemoration, as applicable.

(8) COORDINATION AND CONSULTATION WITH LAKE CHAMPLAIN BASIN PROGRAM.—The Champlain Commission shall coordinate and consult with the Lake Champlain Basin Program to provide grants and technical assistance under paragraphs (6)(A) and (7) for the development of activities commemorating the voyage of Samuel de Champlain.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), 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 in addition to 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) STAFF.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Commission to perform the duties of 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) IN GENERAL.—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 of New York or the State of Vermont, as appropriate (including subdivisions of the States); and

(ii) reimburse the State of New York or the State of Vermont for services of detailed personnel.

(C) LAKE CHAMPLAIN BASIN PROGRAM EMPLOYEES.—The Champlain Commission may—

(i) accept the services of personnel detailed from the Lake Champlain Basin Program; and

(ii) reimburse the Lake Champlain Basin Program for services of detailed personnel.

(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—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 that title.

(6) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(7) SUPPORT SERVICES.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(8) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORTS.—Not later than September 30, 2010, the Commission shall submit to the Secretary a report that contains—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings and recommendations of the Commission.

(i) TERMINATION OF COMMISSIONS.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2010.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all of its documents and materials of the Commission to the National Archives or another appropriate Federal entity.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section for each of fiscal years 2008 through 2011—

(A) $500,000 to the Champlain Commission; and

(B) $500,000 to the Hudson-Fulton Commission.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

**SEC. 335. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE MUSEUM OF THE AMERICAN QUILTER'S SOCIETY OF THE UNITED STATES.**

(a) FINDINGS.—Congress finds that—

(1) the Museum of the American Quilter's Society is the largest quilt museum in the world, with a total of 13,400 square feet of exhibition space and more than 150 quilts exhibited year-round in its 3 galleries;

(2) the mission of the Museum is to educate the local, national, and international public about the art, history, and heritage of quiltmaking;

(3) quilts in the Museum's permanent collection are made by quilters from 44 of the 50 States and many foreign countries;

(4) the Museum, centrally located in Paducah, Kentucky, and open to the public yearround, averages 40,000 visitors per year;

(5) individuals from all 50 States and from more than 25 foreign countries have visited the Museum;

(6) the Museum's Friends, an organization dedicated to supporting and sustaining the Museum, also has members in all 50 States, with 84 percent of members living more than 60 miles from the Museum;

(7) many members of the Museum's Friends have supported the Museum annually since the Museum began in 1991;

(8) quilts exhibited in the Museum are representative of the Nation and its cultures thanks to the wide diversity of themes and topics, quilts, and quiltmakers; and

(9) the Museum of the American Quilter's Society has national significance and support.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Museum of the American Quilter's Society, located at 215 Jefferson Street, Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States''.

**SEC. 336. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE NATIONAL MUSEUM OF WILDLIFE ART OF THE UNITED STATES.**

(a) FINDINGS.—Congress finds that—

(1) the National Museum of Wildlife Art in Jackson, Wyoming, is devoted to inspiring global recognition of fine art related to nature and wildlife;

(2) the National Museum of Wildlife Art is an excellent example of a thematic museum that strives to unify the humanities and sciences into a coherent body of knowledge through art;

(3) the National Museum of Wildlife Art, which was founded in 1987 with a private gift of a collection of art, has grown in stature and importance and is recognized today as the world's premier museum of wildlife art;

(4) the National Museum of Wildlife Art is the only public museum in the United States with the mission of enriching and inspiring public appreciation and knowledge of fine art, while exploring the relationship between humanity and nature by collecting fine art focused on wildlife;

(5) the National Museum of Wildlife Art is housed in an architecturally significant and award-winning 51,000-square foot facility that overlooks the 28,000-acre National Elk Refuge and is adjacent to the Grand Teton National Park;

(6) the National Museum of Wildlife Art is accredited with the American Association of Museums, continues to grow in national recognition and importance with members from every State, and has a Board of Trustees and a National Advisory Board composed of major benefactors and leaders in the arts and sciences from throughout the United States;

(7) the permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, and contemporary American artists, including Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, and Jamie Wyeth;

(8) the National Museum of Wildlife Art is a destination attraction in the Western United States with annual attendance of 92,000 visitors from all over the world and an

award-winning website that receives more than 10,000 visits per week;

(9) the National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children; and

(10) a great opportunity exists to use the invaluable resources of the National Museum of Wildlife Art to teach the schoolchildren of the United States, through onsite visits, traveling exhibits, classroom curriculum, online distance learning, and other educational initiatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, should be designated as the ''National Museum of Wildlife Art of the United States''.

**SEC. 337. REDESIGNATION OF ELLIS ISLAND LIBRARY.**

(a) REDESIGNATION.—The Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, shall be known and redesignated as the ''Bob Hope Memorial Library''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ellis Island Library on the third floor of the Ellis Island Immigration Museum referred to in subsection (a) shall be deemed to be a reference to the ''Bob Hope Memorial Library''.

**Subtitle E—Trails and Rivers**

**SEC. 341. AUTHORIZATION AND ADMINISTRATION OF STAR-SPANGLED BANNER NATIONAL HISTORIC 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:

''(26) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled 'Star-Spangled Banner National Historic Trail', numbered T02/80,000, and dated June 2007.

''(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

''(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

''(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

''(i) carrying out preservation and development of the trail; and

''(ii) providing education relating to the War of 1812 along the trail.''.

**SEC. 342. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska 68410), all right, title, and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of 2 parcels as generally depicted on the map titled ''Lewis and Clark National Historic Trail'', numbered 648/80,002, and dated March 2006.

(b) SURVEY; CONVEYANCE COST.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.

(f) AUTHORIZATION OF APPROPRIATIONS.—To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated $150,000 per year for a period not to exceed 10 years.

**SEC. 343. LEWIS AND CLARK NATIONAL HISTORIC TRAIL EXTENSION.**

(a) DEFINITIONS.—In this section:

(1) EASTERN LEGACY SITES.—The term ''Eastern Legacy sites'' means the sites associated with the preparation or return phases of the Lewis and Clark expedition, commonly known as the ''Eastern Legacy'', including sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. This includes the routes followed by Meriwether Lewis and William Clark, whether independently or together.

(2) TRAIL.—The term ''Trail'' means the Lewis and Clark National Historic Trail designated by section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)).

(b) SPECIAL RESOURCE STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of the Eastern Legacy sites to determine—

(A) the suitability and feasibility of adding these sites to the Trail; and

(B) 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.

(2) STUDY REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall conduct the study in accordance with section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)).

(B) IMPACT ON TOURISM.—In conducting the study, the Secretary shall analyze the potential impact that the inclusion of the Eastern Legacy sites is likely to have on tourist visitation to the western portion of the trail.

(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. 344. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.**

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the ''Eightmile River Watershed Management Plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the

Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

''(170) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

''(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

''(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

''(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

''(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

''(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.''.

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the ''Eightmile River'') shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed ''villages'' and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (b). The authority of the Secretary to acquire lands for the purposes of this section shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

### Subtitle F—Denali National Park and Alaska Railroad Exchange

#### SEC. 351. DENALI NATIONAL PARK AND ALASKA RAILROAD CORPORATION EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) CORPORATION.—The term ''Corporation'' means the Alaska Railroad Corporation owned by the State of Alaska.

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

(b) EXCHANGE.—

(1) IN GENERAL.—

(A) EASEMENT EXPANDED.—The Secretary is authorized to grant to the Alaska Railroad Corporation an exclusive-use easement on land that is identified by the Secretary within Denali National Park for the purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station.

(B) EASEMENT RELINQUISHED.—In exchange for the easement granted in subparagraph (A), the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.

(2) CONDITIONS OF THE EXCHANGE.—

(A) EQUAL EXCHANGE.—The exchange of easements under this section shall be on an approximately equal-acre basis.

(B) TOTAL ACRES.—The easement granted under paragraph (1)(A) shall not exceed 25 acres.

(C) INTERESTS CONVEYED.—The easement conveyed to the Alaska Railroad Corporation by the Secretary under this section shall be under the same terms as the exclusive use easement granted to the Railroad in Denali National Park in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The easement relinquished by the Alaska Railroad Corporation to the United States under this section shall, with respect to the portion being exchanged, be the full title and interest received by the Alaska Railroad in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.).

(D) COSTS.—The Alaska Railroad shall pay all costs associated with the exchange under this section, including the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the costs of any surveys, and other reasonable costs.

(E) LAND TO BE PART OF WILDERNESS.—The land underlying any easement relinquished to the United States under this section that is adjacent to designated wilderness is hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371).

(F) OTHER TERMS AND CONDITIONS.—The Secretary shall require any additional terms and conditions under this section that the Secretary determines to be appropriate to protect the interests of the United States and of Denali National Park.

### Subtitle G—National Underground Railroad Network to Freedom Amendments

#### SEC. 361. AUTHORIZING APPROPRIATIONS FOR SPECIFIC PURPOSES.

(a) IN GENERAL.—The National Underground Railroad Network to Freedom Act of 1998 (16 U.S.C. 469l et seq.) is amended—

(1) by striking section 3(d);

(2) by striking section 4(d); and

(3) by adding at the end the following:

**''SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

''(a) AMOUNTS.—There are authorized to be appropriated to carry out this Act $2,500,000 for each fiscal year, to be allocated as follows:

''(1) $2,000,000 is to be used for the purposes of section 3.

''(2) $500,000 is to be used for the purposes of section 4.

''(b) RESTRICTIONS.—No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the beginning of the fiscal year immediately following the date of the enactment of this Act.

**Subtitle H—Grand Canyon Subcontractors**

**SEC. 371. DEFINITIONS.**

In this subtitle:

(1) IDIQ.—The term ''IDIQ'' means an Indefinite Deliver/Indefinite Quantity contract.

(2) PARK.—The term ''park'' means Grand Canyon National Park.

(3) PGI.—The term ''PGI'' means Pacific General, Inc.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

**SEC. 372. AUTHORIZATION.**

The Secretary is authorized, subject to the appropriation of such funds as may be necessary, to pay the amount owed to the subcontractors of PGI for work performed at the park under an IDIQ with PGI between fiscal years 2002 and 2003, provided that—

(1) the primary contract between PGI and the National Park Service is terminated;

(2) the amount owed to the subcontractors is verified;

(3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI; and

(4) the subcontractors provide a written statement that payment of the amount verified in paragraph (2) represents payment in full by the United States for all work performed at the park under the IDIQ with PGI between fiscal years 2002 and 2003.

**TITLE IV—NATIONAL HERITAGE AREAS**

**Subtitle A—Journey Through Hallowed Ground National Heritage Area**

**SEC. 401. PURPOSES.**

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study entitled ''The Journey Through Hallowed Ground National Heritage Area Feasibility Study'' dated September 2006;

(2) to preserve, support, conserve, and interpret the legacy of the American history created along the National Heritage Area;

(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;

(5) to recognize and interpret the effect of the Civil War on the civilian population of the National Heritage Area during the war and post-war reconstruction period;

(6) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the National Heritage Area; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

**SEC. 402. DEFINITIONS.**

In this subtitle—

(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Journey Through Hallowed Ground National Heritage Area established in this subtitle.

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Journey Through Hallowed Ground Partnership, a Virginia non-profit, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

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

**SEC. 403. DESIGNATION OF THE JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Journey Through Hallowed Ground National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia.

(2) MAP.—The boundaries of the National Heritage Area shall include all of those lands and interests as generally depicted on the map titled ''Journey Through Hallowed Ground National Heritage Area'', numbered P90/80,000, and dated October 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

**SEC. 404. MANAGEMENT PLAN.**

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) 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 National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) 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 National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) 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;

(7) 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 National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National 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;

(B) 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;

(C) 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 National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) 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

(G) 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.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

**SEC. 405. EVALUATION; REPORT.**

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**SEC. 406. LOCAL COORDINATING ENTITY.**

(a) DUTIES.—To further the purposes of the National Heritage Area, the Journey Through Hallowed Ground Partnership, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

**SEC. 407. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**SEC. 408. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this subtitle—

(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 National 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 but not necessarily limited to 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 the State to manage fish and wildlife, including the regulation of fishing and hunting within the National 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.

**SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 410. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 411. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

**Subtitle B—Niagara Falls National Heritage Area**

**SEC. 421. PURPOSES.**

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the National Park Service study report entitled ''Niagara National Heritage Area Study'' dated 2005;

(2) to preserve, support, conserve, and interpret the natural, scenic, cultural, and historic resources within the National Heritage Area;

(3) to promote heritage, cultural, and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in American history and culture, including Native American, Colonial American, European American, and African American heritage;

(5) to enhance a cooperative management framework to assist State, local, and Tribal governments, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural, and recreational sites in the National Heritage Area;

(6) to conserve and interpret the history of the development of hydroelectric power in the United States and its role in developing the American economy; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

**SEC. 422. DEFINITIONS.**

In this subtitle:

(1) COMMISSION.—The term ''Commission'' means the Niagara Falls National Heritage Area Commission established under this subtitle.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of New York.

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the National Heritage Area designated pursuant to this subtitle.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(5) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Niagara Falls National Heritage Area established in this subtitle.

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

**SEC. 423. DESIGNATION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Niagara Falls National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of the area from the western boundary of the town of Wheatfield, New York, extending to the mouth of the Niagara River on Lake Ontario, including the city of Niagara Falls, New York, the villages of Youngstown and Lewiston, New York, land and water within the boundaries of the Heritage Area in Niagara County, New York, and any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan developed under this subtitle.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled ''Niagara Falls National Heritage Area,'' and numbered P76/80,000 and dated July, 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

**SEC. 424. MANAGEMENT PLAN.**

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) 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 National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) 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 National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) 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;

(7) 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 National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National 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;

(B) 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;

(C) 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 National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) 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

(G) 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.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

**SEC. 425. EVALUATION; REPORT.**

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**SEC. 426. LOCAL COORDINATING ENTITY.**

(a) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—

(1) for the 5-year period beginning on the date of enactment of this subtitle, the Commission; and

(2) on expiration of the 5-year period described in paragraph (1), a private nonprofit or governmental organization designated by the Commission.

(b) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and

(5) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.

(c) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

**SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.**

(a) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 17 members, of whom—

(1) 1 member shall be the Director of the National Park Service (or a designee);

(2) 5 members shall be appointed by the Secretary, after consideration of the recommendation of the Governor, from among individuals with knowledge and experience of—

(A) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or

(B) any successors of the agencies described in subparagraph (A);

(3) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Niagara Falls, New York;

(4) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;

(5) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Lewiston, New York;

(6) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;

(7) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and

(8) 6 members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—

(A) 4 members shall be appointed by the Secretary, after consideration of the recommendation of the 2 members of the Senate from the State; and

(B) 2 members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the National Heritage Area.

(c) TERMS; VACANCIES.—

(1) TERM.—A member of the Commission shall be appointed for a term not to exceed 5 years.

(2) VACANCIES.—

(A) 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.

(B) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) VICE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) QUORUM.—

(1) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.

(2) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(2) NOTICE.—Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the National Heritage Area.

(3) APPLICABLE LAW.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(g) AUTHORITIES OF THE COMMISSION.—In addition to the authorities otherwise granted in this subtitle, the Commission may—

(1) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;

(2) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or nonreimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;

(3) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and

(4) use the United States mails in the same manner as other agencies of the Federal Government.

(h) DUTIES OF THE COMMISSION.—To further the purposes of the National Heritage Area, in addition to the duties otherwise listed in this subtitle, the Commission shall assist in the transition of the management of the National Heritage Area from the Commission to the local coordinating entity designated under this subtitle.

(i) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Commission shall serve without compensation.

(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.

(j) GIFTS.—For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift or charitable contribution to the Commission shall be considered to be a charitable contribution or gift to the United States.

(k) USE OF FEDERAL FUNDS.—Except as provided for the leasing of administrative facilities under subsection (g)(1), the Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.

**SEC. 428. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**SEC. 429. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this subtitle—

(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 National 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 of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(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 National 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.

**SEC. 430. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 431. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 432. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

## Subtitle C—Abraham Lincoln National Heritage Area

**SEC. 441. PURPOSES.**

The purposes of this subtitle include—

(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled ''Feasibility Study of the Proposed Abraham Lincoln National Heritage Area'' prepared for the Looking for Lincoln Heritage Coalition in 2002 and revised in 2007;

(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 periods in the growth of America, including Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the distinctive role the region played in shaping the man who would become the 16th President of the United States, and how Abraham Lincoln's life left its traces in the stories, folklore, buildings, streetscapes, and landscapes 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 in identifying, preserving, interpreting, and developing 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.

**SEC. 442. DEFINITIONS.**

In this subtitle:

(1) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Looking for Lincoln Heritage Coalition, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(3) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Abraham Lincoln National Heritage Area established in this subtitle.

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

**SEC. 443. DESIGNATION OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is hereby established the Abraham Lincoln National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, Vermillion, Warren and Woodford counties.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled ''Proposed Abraham Lincoln National Heritage Area'', and numbered 338/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

**SEC. 444. MANAGEMENT PLAN.**

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) 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 National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) 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 National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) 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;

(7) 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 National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National 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;

(B) 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;

(C) 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 National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) 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

(G) 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.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

**SEC. 445. EVALUATION; REPORT.**

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**SEC. 446. LOCAL COORDINATING ENTITY.**

(a) DUTIES.—To further the purposes of the National Heritage Area, the Looking for Lincoln Heritage Coalition, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

**SEC. 447. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**SEC. 448. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this subtitle—

(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 National 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 of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(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 National 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.

**SEC. 449. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 450. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

**SEC. 451. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of the enactment of this subtitle.

**Subtitle D—Authorization Extensions and Viability Studies**

**SEC. 461. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.**

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as redesignated by section 474(9)), and 909(c), by striking ''$10,000,000'' and inserting ''$15,000,000''.

**SEC. 462. EVALUATION AND REPORT.**

(a) IN GENERAL.—For the nine National Heritage Areas authorized in Division II of the Omnibus Parks and Public Lands Management Act of 1996, not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local management entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the investments of Federal, State, Tribal, and local government and private entities in each National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

**Subtitle E—Technical Corrections and Additions**

**SEC. 471. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.**

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333 as amended by Public Law 106–176 and Public Law 109–338) is amended—

(1) by striking section 103(b) and inserting the following:

''(b) BOUNDARIES.—The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawah County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.'';

(2) by striking section 105 and inserting the following:

**''SEC. 105. ELIGIBLE RESOURCES.**

''(a) IN GENERAL.—The resources eligible for the assistance under section 104 shall include—

''(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawah County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

''(2) the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.

''(b) PRIORITY.—Priority consideration shall be given to those sites listed as 'Conservation Priorities' and 'Important Historic Resources' as depicted on the map entitled 'Study Area: Historic Resources' in such study.'';

(3) in section 106(a)—

(A) by striking ''Governor'' and all that follows through ''Parks,'' and inserting ''National Coal Heritage Area Authority''; and

(B) in paragraph (3), by striking ''State of West Virginia'' and all that follows through ''entities, or'' and inserting ''National Coal Heritage Area Authority or''; and

(4) in section 106(b), by inserting ''not'' before ''meet''.

**SEC. 472. RIVERS OF STEEL NATIONAL HERITAGE AREA ADDITION.**

Section 403(b) of title IV of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended by inserting ''Butler,'' after ''Beaver,''.

**SEC. 473. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ADDITION.**

Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraphs:

''(O) Berkeley County.

''(P) Saluda County.

''(Q) The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.''.

**SEC. 474. OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.**

Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended—

(1) by striking ''Canal National Heritage Corridor'' each place it appears and inserting ''National Heritage Canalway'';

(2) by striking ''corridor'' each place it appears and inserting ''canalway'', except in references to the feasibility study and management plan;

(3) in the heading of section 808(a)(3), by striking ''CORRIDOR'' and inserting ''CANALWAY'';

(4) in the title heading, by striking ''**CANAL NATIONAL HERITAGE CORRIDOR**'' and inserting ''**NATIONAL HERITAGE CANALWAY**'';

(5) in section 803—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B)), by striking ''808'' and inserting ''806''; and

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking ''807(a)'' and inserting ''805(a)'';

(6) in the heading of section 804, by striking ''**CANAL NATIONAL HERITAGE CORRIDOR**'' and inserting ''**NATIONAL HERITAGE CANALWAY**'';

(7) in the second sentence of section 804(b)(1), by striking ''808'' and inserting ''806'';

(8) by striking sections 805 and 806;

(9) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(10) in section 805(c)(2) (as redesignated by paragraph (9)), by striking ''808'' and inserting ''806'';

(11) in section 806 (as redesignated by paragraph (9))—

(A) in subsection (a)(1), by striking ''Committee'' and inserting ''Secretary'';

(B) in the heading of subsection (a)(1), by striking ''COMMITTEE'' and inserting ''SECRETARY'';

(C) in subsection (a)(3), in the first sentence of subparagraph (B), by striking ''Committee'' and inserting ''management entity'';

(D) in subsection (e), by striking ''807(d)(1)'' and inserting ''805(d)(1)''; and

(E) in subsection (f), by striking ''807(d)(1)'' and inserting ''805(d)(1)'';

(12) in section 807 (as redesignated by paragraph (9)), in subsection (c) by striking ''Cayohoga Valley National Recreation Area'' and inserting ''Cayohoga Valley National Park'';

(13) in section 808 (as redesignated by paragraph (9))—

(A) in subsection (b), by striking ''Committee or''; and

(B) in subsection (c), in the matter before paragraph (1), by striking ''Committee'' and inserting ''management entity''; and

(14) in section 809 (as redesignated by paragraph (9)), by striking ''assistance'' and inserting ''financial assistance''.

**SEC. 475. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE EXTENSION OF AUTHORIZATION.**

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

''(A) technical assistance;

''(B) the design and fabrication of interpretive materials, devices, and signs; and

''(C) the preparation of the strategic plan.''.

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

''(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.''.

(3) Subsection (c) is amended by striking ''2007'' and inserting ''2011''.

**Subtitle F—Studies**

**SEC. 481. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.**

(a) DEFINITIONS.—In this section:

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

(2) STUDY AREA.—The term ''study area'' means—

(A) the coastal areas of Clatsop and Pacific Counties (also known as the North Beach Peninsula); and

(B) areas relating to Native American history, local history, Euro-American settlement culture, and related economic activities of the Columbia River within a corridor along the Columbia River eastward in Clatsop, Pacific, Columbia, and Wahkiakum Counties.

(b) COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the managers of any Federal land within the study area, appropriate State and local governmental agencies, tribal governments, and any interested organizations, shall conduct a study to determine the feasibility of designating the study area as the Columbia-Pacific National Heritage Area.

(2) 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 together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(H) has a conceptual boundary map that is supported by the public.

(3) PRIVATE PROPERTY.—In conducting the study required by this subsection, the Secretary shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out the study, 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 the findings, conclusions, and recommendations of the Secretary with respect to the study.

**SEC. 482. STUDY OF SITES RELATING TO ABRAHAM LINCOLN IN KENTUCKY.**

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means a National Heritage Area in the State to honor Abraham Lincoln.

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

(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 the Kentucky Historical Society, other State historical societies, the State Historic Preservation Officer, State tourism offices, and other appropriate organizations and agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area in the State to honor Abraham Lincoln.

(2) DESCRIPTION OF STUDY AREA.—The study area shall include—

(A) Boyle, Breckinridge, Fayette, Franklin, Hardin, Jefferson, Jessamine, Larue, Madison, Mercer, and Washington Counties in the State; and

(B) the following sites in the State:

(i) The Abraham Lincoln Birthplace National Historic Site.

(ii) The Abraham Lincoln Boyhood Home Unit.

(iii) Downtown Hodgenville, Kentucky, including the Lincoln Museum and Adolph A. Weinman statue.

(iv) Lincoln Homestead State Park and Mordecai Lincoln House.

(v) Camp Nelson Heritage Park.

(vi) Farmington Historic Home.

(vii) The Mary Todd Lincoln House.

(viii) Ashland, which is the Henry Clay Estate.

(ix) The Old State Capitol.

(x) The Kentucky Military History Museum.

(xi) The Thomas D. Clark Center for Kentucky History.

(xii) The New State Capitol.

(xiii) Whitehall.

(xiv) Perryville Battlefield State Historic Site.

(xv) The Joseph Holt House.

(xvi) Elizabethtown, Kentucky, including the Lincoln Heritage House.

(xvii) Lincoln Marriage Temple at Fort Harrod.

