

weather. For example, 300 years ago, before Christopher Columbus crossed the Atlantic Ocean in search of India, Polynesians boarded double-hulled canoes and sailed north seeking a place called Havaiki. These ancient voyagers found Havaiki and settled there and slowly built their society and government. A kingdom emerged and a monarchy grew to gain the respect of nations around the world. The kingdom of Hawaii entered into treaties with the United Kingdom, France, Japan, and the United States. That kingdom was overthrown with the assistance of the U.S. military forces. But the Congress of the United States, realizing that the takeover was not done in a democratic fashion, recently issued an official apology to the people of Hawaii. It takes a great country like America to admit its wrongs.

Hawaii's location in the middle of the Pacific between the U.S. mainland and the nations of Asia has made it a major center of military defense for the United States. Pearl Harbor serves as a critical naval outpost, allowing our fleet to connect to the United States, Asia, and other Pacific nations. So critical is Pearl Harbor's location to our national defense that it was targeted by our enemies at the beginning of World War II. The bombing of Pearl Harbor on December 7, 1941, brought the United States into World War II and revealed the loyalty the people of Hawaii had for the United States and the sacrifices they were willing to make for their country. Thousands upon thousands of young men from Hawaii volunteered to serve in the U.S. Army during World War II. Senator DAN AKAKA and I were two of the volunteers.

Nearly 8 billion visitors from around the world each year are drawn to Hawaii's breathtaking beaches, scenic sites, and unique culture. Hawaii is home to one-fourth of the endangered species in the United States. We have eight national parks, including the Hawaii Volcanoes National Park, which is the home to Kilauea, the most active volcano on Earth. Hawaii has truly added to the diversity and richness of the United States—culturally, racially, ecologically, and geographically.

Today, the Congress of the United States celebrates Hawaii as the 50th State to enter the Union.

Mr. AKAKA. Mr. President, I rise to speak on the resolution offered by my colleague and dear friend, Senator INOUE, and passed by this body. It is a resolution honoring the historic milestone of Hawaii's 50th anniversary of statehood.

In the center of the Pacific on islands rising from the bottom of the ocean, Hawaii joined our great and diverse Nation as its 50th State 50 years ago. Similar to the 49 States that came before it, Hawaii has something unique to share with the world.

Everyone who is born in Hawaii or comes to Hawaii embraces the aloha spirit as a value and way of life. The

aloha spirit is good for the United States and it is good for the world.

I was a teacher at Kamehameha Schools when Congress voted to make Hawaii the 50th State in March of 1959. Fire crackers and sirens went off across the island of Oahu in celebration. The bells at historic Kawaihau Church started to ring and hundreds of people gathered there.

The next day, the newspaper headlines hailed the good news. My brother, Rev. Dr. Abraham Akaka, who was minister at Kawaihau Church, delivered the sermon. Brother Abe named Hawaii "The Aloha State," and 50 years later we still call it that.

I would like to quote a few words my brother said on that historic day in March of 1959:

Aloha consists of this new attitude of heart, above negativism, above legalism. It is the unconditional desire to promote the true good of other people in a friendly spirit, out of a sense of kinship. Aloha seeks to do good, with no conditions attached. We do not do good only to those who do good to us. One of the sweetest things about the love of God, about Aloha, is that it welcomes the stranger and seeks his good. A person who has the spirit of Aloha loves even when the love is not returned. And such is the love of God.

This is the meaning of aloha, Hawaii's gift to the cultural fabric of the United States and the world.

While we celebrate this landmark anniversary next month, we must remember that the privileges of statehood came with obligations. Hawaii and the United States have a sacred trust relationship with the indigenous people of Hawaii that still remains to be fulfilled.

In admitting Hawaii as the 50th State, Congress and the people of Hawaii have recognized the importance of addressing the needs of Native Hawaiians and preservation of their culture and traditions. I am proud to continue this legacy as we move forward with that promise.

I congratulate Hawaii and its people on 50 years of statehood. I am proud to represent this great State in the Senate.

MIAMI DADE COLLEGE LAND CONVEYANCE ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 838 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 838) to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

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

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 838) was ordered to a third reading, was read the third time, and passed.

AMENDMENTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 19, introduced earlier today.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 19) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

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

Mr. CARDIN. Mr. President, today the Senate will adopt the final measure required to authorize \$3 billion in dedicated Federal and local funding for the Washington, DC, regional Metrorail system. Today, the Senate will give its consent and approval to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

This compact amendment, jointly agreed to by Maryland, Virginia and DC, makes the changes required by Federal legislation enacted last year which authorizes capital and preventive maintenance projects for the Washington Metro system.

A joint resolution of Congress is needed to authorize any changes in interstate compacts. This resolution which I introduced today with my colleagues, Senators MIKULSKI, WEBB and WARNER, simply provides that necessary congressional consent.

The National Capital Transportation Amendments Act, often referred to as the Metro funding bill, was included as title VI of Division B of PL 110-432, legislation requiring significant improvement to rail safety nationally. The Metro funding bill authorizes \$1.5 billion over 10 years for capital and preventive maintenance of the Metro system. It prohibits these funds from being used for system expansion, which requires separate authorization.