(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) interpret—

(I) the life of Abraham Lincoln; and

(II) the contributions of Abraham Lincoln to the United States;

(ii) represent distinctive aspects of the heritage of the United States;

(iii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iv) 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 historical events 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 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 Heritage Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(iii) have demonstrated support for designation of the Heritage Area;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Heritage Area 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 third 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.

**TITLE V—BUREAU OF RECLAMATION AND UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS**

**SEC. 501. ALASKA WATER RESOURCES STUDY.**

(a) DEFINITIONS.—In this section:

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

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

(b) ALASKA WATER RESOURCES STUDY.—

(1) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, where appropriate, and in accordance with this section and other applicable provisions of law, shall conduct a study that includes—

(A) a survey of accessible water supplies, including aquifers, on the Kenai Peninsula and in the Municipality of Anchorage, the Matanuska-Susitna Borough, the city of Fairbanks, and the Fairbanks Northstar Borough;

(B) a survey of water treatment needs and technologies, including desalination, applicable to the water resources of the State; and

(C) a review of the need for enhancement of the streamflow information collected by the United States Geological Survey in the State relating to critical water needs in areas such as—

(i) infrastructure risks to State transportation;

(ii) flood forecasting;

(iii) resource extraction; and

(iv) fire management.

(2) REPORT.—Not later than 2 years after the date of 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 describing the results of the study required by paragraph (1).

(c) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 502. RENEGOTIATION OF PAYMENT SCHEDULE, REDWOOD VALLEY COUNTY WATER DISTRICT.**

Section 15 of Public Law 100–516 (102 Stat. 2573) is amended—

(1) by amending paragraph (2) of subsection (a) to read as follows:

''(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The Secretary shall reschedule the payments due under loans numbered 14–06–200–8423A and 14–06–200–8423A Amendatory and said payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).''; and

(2) by striking subsection (c).

**SEC. 503. AMERICAN RIVER PUMP STATION PROJECT TRANSFER.**

(a) AUTHORITY TO TRANSFER.—The Secretary of the Interior (hereafter in this section referred to as the ''Secretary'') shall transfer ownership of the American River Pump Station Project located at Auburn, California, which includes the Pumping Plant, associated facilities, and easements necessary for permanent operation of the facilities, to the Placer County Water Agency, in accordance with the terms of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency and the terms and conditions established in this section.

(b) FEDERAL COSTS NONREIMBURSABLE.—Federal costs associated with construction of the American River Pump Station Project located at Auburn, California, are nonreimbursable.

(c) GRANT OF REAL PROPERTY INTEREST.—The Secretary is authorized to grant title to Placer County Water Agency as provided in subsection (a) in full satisfaction of the United States' obligations under Land Purchase Contract 14–06–859–308 to provide a water supply to the Placer County Water Agency.

(d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

(1) IN GENERAL.—Before conveying land and facilities pursuant to this section, the Secretary shall comply with all applicable requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the land and facilities.

(2) EFFECT.—Nothing in this section modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) RELEASE FROM LIABILITY.—Effective on the date of transfer to the Placer County Water Agency of any land or facility under this section, the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, consistent with Article 9 of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency.

**SEC. 504. ARTHUR V. WATKINS DAM ENLARGEMENT.**

(a) FINDINGS.—Congress finds the following:

(1) Arthur V. Watkins Dam is a feature of the Weber Basin Project, which was authorized by law on August 29, 1949.

(2) Increasing the height of Arthur V. Watkins Dam and construction of pertinent facilities may provide additional storage capacity for the development of additional water supply for the Weber Basin Project for uses of municipal and industrial water supply, flood control, fish and wildlife, and recreation.

(b) AUTHORIZATION OF FEASIBILITY STUDY.—The Secretary of the Interior, acting through the Bureau of Reclamation, is authorized to conduct a feasibility study on raising the height of Arthur V. Watkins Dam for the development of additional storage to meet water supply needs within the Weber Basin Project area and the Wasatch Front. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and a cost allocation as required under the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(c) COST SHARES.—

(1) FEDERAL SHARE.—The Federal share of the costs of the study authorized in subsection (b) shall not exceed 50 percent of the total cost of the study.

(2) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, in-kind contributions of goods or services from the Weber Basin Water Conservancy District. Such goods and services accepted under this subsection shall be counted as part of the non-Federal cost share for the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,000,000 for the Federal cost share of the study authorized in subsection (b).

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

**SEC. 505. NEW MEXICO WATER PLANNING ASSISTANCE.**

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

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

(b) COMPREHENSIVE WATER PLAN ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Governor of the State and subject to paragraphs (2) through (6), the Secretary shall—

(A) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(B) conduct water resources mapping in the State; and

(C) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(2) TECHNICAL ASSISTANCE.—Technical assistance provided under paragraph (1) may include—

(A) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(B) expansion of climate, surface water, and groundwater monitoring networks;

(C) assessment of existing water resources, surface water storage, and groundwater storage potential;

(D) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(E) participation in State planning forums and planning groups;

(F) coordination of Federal water management planning efforts;

(G) technical review of data, models, planning scenarios, and water plans developed by the State; and

(H) provision of scientific and technical specialists to support State and local activities.

(3) ALLOCATION.—In providing grants under paragraph (1), the Secretary shall, subject to the availability of appropriations, allocate—

(A) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(B) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(C) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(D) $4,500,000 for statewide digital orthophotography mapping; and

(E) such sums as are necessary to carry out additional projects consistent with paragraph (2).

(4) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(5) NONREIMBURSABLE BASIS.—Any assistance or grants provided to the State under this section shall be made on a non-reimbursable basis.

(6) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2008 through 2012.

(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 enactment of this Act.

**SEC. 506. CONVEYANCE OF CERTAIN BUILDINGS AND LANDS OF THE YAKIMA PROJECT, WASHINGTON.**

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall convey to the Yakima-Tieton Irrigation District, located in Yakima County, Washington, all right, title, and interest of the United States in and to the buildings and lands of the Yakima Project, Washington, in accordance with the terms and conditions set forth in the agreement titled ''Agreement Between the United States and the Yakima-Tieton Irrigation District to Transfer Title to Certain Federally Owned Buildings and Lands, With Certain Property Rights, Title, and Interest, to the Yakima-Tieton Irrigation District'' (Contract No. 5–07–10–L1658).

(b) LIABILITY.—Effective upon the date of conveyance under this section, 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 conveyed buildings and lands, except for damages caused by acts of negligence committed by the United States or by its employees or agents before 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), on the date of enactment of this Act.

(c) BENEFITS.—After conveyance of the buildings and lands to the Yakima-Tieton Irrigation District under this section—

(1) such buildings and lands shall not be considered to be a part of a Federal reclamation project; and

(2) such irrigation district shall not be eligible to receive any benefits with respect to any buildings and lands conveyed, except benefits that would be available to a similarly situated person with respect to such buildings and lands that are not part of a Federal reclamation project.

(d) REPORT.—If the Secretary of the Interior has not completed the conveyance required under subsection (a) within 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that explains the reason such conveyance has not been completed and stating the date by which the conveyance will be completed.

**SEC. 507. CONJUNCTIVE USE OF SURFACE AND GROUNDWATER IN JUAB COUNTY, UTAH.**

Section 202(a)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) is amended by inserting ''Juab,'' after ''Davis,''.

**SEC. 508. EARLY REPAYMENT OF A & B IRRIGATION DISTRICT CONSTRUCTION COSTS.**

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the A & B Irrigation District in the State (referred to in this section as the ''District'') may repay, at any time, the construction costs of District project facilities that are allocated to land of the landowner within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all land the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations 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.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this section—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Idaho State law.

**SEC. 509. OREGON WATER RESOURCES.**

(a) EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.—Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208; 110 Stat. 3009–534) is amended—

(1) in subsection (a)(1), by striking ''Deschutes River Basin Working Group'' and inserting ''Deschutes River Conservancy Working Group'';

(2) by amending the text of subsection (a)(1)(B) to read as follows: ''4 representatives of private interests including two from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers and two from the environmental community;'';

(3) in subsection (b)(3), by inserting before the final period the following: '', and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016''; and

(4) in subsection (h), by inserting before the period at the end the following: '', and $2,000,000 for each of fiscal years 2007 through 2016''.

(b) WALLOWA LAKE DAM REHABILITATION ACT.—

(1) DEFINITIONS.—In this subsection:

(A) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term ''Associated Ditch Companies, Incorporated'' means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(C) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term ''Wallowa Lake Dam Rehabilitation Program'' means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, ''Phase I Dam Assessment and Preliminary Engineering Design'', dated December 2002, and on file with the Bureau of Reclamation.

(2) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(A) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(B) CONDITIONS.—As a condition of providing funds under subparagraph (A), the Secretary shall ensure that—

(i) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(ii) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this subsection; and

(iii) 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 with Federal funds provided under this subsection, both while and after activities are conducted using Federal funds provided under this subsection.

(C) COST SHARING.—

(i) IN GENERAL.—The Federal share of the costs of activities authorized under this subsection shall not exceed 50 percent.

(ii) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(I) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(II) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(D) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this subsection, shall comply with applicable Oregon State water law.

(E) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this subsection.

(F) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this subsection.

(3) RELATIONSHIP TO OTHER LAW.—Activities funded under this subsection shall not be considered 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.)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this subsection $6,000,000.

(5) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this subsection.

(c) LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.—

(1) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the ''Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project'', dated July 2, 2004.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this subsection.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out paragraph (1).

(ii) FORM.—The non-Federal share required under clause (i) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under paragraph (1).

(3) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this section.

(d) NORTH UNIT IRRIGATION DISTRICT.—The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting ''(referred to in this Act as the 'District')'' after ''irrigation district''; and

(B) by inserting ''(referred to in this Act as the 'Contract')'' after ''1953''; and

(2) by adding at the end the following:

**''SEC. 3. ADDITIONAL TERMS.**

''On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

''(1) In Article 8(a) of the Contract, by deleting 'a maximum of 50,000' and inserting 'approximately 59,000' after 'irrigation service to'.

''(2) In Article 11(a) of the Contract, by deleting 'The classified irrigable lands within the project comprise 49,817.75 irrigable acres,

of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled ''Land Classification, North Unit, Deschutes Project, 1953'' which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting 'The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'.

''(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

''(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

''(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'.

''(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

''(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

''(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.' after 'for that purpose.'.

**''SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.**

''The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.''.

**SEC. 510. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.**

(a) AUTHORIZATION OF STUDY.—Pursuant to reclamation laws, the Secretary of the Interior, acting through the Bureau of Reclamation and in consultation and cooperation with the States of Nebraska, Kansas, and Colorado, may conduct a study to—

(1) determine the feasibility of implementing a water supply and conservation project that will—

(A) improve water supply reliability in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, including areas in the counties of Harlan, Franklin, Webster, and Nuckolls in Nebraska and Jewel, Republic, Cloud, Washington, and Clay in Kansas (in this section referred to as the ''Republican River Basin'');

(B) increase the capacity of water storage through modifications of existing projects or through new projects that serve areas in the Republican River Basin; and

(C) improve water management efficiency in the Republican River Basin through conservation and other available means and, where appropriate, evaluate integrated water resource management and supply needs in the Republican River Basin; and

(2) consider appropriate cost-sharing options for implementation of the project.

(b) COST SHARING.—The Federal share of the cost of the study shall not exceed 50 percent of the total cost of the study, and shall be nonreimbursable.

(c) COOPERATIVE AGREEMENTS.—The Secretary shall undertake the study through cooperative agreements with the State of Kansas or Nebraska and other appropriate entities determined by the Secretary.

(d) COMPLETION AND REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this Act, the Secretary of the Interior shall complete the study and transmit to the Congress a report containing the results of the study.

(2) EXTENSION.—If the Secretary determines that the study cannot be completed within the 3-year period beginning on the date of the enactment of this Act, the Secretary—

(A) shall, at the time of that determination, report to the Congress on the status of the study, including an estimate of the date of completion; and

(B) complete the study and transmit to the Congress a report containing the results of the study by not later than that date.

(e) 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 Act.

**SEC. 511. EASTERN MUNICIPAL WATER DISTRICT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**''SEC. 1639. EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT, CALIFORNIA.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

''(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 $12,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1638 the following:

''Sec. 1639. Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, California.''.

**SEC. 512. BAY AREA REGIONAL WATER RECYCLING PROGRAM.**

(a) PROJECT AUTHORIZATIONS.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a)) is amended by adding at the end the following:

**''SEC. 1642. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

**''SEC. 1643. PITTSBURG RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,750,000.

**''SEC. 1644. ANTIOCH RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,250,000.

**''SEC. 1645. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County

Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

**''SEC. 1646. REDWOOD CITY RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,100,000.

**''SEC. 1647. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

**''SEC. 1648. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.**

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

''(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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.''.

(2) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(b)) is amended by inserting after the item relating to section 1641 the following:

''Sec. 1642. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
''Sec. 1643. Pittsburg Recycled Water Project.
''Sec. 1644. Antioch Recycled Water Project.
''Sec. 1645. North Coast County Water District Recycled Water Project.
''Sec. 1646. Redwood City Recycled Water Project.
''Sec. 1647. South Santa Clara County Recycled Water Project.
''Sec. 1648. South Bay Advanced Recycled Water Treatment Facility.''.

(b) SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.—It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–5).

**SEC. 513. BUREAU OF RECLAMATION SITE SECURITY.**

(a) TREATMENT OF CAPITAL COSTS.—Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be nonreimbursable.

(b) TREATMENT OF SECURITY-RELATED OPERATION AND MAINTENANCE COSTS.—

(1) REIMBURSABLE COSTS.—The Secretary of the Interior shall include no more than $18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.

(2) COSTS COLLECTED THROUGH WATER RATES.—In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this section shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.

(c) TRANSPARENCY AND REPORT TO CONGRESS.—

(1) POLICIES AND PROCEDURES.—The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of paragraphs (2) and (3), to provide for the payment of the reimbursable costs described in subsection (b).

(2) NOTICE.—On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—

(A) describing the need for the site security measure and the process for identifying and implementing the site security measure; and

(B) summarizing the administrative and legal requirements relating to the site security measure.

(3) CONSULTATION.—The Secretary shall—

(A) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and

(B) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in subparagraph (A).

(4) RESPONSE; NOTICE.—Before incurring costs pursuant to activities described in subsection (b), the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—

(A) a timely written response describing proposed actions, if any, to address the recommendation; and

(B) notice regarding the costs and status of such activities on a periodic basis.

(5) REPORT.—The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

(d) PRE-SEPTEMBER 11, 2001 SECURITY COST LEVELS.—Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

**SEC. 514. MORE WATER, MORE ENERGY, AND LESS WASTE.**

(a) FINDINGS.—The Congress finds that—

(1) development of energy resources, including oil, natural gas, coalbed methane, and geothermal resources, frequently results in bringing to the surface water extracted from underground sources;

(2) some of that produced water is used for irrigation or other purposes, but most of the water is returned to the subsurface or otherwise disposed of as waste;

(3) reducing the quantity of produced water returned to the subsurface and increasing the quantity of produced water that is made available for irrigation and other uses—

(A) would augment water supplies;

(B) could reduce the costs to energy developers for disposing of the water; and

(C) in some cases, could increase the efficiency of energy development activities; and

(4) it is in the national interest—

(A) to limit the quantity of produced water disposed of as waste;

(B) to optimize the production of energy resources; and

(C) to remove or reduce obstacles to use of produced water for irrigation or other purposes in ways that will not adversely affect water quality or the environment.

(b) PURPOSES.—The purposes of this section are—

(1) to optimize the production of energy resources—

(A) by minimizing the quantity of produced water; and

(B) by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment; and

(2) to demonstrate means of accomplishing those results.

(c) DEFINITIONS.—In this section:

(1) LOWER BASIN STATE.—The term ''Lower Basin State'' means any of the States of—

(A) Arizona;

(B) California; and

(C) Nevada.

(2) PRODUCED WATER.—The term ''produced water'' means water from an underground source that is brought to the surface as part of the process of exploration for, or development of—

(A) oil;

(B) natural gas;

(C) coalbed methane; or

(D) any other substance to be used as an energy source.

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

(4) UPPER BASIN STATE.—The term ''Upper Basin State'' means any of the States of—

(A) Colorado;

(B) New Mexico;

(C) Utah; and

(D) Wyoming.

(d) IDENTIFICATION OF PROBLEMS AND SOLUTIONS.—

(1) STUDY.—The Secretary shall conduct a study to identify—

(A) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water;

(B) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes without adversely affecting water quality, public health, or the environment;

(C) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified in subparagraphs (A) and (B); and

(D) the costs and benefits associated with reducing or eliminating the obstacles identified in subparagraphs (A) and (B).

(2) REPORT.—Not later than 1 year after the date of 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 describing the results of the study under paragraph (1).

(e) IMPLEMENTATION.—

(1) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide financial assistance for the development of facilities, technologies, and processes to demonstrate the feasibility, effectiveness, and safety of—

(A) optimizing energy resource production by reducing the quantity of produced water generated; or

(B) increasing the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

(2) LIMITATIONS.—Assistance under this subsection—

(A) shall be provided for—

(i) at least 1 project in each of the Upper Basin States; and

(ii) at least 1 project in at least 1 of the Lower Basin States;

(B) shall not exceed $1,000,000 for any project;

(C) shall be used to pay not more than 50 percent of the total cost of a project;

(D) shall not be used for the operation or maintenance of any facility; and

(E) may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

(f) CONSULTATION, ADVICE, AND COMMENTS.—In carrying out this section, including in preparing the report under subsection (d)(2) and establishing criteria to be used in connection with an award of financial assistance under subsection (e), the Secretary shall—

(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

(2)(A) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.); and

(B) to the extent the Secretary determines to be advisable, include that information in the report under subsection (d)(2);

(3) seek the advice of—

(A) individuals with relevant professional or academic expertise; and

(B) individuals or representatives of entities with industrial experience, particularly experience relating to production of oil, natural gas, coalbed methane, or other energy resources (including geothermal resources); and

(4) solicit comments and suggestions from the public.

(g) RELATION TO OTHER LAWS.—Nothing in this section supersedes, modifies, abrogates, or limits—

(1) the effect of any State law or any interstate authority or compact relating to—

(A) any use of water; or

(B) the regulation of water quantity or quality; or

(2) the applicability or effect of any Federal law (including regulations).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $1,000,000 to carry out subsection (d); and

(2) $7,500,000 to carry out subsection (e).

**SEC. 515. PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION PROJECT AUTHORIZATION.**

(a) PURPOSES.—The purposes of this section are to authorize—

(1) the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the implementation of the Platte River Recovery Implementation Program for threatened and endangered species in the Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities; and

(2) the modification of the Pathfinder Dam and Reservoir, in accordance with the requirements described in subsection (c).

(b) PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term ''Agreement'' means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary.

(B) FIRST INCREMENT.—The term ''First Increment'' means the first 13 years of the Program.

(C) GOVERNANCE COMMITTEE.—The term ''Governance Committee'' means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.

(D) INTEREST IN LAND OR WATER.—The term ''interest in land or water'' includes a fee title, short- or long-term easement, lease, or other contractual arrangement that is determined to be necessary by the Secretary to implement the land and water components of the Program.

(E) PROGRAM.—The term ''Program'' means the Platte River Recovery Implementation Program established under the Agreement.

(F) PROJECT OR ACTIVITY.—The term ''project or activity'' means—

(i) the planning, design, permitting or other compliance activity, preconstruction activity, construction, construction management, operation, maintenance, and replacement of a facility;

(ii) the acquisition of an interest in land or water;

(iii) habitat restoration;

(iv) research and monitoring;

(v) program administration; and

(vi) any other activity that is determined to be necessary by the Secretary to carry out the Program.

(G) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(H) STATES.—The term ''States'' means the States of Nebraska, Wyoming, and Colorado.

(2) IMPLEMENTATION OF PROGRAM.—

(A) IN GENERAL.—The Secretary, in cooperation with the Governance Committee, may—

(i) participate in the Program; and

(ii) carry out any projects and activities that are designated for implementation during the First Increment.

(B) AUTHORITY OF SECRETARY.—For purposes of carrying out this section, the Secretary, in cooperation with the Governance Committee, may—

(i) enter into agreements and contracts with Federal and non-Federal entities;

(ii) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;

(iii) subsequently transfer any interests acquired under clause (ii); and

(iv) accept or provide grants.

(3) COST-SHARING CONTRIBUTIONS.—

(A) IN GENERAL.—As provided in the Agreement, the States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.

(B) NON-FEDERAL CONTRIBUTIONS.—The following contributions shall constitute the States' share of the Program:

(i) $30,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(ii) Credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.

(C) IN-KIND CONTRIBUTIONS.—The Secretary or the States may elect to provide a portion of the Federal share or non-Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.

(4) AUTHORITY TO MODIFY PROGRAM.—The Program may be modified or amended before the completion of the First Increment if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.

(5) EFFECT.—

(A) EFFECT ON RECLAMATION LAWS.—No action carried out under this subsection shall, with respect to the acreage limitation provisions of the reclamation laws—

(i) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(ii) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or

(iii) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.

(B) EFFECT ON WATER RIGHTS.—Nothing in this section—

(i) creates Federal water rights; or

(ii) requires the grant of water rights to Federal entities.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out projects and activities under this subsection $157,140,000, as adjusted under subparagraph (C).

(B) NONREIMBURSABLE FEDERAL EXPENDITURES.—Any amounts expended under subparagraph (A) shall be considered to be nonreimbursable Federal expenditures.

(C) ADJUSTMENT.—The balance of funds remaining to be appropriated shall be adjusted

for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(D) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds for projects and activities made available under subparagraph (A) shall be retained for use in future fiscal years to implement projects and activities under the Program.

(7) TERMINATION OF AUTHORITY.—The authority for the Secretary to implement the First Increment shall terminate on September 30, 2020.

(c) PATHFINDER MODIFICATION PROJECT.—

(1) AUTHORIZATION OF PROJECT.—

(A) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this subsection as the ''Secretary''), may—

(i) modify the Pathfinder Dam and Reservoir; and

(ii) enter into 1 or more agreements with the State of Wyoming to implement the Pathfinder Modification Project (referred to in this subsection as the ''Project''), as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(B) FEDERAL APPROPRIATIONS.—No Federal appropriations are required to modify the Pathfinder Dam under this paragraph.

(2) AUTHORIZED USES OF PATHFINDER RESERVOIR.—Provided that all of the conditions described in paragraph (3) are first met, the approximately 54,000 acre-feet capacity of Pathfinder Reservoir, which has been lost to sediment but will be recaptured by the Project, may be used for municipal, environmental, and other purposes, as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(3) CONDITIONS PRECEDENT.—The actions and water uses authorized in paragraphs (1)(A)(i) and (2) shall not occur until each of the following actions have been completed:

(A) Final approval from the Wyoming legislature for the export of Project water to the State of Nebraska under the laws (including regulations) of the State of Wyoming.

(B) Final approval in a change of water use proceeding under the laws (including regulations) of the State of Wyoming for all new uses planned for Project water. Final approval, as used in this subparagraph, includes exhaustion of any available review under State law of any administrative action authorizing the change of the Pathfinder Reservoir water right.

**SEC. 516. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this section as the ''Secretary''), shall—

(A) conduct a feasibility study of alternatives to augment the water supplies of—

(i) the Central Oklahoma Master Conservatory District (referred to in this section as the ''District)''; and

(ii) cities served by the District;

(2) INCLUSIONS.—The study under paragraph (1) shall include recommendations of the Secretary, if any, relating to the alternatives studied.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total costs of the study under subsection (a) shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to conduct the study under subsection (a) $900,000.

## TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

**SEC. 601. ENERGY TECHNOLOGY TRANSFER.**

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended to read as follows:

**''SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.**

''(a) GRANTS.—Not later than 18 months after the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2008, the Secretary shall make grants to nonprofit institutions, State and local governments, cooperative extension services, or institutions of higher education (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers. In making awards under this section, the Secretary shall—

''(1) give priority to applicants already operating or partnered with an outreach program capable of transferring knowledge and information about advanced energy efficiency methods and technologies;

''(2) ensure that, to the extent practicable, the program enables the transfer of knowledge and information—

''(A) about a variety of technologies; and

''(B) in a variety of geographic areas;

''(3) give preference to applicants that would significantly expand on or fill a gap in existing programs in a geographical region; and

''(4) consider the special needs and opportunities for increased energy efficiency for manufactured and site-built housing, including construction, renovation, and retrofit.

''(b) ACTIVITIES.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. Funds awarded under this section may be used for the following activities:

''(1) Developing and distributing informational materials on technologies that could use energy more efficiently.

''(2) Carrying out demonstrations of advanced energy methods and technologies.

''(3) Developing and conducting seminars, workshops, long-distance learning sessions, and other activities to aid in the dissemination of knowledge and information on technologies that could use energy more efficiently.

''(4) Providing or coordinating onsite energy evaluations, including instruction on the commissioning of building heating and cooling systems, for a wide range of energy end-users.

''(5) Examining the energy efficiency needs of energy end-users to develop recommended research projects for the Department.

''(6) Hiring experts in energy efficient technologies to carry out activities described in paragraphs (1) through (5).

''(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section. The application shall include, at a minimum—

''(1) a description of the applicant's outreach program, and the geographic region it would serve, and of why the program would be capable of transferring knowledge and information about advanced energy technologies that increase efficiency of energy use;

''(2) a description of the activities the applicant would carry out, of the technologies that would be transferred, and of any other organizations that will help facilitate a regional approach to carrying out those activities;

''(3) a description of how the proposed activities would be appropriate to the specific energy needs of the geographic region to be served;

''(4) an estimate of the number and types of energy end-users expected to be reached through such activities; and

''(5) a description of how the applicant will assess the success of the program.

''(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

''(1) The ability of the applicant to carry out the proposed activities.

''(2) The extent to which the applicant will coordinate the activities of the Center with other entities as appropriate, such as State and local governments, utilities, institutions of higher education, and National Laboratories.

''(3) The appropriateness of the applicant's outreach program for carrying out the program described in this section.

''(4) The likelihood that proposed activities could be expanded or used as a model for other areas.

''(e) COST-SHARING.—In carrying out this section, the Secretary shall require cost-sharing in accordance with the requirements of section 988 for commercial application activities.

''(f) DURATION.—

''(1) INITIAL GRANT PERIOD.—A grant awarded under this section shall be for a period of 5 years.

''(2) INITIAL EVALUATION.—Each grantee under this section shall be evaluated during its third year of operation under procedures established by the Secretary to determine if the grantee is accomplishing the purposes of this section described in subsection (a). The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for 3 additional years beyond the original term of the grant.

''(3) ADDITIONAL EXTENSION.—If a grantee receives an extension under paragraph (2), the grantee shall be evaluated again during the second year of the extension. The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for a final additional period of 3 additional years beyond the original extension.

''(4) LIMITATION.—No grantee may receive more than 11 years of support under this section without reapplying for support and competing against all other applicants seeking a grant at that time.

''(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities.

''(h) DEFINITIONS.—For purposes of this section:

''(1) ADVANCED ENERGY METHODS AND TECHNOLOGIES.—The term 'advanced energy methods and technologies' means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

''(2) CENTER.—The term 'Center' means an Advanced Energy Technology Transfer Center established pursuant to this section.

''(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means an electric power generation technology, including photovoltaic, small wind, and micro-combined heat and power, that serves electric consumers at or near the site of production.

''(4) COOPERATIVE EXTENSION.—The term 'Cooperative Extension' means the extension services established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914.

''(5) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

''(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

''(B) 1890 Institutions (as defined in section 2 of that Act); and

''(C) 1994 Institutions (as defined in section 2 of that Act).

''(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated in section 911, there are authorized to be appropriated for the program under this section such sums as may be appropriated.''.

**SEC. 602. AMENDMENTS TO THE STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

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

''There are authorized to be appropriated to the Secretary to carry out this Act $12,000,000 for each of the fiscal years 2008 through 2012.''.

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking ''coatings for sheet steels'' and inserting ''sheet and bar steels''; and

(2) by adding at the end the following new subparagraph:

''(K) The development of technologies which reduce greenhouse gas emissions.''.

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 8 (15 U.S.C. 5107), by inserting '', beginning with fiscal year 2008,'' after ''close of each fiscal year''.

## TITLE VII—NORTHERN MARIANA ISLANDS

### Subtitle A—Immigration, Security, and Labor

**SEC. 701. STATEMENT OF CONGRESSIONAL INTENT.**

(a) IMMIGRATION AND GROWTH.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of the Congress in enacting this subtitle—

(1) to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed, by extending the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(17)), to apply to the Commonwealth of the Northern Mariana Islands (referred to in this subtitle as the ''Commonwealth''), with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth; and

(2) to minimize, to the greatest extent practicable, potential adverse economic and fiscal effects of phasing-out the Commonwealth's nonresident contract worker program and to maximize the Commonwealth's potential for future economic and business growth by—

(A) encouraging diversification and growth of the economy of the Commonwealth in accordance with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America through consultation with the Governor of the Commonwealth;

(C) assisting the Commonwealth in achieving a progressively higher standard of living for citizens of the Commonwealth through the provision of technical and other assistance;

(D) providing opportunities for individuals authorized to work in the United States, including citizens of the freely associated states; and

(E) providing a mechanism for the continued use of alien workers, to the extent those workers continue to be necessary to supplement the Commonwealth's resident workforce, and to protect those workers from the potential for abuse and exploitation.

(b) AVOIDING ADVERSE EFFECTS.—In recognition of the Commonwealth's unique economic circumstances, history, and geographical location, it is the intent of the Congress that the Commonwealth be given as much flexibility as possible in maintaining existing businesses and other revenue sources, and developing new economic opportunities, consistent with the mandates of this subtitle. This subtitle, and the amendments made by this subtitle, should be implemented wherever possible to expand tourism and economic development in the Commonwealth, including aiding prospective tourists in gaining access to the Commonwealth's memorials, beaches, parks, dive sites, and other points of interest.

**SEC. 702. IMMIGRATION REFORM FOR THE COMMONWEALTH.**

(a) AMENDMENT TO JOINT RESOLUTION APPROVING COVENANT ESTABLISHING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241; 90 Stat. 263), is amended by adding at the end the following new section:

**''SEC. 6. IMMIGRATION AND TRANSITION.**

''(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1 year after the date of enactment of the Consolidated Natural Resources Act of 2008 (hereafter referred to as the 'transition program effective date'), the provisions of the 'immigration laws' (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the 'Commonwealth'), except as otherwise provided in this section.

''(2) TRANSITION PERIOD.—There shall be a transition period beginning on the transition program effective date and ending on December 31, 2014, except as provided in subsections (b) and (d), during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the 'transition program').

''(3) DELAY OF COMMENCEMENT OF TRANSITION PERIOD.—

''(A) IN GENERAL.—The Secretary of Homeland Security, in the Secretary's sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

''(B) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

''(C) CONGRESSIONAL REVIEW.—A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

''(4) REQUIREMENT FOR REGULATIONS.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

''(5) INTERAGENCY AGREEMENTS.—The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

''(6) CERTAIN EDUCATION FUNDING.—In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of $150 per nonimmigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

''(7) ASYLUM.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

''(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT WORKERS.—An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and

Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth. Not later than 3 years following the transition program effective date, the Secretary of Homeland Security shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives projecting the number of asylum claims the Secretary anticipates following the termination of the transition period, the efforts the Secretary has made to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.

''(c) NONIMMIGRANT INVESTOR VISAS.—

''(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), during the transition period, the Secretary of Homeland Security may, upon the application of an alien, classify an alien as a CNMI-only nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

''(A) has been admitted to the Commonwealth in long-term investor status under the immigration laws of the Commonwealth before the transition program effective date;

''(B) has continuously maintained residence in the Commonwealth under long-term investor status;

''(C) is otherwise admissible; and

''(D) maintains the investment or investments that formed the basis for such long-term investor status.

''(2) REQUIREMENT FOR REGULATIONS.—Not later than 60 days before the transition program effective date, the Secretary of Homeland Security shall publish regulations in the Federal Register to implement this subsection.

''(d) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL WORKERS.—An alien who is seeking to enter the Commonwealth as a nonimmigrant worker may be admitted to perform work during the transition period subject to the following requirements:

''(1) Such an alien shall be treated as a nonimmigrant described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258) or adjustment of status under this section and section 245 of such Act (8 U.S.C. 1255).

''(2) The Secretary of Homeland Security shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each such nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). In adopting and enforcing this system, the Secretary shall also consider, in good faith and not later than 30 days after receipt by the Secretary, any comments and advice submitted by the Governor of the Commonwealth. This system shall provide for a reduction in the allocation of permits for such workers on an annual basisto zero, during a period not to extend beyond December 31, 2014, unless extended pursuant to paragraph 5 of this subsection. In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the Secretary of Homeland Security to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, workers authorized to be employed in the United States, including lawfully admissible freely associated state citizen labor. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under this paragraph have been met.

''(3) The Secretary of Homeland Security shall set the conditions for admission of such an alien under the transition program, and the Secretary of State shall authorize the issuance of nonimmigrant visas for such an alien. Such a visa shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except admission to the Commonwealth. An alien admitted to the Commonwealth on the basis of such a visa shall be permitted to engage in employment only as authorized pursuant to the transition program.

''(4) Such an alien shall be permitted to transfer between employers in the Commonwealth during the period of such alien's authorized stay therein, without permission of the employee's current or prior employer, within the alien's occupational category or another occupational category the Secretary of Homeland Security has found requires alien workers to supplement the resident workforce.

''(5)(A) Not later than 180 days prior to the expiration of the transition period, or any extension thereof, the Secretary of Labor, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Interior, and the Governor of the Commonwealth, shall ascertain the current and anticipated labor needs of the Commonwealth and determine whether an extension of up to 5 years of the provisions of this subsection is necessary to ensure an adequate number of workers will be available for legitimate businesses in the Commonwealth. For the purpose of this subparagraph, a business shall not be considered legitimate if it engages directly or indirectly in prostitution, trafficking in minors, or any other activity that is illegal under Federal or local law. The determinations of whether a business is legitimate and to what extent, if any, it may require alien workers to supplement the resident workforce, shall be made by the Secretary of Homeland Security, in the Secretary's sole discretion.

''(B) If the Secretary of Labor determines that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, the Secretary of Labor may, through notice published in the Federal Register, provide for an additional extension period of up to 5 years.

''(C) In making the determination of whether alien workers are necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, and if so, the number of such workers that are necessary, the Secretary of Labor may consider, among other relevant factors—

''(i) government, industry, or independent workforce studies reporting on the need, or lack thereof, for alien workers in the Commonwealth's businesses;

''(ii) the unemployment rate of United States citizen workers residing in the Commonwealth;

''(iii) the unemployment rate of aliens in the Commonwealth who have been lawfully admitted for permanent residence;

''(iv) the number of unemployed alien workers in the Commonwealth;

''(v) any good faith efforts to locate, educate, train, or otherwise prepare United States citizen residents, lawful permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs;

''(vi) any available evidence tending to show that United States citizen residents, lawful permanent residents, and unemployed alien workers already in the Commonwealth are not willing to accept jobs of the type offered;

''(vii) the extent to which admittance of alien workers will affect the compensation, benefits, and living standards of existing workers within those industries and other industries authorized to employ alien workers; and

''(viii) the prior use, if any, of alien workers to fill those industry jobs, and whether the industry requires alien workers to fill those jobs.

''(6) The Secretary of Homeland Security may authorize the admission of a spouse or minor child accompanying or following to join a worker admitted pursuant to this subsection.

''(e) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH IMMIGRATION LAW.—

''(1) PROHIBITION ON REMOVAL.—

''(A) IN GENERAL.—Subject to subparagraph (B), no alien who is lawfully present in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be removed from the United States on the grounds that such alien's presence in the Commonwealth is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of the date—

''(i) of the completion of the period of the alien's admission under the immigration laws of the Commonwealth; or

''(ii) that is 2 years after the transition program effective date.

''(B) LIMITATIONS.—Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of such an alien at any time, if the alien entered the Commonwealth after the date of enactment of the Consolidated Natural Resources Act of 2008, and the Secretary of Homeland Security has determined that the Government of the Commonwealth has violated section 702(i) of the Consolidated Natural Resources Act of 2008.

''(2) EMPLOYMENT AUTHORIZATION.—An alien who is lawfully present and authorized to be employed in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth until the earlier of the date—

''(A) of expiration of the alien's employment authorization under the immigration laws of the Commonwealth; or

''(B) that is 2 years after the transition program effective date.

''(3) REGISTRATION.—The Secretary of Homeland Security may require any alien present in the Commonwealth on or after the transition period effective date to register with the Secretary in such a manner, and according to such schedule, as he may in his discretion require. Paragraphs (1) and (2) of this subsection shall not apply to any alien who fails to comply with such registration requirement. Notwithstanding any other law, the Government of the Commonwealth shall provide to the Secretary all Commonwealth immigration records or other information that the Secretary deems necessary to assist the implementation of this paragraph or other provisions of the Consolidated Natural Resources Act of 2008. Nothing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act

(8 U.S.C. 1302) or other provision of the Immigration and Nationality Act relating to the registration of aliens.

''(4) REMOVABLE ALIENS.—Except as specifically provided in paragraph (1)(A) of this subsection, nothing in this subsection shall prohibit or limit the removal of any alien who is removable under the Immigration and Nationality Act.

''(5) PRIOR ORDERS OF REMOVAL.—The Secretary of Homeland Security may execute any administratively final order of exclusion, deportation or removal issued under authority of the immigration laws of the United States before, on, or after the transition period effective date, or under authority of the immigration laws of the Commonwealth before the transition period effective date, upon any subject of such order found in the Commonwealth on or after the transition period effective date, regardless whether the alien has previously been removed from the United States or the Commonwealth pursuant to such order.

''(f) EFFECT ON OTHER LAWS.—The provisions of this section and of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.

''(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in the Commonwealth in violation of the immigration laws of the Commonwealth shall be counted for purposes of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

''(h) REPORT ON NONRESIDENT GUESTWORKER POPULATION.—The Secretary of the Interior, in consultation with the Secretary of Homeland Security, and the Governor of the Commonwealth, shall report to the Congress not later than 2 years after the date of enactment of the Consolidated Natural Resources Act of 2008. The report shall include—

''(1) the number of aliens residing in the Commonwealth;

''(2) a description of the legal status (under Federal law) of such aliens;

''(3) the number of years each alien has been residing in the Commonwealth;

''(4) the current and future requirements of the Commonwealth economy for an alien workforce; and

''(5) such recommendations to the Congress, as the Secretary may deem appropriate, related to whether or not the Congress should consider permitting lawfully admitted guest workers lawfully residing in the Commonwealth on such enactment date to apply for long-term status under the immigration and nationality laws of the United States.''.

(b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT VISITORS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 214(a)(1) (8 U.S.C. 1184(a)(1))—

(A) by striking ''Guam'' each place such term appears and inserting ''Guam or the Commonwealth of the Northern Mariana Islands''; and

(B) by striking ''fifteen'' and inserting ''45'';

(2) in section 212(a)(7)(B) (8 U.S.C. 1182(a)(7)(B)), by amending clause (iii) to read as follows:

''(iii) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER.—For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (l).''; and

(3) by amending section 212(l) (8 U.S.C. 1182(l)) to read as follows:

''(l) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER PROGRAM.—

''(1) IN GENERAL.—The requirement of subsection (a)(7)(B)(i) may be waived by the Secretary of Homeland Security, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay in Guam or the Commonwealth of the Northern Mariana Islands for a period not to exceed 45 days, if the Secretary of Homeland Security, after consultation with the Secretary of the Interior, the Secretary of State, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, determines that—

''(A) an adequate arrival and departure control system has been developed in Guam and the Commonwealth of the Northern Mariana Islands; and

''(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

''(2) ALIEN WAIVER OF RIGHTS.—An alien may not be provided a waiver under this subsection unless the alien has waived any right—

''(A) to review or appeal under this Act an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam or the Commonwealth of the Northern Mariana Islands; or

''(B) to contest, other than on the basis of an application for withholding of removal under section 241(b)(3) of this Act or under the Convention Against Torture, or an application for asylum if permitted under section 208, any action for removal of the alien.

''(3) REGULATIONS.—All necessary regulations to implement this subsection shall be promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, on or before the 180th day after the date of enactment of the Consolidated Natural Resources Act of 2008. The promulgation of such regulations shall be considered a foreign affairs function for purposes of section 553(a) of title 5, United States Code. At a minimum, such regulations should include, but not necessarily be limited to—

''(A) a listing of all countries whose nationals may obtain the waiver also provided by this subsection, except that such regulations shall provide for a listing of any country from which the Commonwealth has received a significant economic benefit from the number of visitors for pleasure within the one-year period preceding the date of enactment of the Consolidated Natural Resources Act of 2008, unless the Secretary of Homeland Security determines that such country's inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories; and

''(B) any bonding requirements for nationals of some or all of those countries who may present an increased risk of overstays or other potential problems, if different from such requirements otherwise provided by law for nonimmigrant visitors.

''(4) FACTORS.—In determining whether to grant or continue providing the waiver under this subsection to nationals of any country, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall consider all factors that the Secretary deems relevant, including electronic travel authorizations, procedures for reporting lost and stolen passports, repatriation of aliens, rates of refusal for nonimmigrant visitor visas, overstays, exit systems, and information exchange.

''(5) SUSPENSION.—The Secretary of Homeland Security shall monitor the admission of nonimmigrant visitors to Guam and the Commonwealth of the Northern Mariana Islands under this subsection. If the Secretary determines that such admissions have resulted in an unacceptable number of visitors from a country remaining unlawfully in Guam or the Commonwealth of the Northern Mariana Islands, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or asylum, or that visitors from a country pose a risk to law enforcement or security interests of Guam or the Commonwealth of the Northern Mariana Islands or of the United States (including the interest in the enforcement of the immigration laws of the United States), the Secretary shall suspend the admission of nationals of such country under this subsection. The Secretary of Homeland Security may in the Secretary's discretion suspend the Guam and Northern Mariana Islands visa waiver program at any time, on a country-by-country basis, for other good cause.

''(6) ADDITION OF COUNTRIES.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands may request the Secretary of the Interior and the Secretary of Homeland Security to add a particular country to the list of countries whose nationals may obtain the waiver provided by this subsection, and the Secretary of Homeland Security may grant such request after consultation with the Secretary of the Interior and the Secretary of State, and may promulgate regulations with respect to the inclusion of that country and any special requirements the Secretary of Homeland Security, in the Secretary's sole discretion, may impose prior to allowing nationals of that country to obtain the waiver provided by this subsection.''.

(c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands (referred to in this subsection as ''CNMI'') may request that the Secretary of Homeland Security study the feasibility of creating additional Guam or CNMI-only nonimmigrant visas to the extent that existing nonimmigrant visa categories under the Immigration and Nationality Act do not provide for the type of visitor, the duration of allowable visit, or other circumstance. The Secretary of Homeland Security may review such a request, and, after consultation with the Secretary of State and the Secretary of the Interior, shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives with respect to the feasibility of creating those additional Guam or CNMI-only visa categories. Consideration of such additional Guam or CNMI-only visa categories may include, but are not limited to, special nonimmigrant statuses for investors, students, and retirees, but shall not include nonimmigrant status for the purpose of employment in Guam or the CNMI.

(d) INSPECTION OF PERSONS ARRIVING FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS NOT VALID FOR ENTRY INTO OTHER PARTS OF THE UNITED STATES.—Section 212(d)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''Guam,''.

(e) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Governor of

the Commonwealth, the Secretary of Labor, and the Secretary of Commerce, and as provided in the Interagency Agreements required to be negotiated under section 6(a)(4) of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a), shall provide—

(A) technical assistance and other support to the Commonwealth to identify opportunities for, and encourage diversification and growth of, the economy of the Commonwealth;

(B) technical assistance, including assistance in recruiting, training, and hiring of workers, to assist employers in the Commonwealth in securing employees first from among United States citizens and nationals resident in the Commonwealth and if an adequate number of such workers are not available, from among legal permanent residents, including lawfully admissible citizens of the freely associated states; and

(C) technical assistance, including assistance to identify types of jobs needed, identify skills needed to fulfill such jobs, and assistance to Commonwealth educational entities to develop curricula for such job skills to include training teachers and students for such skills.

(2) CONSULTATION.—In providing such technical assistance under paragraph (1), the Secretaries shall—

(A) consult with the Government of the Commonwealth, local businesses, regional banks, educational institutions, and other experts in the economy of the Commonwealth; and

(B) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the economy of the Commonwealth and to identify and encourage opportunities to meet the labor needs of the Commonwealth.

(3) COST-SHARING.—For the provision of technical assistance or support under this paragraph (other than that required to pay the salaries and expenses of Federal personnel), the Secretary of the Interior shall require a non-Federal matching contribution of 10 percent.

(f) OPERATIONS.—

(1) ESTABLISHMENT.—At any time on and after the date of enactment of this Act, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor may establish and maintain offices and other operations in the Commonwealth for the purpose of carrying out duties under—

(A) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) the transition program established under section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a).

(2) PERSONNEL.—To the maximum extent practicable and consistent with the satisfactory performance of assigned duties under applicable law, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor shall recruit and hire personnel from among qualified United States citizens and national applicants residing in the Commonwealth to serve as staff in carrying out operations described in paragraph (1).

(g) CONFORMING AMENDMENTS TO PUBLIC LAW 94–241.—

(1) AMENDMENTS.—Public Law 94–241 is amended as follows:

(A) In section 503 of the covenant set forth in section 1, by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(B) By striking section 506 of the covenant set forth in section 1.

(C) In section 703(b) of the covenant set forth in section 1, by striking ''quarantine, passport, immigration and naturalization'' and inserting ''quarantine and passport''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (as added by subsection (a)).

(h) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than March 1 of the first year that is at least 2 full years after the date of enactment of this subtitle, and annually thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report that evaluates the overall effect of the transition program established under section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a), and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth.

(2) CONTENTS.—In addition to other topics otherwise required to be included under this subtitle or the amendments made by this subtitle, each report submitted under paragraph (1) shall include a description of the efforts that have been undertaken during the period covered by the report to diversify and strengthen the local economy of the Commonwealth, including efforts to promote the Commonwealth as a tourist destination. The report by the President shall include an estimate for the numbers of nonimmigrant workers described under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid adverse economic effects in Guam and the Commonwealth.

(3) GAO REPORT.—The Government Accountability Office shall submit a report to the Congress not later than 2 years after the date of enactment of this Act, to include, at a minimum, the following items:

(A) An assessment of the implementation of this subtitle and the amendments made by this subtitle, including an assessment of the performance of Federal agencies and the Government of the Commonwealth in meeting congressional intent.

(B) An assessment of the short-term and long-term impacts of implementation of this subtitle and the amendments made by this subtitle on the economy of the Commonwealth, including its ability to obtain workers to supplement its resident workforce and to maintain access to its tourists and customers, and any effect on compliance with United States treaty obligations mandating non-refoulement for refugees.

(C) An assessment of the economic benefit of the investors ''grandfathered'' under subsection (c) of section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a), and the Commonwealth's ability to attract new investors after the date of enactment of this Act.

(D) An assessment of the number of illegal aliens in the Commonwealth, including any Federal and Commonwealth efforts to locate and repatriate them.

(4) REPORTS BY THE LOCAL GOVERNMENT.—The Governor of the Commonwealth may submit an annual report to the President on the implementation of this subtitle, and the amendments made by this subtitle, with recommendations for future changes. The President shall forward the Governor's report to the Congress with any Administration comment after an appropriate period of time for internal review, provided that nothing in this paragraph shall be construed to require the President to provide any legislative recommendation to the Congress.

(5) REPORT ON FEDERAL PERSONNEL AND RESOURCE REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, after consulting with the Secretary of the Interior and other departments and agencies as may be deemed necessary, shall submit a report to the Committee on Natural Resources, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate, on the current and planned levels of Transportation Security Administration, United States Customs and Border Protection, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, and United States Coast Guard personnel and resources necessary for fulfilling mission requirements on Guam and the Commonwealth in a manner comparable to the level provided at other similar ports of entry in the United States. In fulfilling this reporting requirement, the Secretary shall consider and anticipate the increased requirements due to the proposed realignment of military forces on Guam and in the Commonwealth and growth in the tourism sector.

(i) REQUIRED ACTIONS PRIOR TO TRANSITION PROGRAM EFFECTIVE DATE.—During the period beginning on the date of enactment of this Act and ending on the transition program effective date described in section 6 of Public Law 94–241 (as added by subsection (a)), the Government of the Commonwealth shall—

(1) not permit an increase in the total number of alien workers who are present in the Commonwealth as of the date of enactment of this Act; and

(2) administer its nonrefoulement protection program—

(A) according to the terms and procedures set forth in the Memorandum of Agreement entered into between the Commonwealth of the Northern Mariana Islands and the United States Department of Interior, Office of Insular Affairs, executed on September 12, 2003 (which terms and procedures, including but not limited to funding by the Secretary of the Interior and performance by the Secretary of Homeland Security of the duties of ''Protection Consultant'' to the Commonwealth, shall have effect on and after the date of enactment of this Act), as well as CNMI Public Law 13–61 and the Immigration Regulations Establishing a Procedural Mechanism for Persons Requesting Protection from Refoulement; and

(B) so as not to remove or otherwise effect the involuntary return of any alien whom the Protection Consultant has determined to be eligible for protection from persecution or torture.

(j) CONFORMING AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(D)(ii), by inserting ''or the Commonwealth of the Northern Mariana Islands'' after ''Guam'' each time such term appears;

(2) in section 101(a)(36), by striking ''and the Virgin Islands of the United States'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands'';

(3) in section 101(a)(38), by striking ''and the Virgin Islands of the United States'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands'';

(4) in section 208, by adding at the end the following:

''(e) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The provisions of this section and section 209(b) shall apply to persons physically present in the Commonwealth of the Northern Mariana Islands or arriving in the Commonwealth (whether or not at a designated port of arrival and including persons who are brought to the Commonwealth after having been interdicted in international or United States waters) only on or after January 1, 2014.''; and

(5) in section 235(b)(1), by adding at the end the following:

''(G) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Nothing in this subsection shall be construed to authorize or require any person described in section 208(e) to be permitted to apply for asylum under section 208 at any time before January 1, 2014.''.

(k) AVAILABILITY OF OTHER NONIMMIGRANT PROFESSIONALS.—The requirements of section 212(m)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(6)(B)) shall not apply to a facility in Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

**SEC. 703. FURTHER AMENDMENTS TO PUBLIC LAW 94–241.**

Public Law 94–241, as amended, is further amended in section 4(c)(3) by striking the colon after ''Marshall Islands'' and inserting the following: '', except that $200,000 in fiscal year 2009 and $225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress''.

**SEC. 704. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

**SEC. 705. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as specifically provided in this section or otherwise in this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the date of enactment of this Act.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The amendments to the Immigration and Nationality Act made by this subtitle, and other provisions of this subtitle applying the immigration laws (as defined in section 101(a)(17) of Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)), unless specifically provided otherwise in this subtitle.

(c) CONSTRUCTION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to make any residence or presence in the Commonwealth before the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)) residence or presence in the United States, except that, for the purpose only of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) has abandoned or lost such status by reason of absence from the United States, such alien's presence in the Commonwealth before, on, or after the date of enactment of this Act shall be considered to be presence in the United States.

### Subtitle B—Northern Mariana Islands Delegate

**SEC. 711. DELEGATE TO HOUSE OF REPRESENTATIVES FROM COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved by Public Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this subtitle.

**SEC. 712. ELECTION OF DELEGATE.**

(a) ELECTORS AND TIME OF ELECTION.—The Delegate shall be elected—

(1) by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands; and

(2) at the Federal general election of 2008 and at such Federal general election every 2d year thereafter.

(b) MANNER OF ELECTION.—

(1) IN GENERAL.—The Delegate shall be elected at large and by a plurality of the votes cast for the office of Delegate.

(2) EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.—Notwithstanding paragraph (1), if the Government of the Commonwealth of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, provides for primary elections for the election of the Delegate, the Delegate shall be elected by a majority of the votes cast in any general election for the office of Delegate for which such primary elections were held.

(c) VACANCY.—In case of a permanent vacancy in the office of Delegate, the office of Delegate shall remain vacant until a successor is elected and qualified.

(d) COMMENCEMENT OF TERM.—The term of the Delegate shall commence on the 3d day of January following the date of the election.

**SEC. 713. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

To be eligible for the office of Delegate a candidate shall—

(1) be at least 25 years of age on the date of the election;

(2) have been a citizen of the United States for at least 7 years prior to the date of the election;

(3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;

(4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and

(5) not be, on the date of the election, a candidate for any other office.

**SEC. 714. DETERMINATION OF ELECTION PROCEDURE.**

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this subtitle.

**SEC. 715. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to any other nonvoting Delegate to the House of Representatives.

**SEC. 716. LACK OF EFFECT ON COVENANT.**

No provision of this subtitle shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 711 except section 901 of the covenant.

**SEC. 717. DEFINITION.**

For purposes of this subtitle, the term ''Delegate'' means the Resident Representative referred to in section 711.

**SEC. 718. CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO MILITARY SERVICE ACADEMIES BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking ''resident representative'' and inserting ''Delegate in Congress''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking ''resident representative'' and inserting ''Delegate in Congress''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking ''resident representative'' and inserting ''Delegate in Congress''.

## TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

**SEC. 801. APPROVAL OF AGREEMENTS.**

(a) IN GENERAL.—Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof''; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof''.

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date that is 180 days after the date of enactment of this Act.

**SEC. 802. FUNDS TO FACILITATE FEDERAL ACTIVITIES.**

Unobligated amounts appropriated before the date of enactment of this Act pursuant to section 105(f)(1)(A)(ii) of the Compact of Free Association Amendments Act of 2003 shall be available to both the United States

Agency for International Development and the Federal Emergency Management Agency to facilitate each agency's activities under the Federal Programs and Services Agreements.

**SEC. 803. CONFORMING AMENDMENT.**

(a) IN GENERAL.—Section 105(f)(1)(A) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

''(A) EMERGENCY AND DISASTER ASSISTANCE.—

''(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively, provided that all activities carried out by the United States Agency for International Development and the Federal Emergency Management Agency under Article X of the Federal Programs and Services Agreements may be carried out notwithstanding any other provision of law. In the sections referred to in this clause, the term 'United States Agency for International Development, Office of Foreign Disaster Assistance' shall be construed to mean 'the United States Agency for International Development'.

''(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date that is 180 days after the date of enactment of this Act.

**SEC. 804. CLARIFICATIONS REGARDING PALAU.**

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking ''and its territories'' and inserting '', its territories, and the Republic of Palau'';

(2) in clause (iii)(II), by striking '', or the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, or the Republic of Palau''; and

(3) in clause (ix)—

(A) by striking ''Republic'' both places it appears and inserting ''government, institutions, and people'';

(B) by striking ''2007'' and inserting ''2009''; and

(C) by striking ''was'' and inserting ''were''.

**SEC. 805. AVAILABILITY OF LEGAL SERVICES.**

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: '', which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)''.

**SEC. 806. TECHNICAL AMENDMENTS.**

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking ''section 177'' and inserting ''Section 177''.

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting ''the'' before ''U.S.–RMI Compact,'';

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking ''to include'' and inserting ''and include'';

(ii) in paragraph (9)(A), by inserting a comma after ''may''; and

(iii) in paragraph (10), by striking ''related to service'' and inserting ''related to such services''; and

(C) in the first sentence of subsection (j), by inserting ''the'' before ''Interior''.

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking ''Trust Fund'' and inserting ''Trust Funds''.

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking ''courts'' and inserting ''court''; and

(ii) in subsection (b)(2), by striking ''the'' before ''November'';

(B) in section 177(a), by striking '', or Palau'' and inserting ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the fifth sentence of subsection (a), by striking ''Trust Fund Agreement,'' and inserting ''Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),'';

(iii) in subsection (b)—

(I) in the first sentence, by striking ''Government of the'' before ''Federated''; and

(II) in the second sentence, by striking ''Sections 321 and 323 of the Compact of Free Association, as Amended'' and inserting ''Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,''; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in the first sentence of section 215(b), by striking ''subsection(a)'' and inserting ''subsection (a)'';

(F) in section 221—

(i) in subsection (a)(6), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security''; and

(ii) in the first sentence of subsection (c), by striking ''agreements'' and inserting ''agreement'';

(G) in the second sentence of section 222, by inserting ''in'' after ''referred to'';

(H) in the second sentence of section 232, by striking ''sections 102 (c)'' and all that follows through ''January 14, 1986)'' and inserting ''section 102(b) of Public Law 108–188, 117 Stat. 2726, December 17, 2003'';

(I) in the second sentence of section 252, by inserting '', as amended,'' after ''Compact'';

(J) in the first sentence of the first undesignated paragraph of section 341, by striking ''Section 141'' and inserting ''section 141'';

(K) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(L) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(M) in section 461(h), by striking ''Telecommunications'' and inserting ''Telecommunication'';

(N) in section 462(b)(4), by striking ''of Free Association'' the second place it appears; and

(O) in section 463(b), by striking ''Articles IV'' and inserting ''Article IV''.

(2) U.S.–RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking ''court'' and inserting ''courts'';

(B) in section 177(a), by striking the comma before ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact,'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the first sentence of subsection (b), by striking ''Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights'' and inserting ''Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)''; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking ''Section 231'' and inserting ''section 231''; and

(ii) in paragraph (5), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security'';

(F) in the second sentence of section 232, by striking ''sections 103(m)'' and all that follows through ''(January 14, 1986)'' and inserting ''section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003'';

(G) in the first sentence of section 341, by striking ''Section 141'' and inserting ''section 141'';

(H) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(I) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(J) in the first sentence of section 443, by inserting '', as amended.'' after ''the Compact'';

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking ''1978'' and inserting ''1998''; and

(ii) by striking ''Telecommunications'' and inserting ''Telecommunication Union''; and

(L) in section 463(b), by striking ''Article'' and inserting ''Articles''.

**SEC. 807. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

Section 111(e)(2) of title 17, United States Code, is amended by striking ''or the Trust Territory of the Pacific Islands'' and inserting ''the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands''.

**SEC. 808. PALAU ROAD MAINTENANCE.**

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

**SEC. 809. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.**

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term ''State'' means ''State, territory, or the District of Columbia''.

**SEC. 810. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.**

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) TURKEY.—To the Government of Turkey—

(A) the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14); and

(B) the OSPREY class minehunter coastal ship BLACKHAWK (MHC–58).

(2) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships CORMORANT (MHC–57) and KINGFISHER (MHC–56).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of enactment of this Act.

Mr. BINGAMAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Madam President, I know the Senator from Washington, Mrs. MURRAY, is waiting to speak, and I will not take much time except to say Senator DOMENICI and I obviously had tremendously good help from our staffs. They worked long and hard to put this legislation together and get it into a form where it could be considered by the Senate.

We will seek time later this afternoon to elaborate as to the individual members of our staffs who participated and to thank them for their good work.

I will yield the floor and allow Senator MURRAY and Senator CANTWELL to speak as provided in the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank my colleague from New Mexico for his tremendous work. I rise to thank all of my colleagues for supporting the public lands and natural resources package that was just passed by the Senate.

I, like many of my colleagues, have a vested interest in this bill. It contains my Wild Sky Wilderness Act which will designate over 100,000 acres as wilderness. This proposal is the result of almost 9 years of work by myself and Congressman LARSEN of my home State. It has the support of the vast majority of the communities around the area, as well as outdoor enthusiasts, area businesses, and literally thousands of Washington State residents.

Congressman LARSEN and I began working on Wild Sky back in 1999 because we were troubled by the rapid growth in Seattle and surrounding areas. We are so fortunate in our State to have unique and beautiful natural landscapes from the peaks of the Cascade Mountains, the northwest rain forest, the Olympic Peninsula to the mighty Columbia River. But many of our special lands could be jeopardized if we do not take action to preserve them now.

The Wild Sky Wilderness area will ensure that 106,000 acres of rolling hills, rushing rivers, and low-elevation forest in Washington State's Mount Baker-Snoqualmie National Forest are going to be preserved for generations to come.

I am immensely proud of this legislation. The Wild Sky Wilderness area is just 90 minutes away from downtown Seattle. It will give more than 2.4 million from Snohomish, King, and Skagit Counties easy access to hike and camp in a distinctive northwest landscape, it will preserve unique low elevation ecosystems, and it is going to give the surrounding towns a great economic boost by increasing the number of visitors.

I am especially proud because so many people in Washington State are so excited about this wilderness proposal. Newspapers have endorsed it in more than 50 editorials, and more than 200 newspaper articles, op-eds, and letters to the editor have raved about it.

This is the fourth time the Senate has considered this bill. Wild Sky in the past has passed the Senate unanimously three times because we saw the value of this wilderness proposal and recognized that this bill is something my State supports.

Last year, for the first time, Wild Sky passed the House, and now passing the Senate, we are so close to making this truly a reality.

With that in mind, I want to take a few minutes to share with my colleagues what they just did. I want them to see some of the benefits this bill offers my home State of Washington and why people in my State are so eager to create the Wild Sky Wilderness.

Since the days when Native people and early settlers harvested salmon and timber from our streams and forests, people who live in Washington State have recognized the importance of our natural heritage. We have a great tradition in my State of respecting and enjoying the natural beauty that surrounds us.

Washington State is home to tremendously natural resources, and we have a proud history of embracing our national parks and our forests. The Wild Sky area is already being enjoyed by many of our citizens who hike or hunt or raft or camp there. And since we proposed designating it as wilderness, literally thousands of people have written Congressman LARSEN and me to share their support. Many of those writers told personal stories about their experiences in the Wild Sky area.

Mike Town is a high school science teacher from Duvall, WA. He described introducing his students to a wild salmon spawning site near the Wild Sky Wilderness. Because that river's headwaters are in the proposed wilderness area, the water is still so pristine there that salmon are able to thrive, and today it is the one of the few places left in the Cascades where spawning salmon are still so numerous you could actually walk across the river on their backs.

Mike called that river one of the greatest spectacles in nature, and he said to me:

I cherish the belief that with federal protection for this area, my teenage students will have the ability to share the experience of spawning wild salmon with their grandchildren.

So the first reason we are so excited about Wild Sky is because it reflects the values of the people of Washington State.

But another reason this bill has so much support is because we worked hard to accommodate the needs of the users of this area. Very early on in the process, we reached out to all the local stakeholders to gauge their interest and ask if they had any concerns, and we were able to work with them and address many of the issues they raised.

We worked with Longview Fibre, a paper company that had some land in the proposed boundary. As a result, we were able to draw out certain areas and prioritize others that the company was willing to sell.

We heard from local and State snowmobile groups concerned that the boundaries of our original proposal would shut out important riding areas. So we took out a vast majority of those areas.

We ensured that float planes still have access to Lake Isabel.

We worked with the Forest Service and excluded heavily used areas around Barclay Lake and the only two areas where timber sales were being considered.

We made sure that Snohomish County and the Forest Service were comfortable with the emergency communication capability in and around the wilderness area.

And last winter, massive floods altered the path of the Skykomish River and displaced and destroyed parts of that road that provides access through our proposed wilderness area. So Congressman LARSEN and I got back together and brought together Snohomish County, the Forest Service, and local advocates to responsibly adjust the boundaries of this wilderness to make sure the road could be rebuilt and remain open for future use.

Thanks to all of this work, we have the support now of many of the locally elected officials and most of the surrounding towns and counties. Local conservation, hunting, and fishing groups back this bill. The Seaplane Pilots Association and many local businesses endorse it, and the Under Secretary of Natural Resources for the Forest Service, Mark Rey, said the President will sign this bill.

Even though many people in Washington State understand and appreciate the value of wilderness, this bill has a lot of support because we were also willing to work with the diverse groups of people who have an interest in how this land is used. This truly was a public process.

Although we, of course, could not meet every single need, we have made every effort to accommodate everyone who engaged in this process, and thanks to this effort, this bill is an example of wilderness done the right way.

I wish to talk about the benefits of Wild Sky because I am so excited about what it offers people who live in my State and those who visit. Several years ago, I took a trip through the area where the Wild Sky Wilderness would be. It is very hard to put into words how beautiful this stunning, amazing area is that is 90 minutes from downtown Seattle.

A significant part of this wilderness is seemingly endless expanses of meadows. Rolling mountains can be seen that are covered with stands of huge old moss-covered trees, and some of those trees are over 100 years old. From the ridges, you have incredible views of the western slopes of the Cascade Mountains.

This area is so unique. And one of the things that makes it unique is its relatively low elevation. About one-third of Wild Sky is below 3,000 feet. So the Wild Sky Wilderness area is going to bring new ecological systems into our wilderness lands that are underrepresented right now.

Wild Sky links our forests and meadows and steep craggy peaks, as you can see, and it is going to create a protected habitat corridor for all the wildlife living in this area. We have wolves and mountain goats, black and grizzly bears, and deer and trout.

Salmon spawning grounds teeming with fish—just like the one my town's science teacher showed his students—used to be very common, but today many of those species are struggling to survive. So at a time when we are asking private landowners to assist in recovering wild fish runs, I believe the Federal Government ought to do everything it can on its own land to help protect and restore that wildlife habitat.

Secondly, Madam President, the Wild Sky Wilderness is going to offer us great new recreational opportunities for people in a growing region. Wild Sky is unusually accessible because of its low elevation, and it is near an urban area. So families looking for a quick and easy access to nature are going to be able to enjoy this very pristine land. Climbers and hikers, hunters and anglers have already sent us letters and e-mails talking about the opportunities that Wild Sky offers.

Mark Heckert, who is a fish and wildlife biologist from Puyallup, wrote to me that he has taken his two sons to camp and hunt and fish in this area. He wrote me about how much he values the outdoors and said he hopes to secure the Wild Sky Wilderness for his children to enjoy. He said to me:

Wild landscapes like those provided in the Wild Sky provide the stage for a generational right of passage where young boys and girls can discover their connection to our land.

Creating this Wild Sky Wilderness is going to ensure that Mark and his sons can return to Wild Sky in the years to come.

Finally, Madam President, hikers, climbers, rafters, hunters, and anglers who visit us in the Puget Sound area—and I invite everyone who is listening to come and enjoy Wild Sky—will spend their money as they travel through this area. Recreational enthusiasts will see Wild Sky in the future listed on maps and guide books as a special destination, and those tourists will come and stay in our hotels and our campgrounds and eat in our restaurants and use local guides and outfitters.

In recent years, the outdoor recreation business appears to have stayed healthy, even during bad economic times, and Wild Sky is going to help contribute to that in the future. And, again, I invite all who are listening to come and enjoy this beautiful place that you saw get voted on here in the Senate this afternoon.

Madam President, those are just a few of the benefits of this Wild Sky Wilderness. We have done a lot of hard work on this bill in the last 8 years, and we couldn't have done it without the help of a lot of people. So let me take the last few minutes and thank all of the people across my State and here in the Senate who have worked so hard to get this bill done.

I thank Chairman BINGAMAN and his great staff, especially Bob Simon and David Brooks, for their help and their unwavering support of Wild Sky throughout all the years.

I thank Senator DOMENICI, who is leaving us this year to retire. Without him and his hard work on this bill, we wouldn't be here today.

I thank Senators CRAPO and MURKOWSKI for all they did over the past weeks and months to move this package forward. I couldn't have gotten here—we couldn't have gotten here—without their hard work.

I thank many of my staff members, especially Doug Clapp, who helped me originally develop this bill many years ago; Jaime Shimek, Evan Schatz, and Mike Spahn. I can't even begin to say all the names of my staff members who over the years have worked with us as we have developed this bill and gotten it over the finish line. I thank all of them.

I recognize the hard work and support of Congressman LARSEN and his staff, Senator CANTWELL and her staff. She is on the Senate floor this afternoon as well and serves on the committee. I could not have done it without her help and support. I know she has climbed into the Wild Sky and seen it as well as I have and is as excited as I am to be out there to see this completed.

I thank Under Secretary Mark Rey of the administration, who supported this bill for many years.

But above all, Madam President, I thank the people of my home State of Washington who have worked tirelessly to bring this idea from a proposal on a

piece of paper 9 years ago to legislation that was passed in the Senate this afternoon.

I am going to be back when the President signs this bill into law and thank a broader list of people who have been so essential, but as I finish this afternoon I want to note the work of Tom Uniack and Mike Town, and I thank them personally for all their work. They have been so willing to listen and to answer questions and to give tours of the Wild Sky country and have worked with us every step of the way.

Tom and Mike, thank you. All your hard work has paid off, and we now have passed in the Senate a very popular bill.

Wild Sky is going to help my State take a great step forward in protecting our environment. It is going to enhance our economy, it is going to improve our recreational opportunities, and I can tell you, people from my State are eager to get this bill through the House quickly and on to the President's desk to be signed.

We took a major step forward toward this goal today, and, again, I invite all of you who are listening to come to the State of Washington and visit Wild Sky.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I rise to speak a few minutes about the public lands bill we just voted out of the Senate with a pretty resounding majority of Members.

Within that public lands bill we just voted on is the only wilderness designation, the one my colleague from Washington just described—the Wild Sky Wilderness area. And I am here to not only congratulate her on this important legislation but to also speak because so much was said prior to the vote about why we would have such legislation on the Senate floor, and about the issue of Federal lands in individual States.

I think my colleague from Washington just articulated exactly why such an important piece of legislation is needed, the fact that it is the designation of a wilderness area that she has been trying to get ever since I have been in the Senate. In fact, she mentioned 9 years she has been working on that legislation. Since at least 2001, I have seen this legislation in various forms move through either the House or the Senate. I am sure her enthusiasm today is about the prospect of the Senate and the House, under Democratic control, actually getting this legislation passed.

But let me make a couple of points because my colleague, Senator MURRAY, brought up this issue, the specifics of Wild Sky's designation. It is a beautiful place. I have had the opportunity to hike there and to see the beauty firsthand. But people don't understand the designation of these Federal lands. I will say right now that I know how much Federal land is in Washington State. We have 12.2 million acres out of over 42 million acres. That is 29 percent of our State. I understand other States may not like that kind of designation, but for us in Washington State it has been part of our lifestyle and part of what we want to preserve.

In fact, Mount Rainier, one of our most visited special places, over 1 million people visit it on an annual basis. And a little company some people may have heard of, REI, based in Seattle, has outdoor recreational gear and does about $1 million worth of business annually. So there are people who very much believe in the outdoors.

I am sure the Presiding Officer knows very well that the beauty of special places is worth preserving, and it is a great boon to our economy.

Senator MURRAY did an unbelievable job in shepherding this legislation through the Senate and working with her colleague in the House, Congressman LARSEN, now for 7 years. There were many times in which she could have gotten detoured by various Members. Actually, this has passed three times in the Senate on the consent calendar but has been either delayed in the House or a Member held it up, and really held up an opportunity for many people to enjoy what our State has, in a very bipartisan way, been supporting.

In Washington State, many people are conservationists. Before they are Republicans or Democrats or Independents, they are conservationists first. Senator MURRAY has had to persevere with this legislation through various individual Members holding it up. So I say a special thanks to her. And I know if Scoop Jackson were alive, Scoop Jackson would be here to also congratulate her, as someone who did the original wilderness designation. She would be very honored to know that someone such as Scoop, in writing this original legislation, had the issues of Wild Sky very much in mind.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has spoken for 3 minutes.

Ms. CANTWELL. Madam President, I ask unanimous consent for an additional 1 minute.

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

Ms. CANTWELL. Madam President, I want to also mention another piece of the underlying legislation because, again, some people have questioned, why do a public lands bill of this nature. Another piece of this legislation that I have worked on with my colleague, Congressman INSLEE of Bainbridge Island in our State, is to preserve an area known as the Eagledale Ferry Dock site on Bainbridge Island as a unit of the national monument designation under our national park system.

People may say, well, why designate this particular area? During World War II, over 120,000 Japanese Americans were forced into internment camps, and the first place from which they were forced to leave and to go to the internment camps was from this site on Bainbridge Island in Washington State. On March 30, 1942, 227 residents of Bainbridge Island were asked to report to this ferry dock site and were taken to internment camps in Minidoka, ID, and Tule Lake in northern California.

So this is what this lands bill is about. It is about protecting wilderness and making designations of sites that should be remembered. So I am very proud we got this bill off the floor, and I hope we will see immediate action by the House.

I thank the Chair.

## EXECUTIVE SESSION

### NOMINATIONS OF BRIAN STACY MILLER, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS; JAMES RANDAL HALL, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA; JOHN A. MENDEZ, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA; STANLEY THOMAS ANDERSON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE; AND CATHARINA HAYNES, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT OF TEXAS.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Brian Stacy Miller, of Arkansas, to be United States District Judge; James Randal Hall, of Georgia, to be United States District Judge; John A. Mendez, of California, to be United States District Judge; Stanley Thomas Anderson, of Tennessee, to be United States District Judge; and Catharina Haynes, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I am honored to recommend Brian Miller for confirmation as a Federal judge of the Eastern District of Arkansas.

Without hesitation, the Judiciary Committee confirmed Judge Miller on March 6. During the confirmation process, they learned what many Arkansans already know—Judge Miller has presided and will continue to preside with impartiality and integrity.

In my mind, Judge Miller has all the tools to be a great judge. I have reviewed his work and have been impressed with his record. His broad range of experience in civil and criminal matters, representing both sides of the law, is extraordinary. He exemplifies the proper credentials as well as