The Metro funding bill includes three provisions requiring changes to the regional compact that governs the system. First, it requires an expansion of the governing board to include two Federal members with voting rights. Second, it requires that the non-Federal jurisdictions provide dedicated

funding to match, dollar for dollar, Federal funds. Finally, the legislation requires a change in the governing compact to establish an Office of Inspector General for the system.

The jurisdictions acted with great speed, enacting these changes to the compact during their legislative sessions this spring. On June 17th they jointly sent a letter to Chairman LEAHY and Ranking Member SESSIONS requesting the Congress's consent to the changes that the jurisdictions have approved.

Today we will provide our consent to these compact amendments and in so doing we have adopted the final measure required to authorize \$3 billion in dedicated Federal and local funding for the Washington, DC, regional Metrorail system.

Earlier today, I spoke on the Senate floor about the horrible tragedy that claimed nine lives on the Metrorail system. I offered my condolences to those who lost loved ones. I also took note of the unique Federal responsibility we have for the Metro system, which is really America's subway. During rush hour, more than 40 percent of Metro riders are Federal employees.

Today we mourn those lost in a tragic accident. But we must do more than extend our sympathy. We must also act. That is why I am proud to have offered the resolution adopted by the Senate today, and why I will continue to fight to ensure that this body is doing everything it can so that a similar tragedy is never repeated.

Mr. BROWN. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (S. J. Res. 19) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S. J. RES. 19

Whereas Congress in title VI of the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110-432) authorized the Secretary of Transportation to make grants to the Washington Metropolitan Area Transit Authority subject to certain conditions, including that no amounts may be provided until specified amendments to the Washington Metropolitan Area Transit Regulation Compact have taken effect;

Whereas legislation enacted by the State of Maryland (Chapter 111, 2009 Laws of the Maryland General Assembly), the Commonwealth of Virginia (Chapter 771, 2009 Acts of Assembly of Virginia), and the District of Columbia (D.C. Act 18-0095) contain the amendments to the Washington Metropolitan Area Transit Regulation Compact specified by the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110-432); and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

“(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

“(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide: ‘I, hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.’”

(2) Subsection (a) of section 9 is amended to read as follows:

“(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at

the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.”

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

“(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.”

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

“(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110-432 regarding funding of capital and preventative maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

“(2) For the purposes of this paragraph (d), a ‘dedicated funding source’ means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110-432 for payments to the Authority.”

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved. The consent granted by this Act shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

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

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

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. The Senate is in a period of morning business.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 2010—CONTINUED

Mr. REID. Mr. President, I ask unanimous consent that the Chair report the legislation we are now working on. The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion that is already at the desk.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Dorgan substitute amendment No. 1813 to H.R. 3183, the Energy and Water Development Appropriations Act for Fiscal Year 2010.

Byron L. Dorgan, Herb Kohl, Sherrod Brown, Dick Durbin, Jon Tester, Mark Begich, Dianne Feinstein, Tom Udall, Jeff Bingaman, Robert P. Casey, Jr., Daniel K. Akaka, John Kerry, Mark Pryor, Patty Murray, Jack Reed, Daniel K. Inouye, Harry Reid.

CLOTURE MOTION

Mr. REID. Mr. President, I have another cloture motion at the desk.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 3183, the Energy and Water Development Appropriations Act for Fiscal Year 2010.

Byron L. Dorgan, Herb Kohl, Sherrod Brown, Dick Durbin, Jon Tester, Mark Begich, Dianne Feinstein, Tom Udall, Jeff Bingaman, Robert P. Casey, Jr., Daniel K. Akaka, John Kerry, Mark Pryor, Patty Murray, Jack Reed, Daniel K. Inouye, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

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

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Governors' Representatives on Colorado River Operations related to language included in the report to accompany the House Energy and Water Development and Related Agencies Appropriations Act, 2010, H.R. 3183.

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

GOVERNOR'S REPRESENTATIVES ON COLORADO RIVER OPERATIONS: STATES OF ARIZONA, CALIFORNIA, COLORADO, NEVADA, NEW MEXICO, UTAH AND WYOMING,

July 27, 2009.

Hon. HARRY REID,

U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: the undersigned Governor's Representatives on Colorado River Operations (States) are writing to express our serious concerns about recommendations contained in the committee report on H.R. 3183, the FY 2010 Energy and Water Development Appropriations Bill, relating to operations of Glen Canyon Dam on the Colorado River. The relevant language in the committee report on H.R. 3183, states:

"Glen Canyon Dam. The Committee continues to support the goals of the Grand Canyon Protection Act (GCPA) and the resulting duties placed upon the Bureau of Reclamation. However, the Committee is concerned that many of the procedural requirements in the GCPA and Charter for the Glen Canyon Dam Adaptive Management Work Group are being disregarded. The result appears to be that Federal responsibilities have been neglected and public transparency compromised. Specifically, the Committee strongly encourages that the Bureau of Reclamation, in cooperation and concurrence with the National Park Service, revisit the Operating Criteria for Glen Canyon Dam. The five-year review required by the Operating Criteria should be an open public process consistent with the GCPA and 1997 Operating Criteria requirements (62 FR 9447-9448)."

The Glen Canyon Adaptive Management Work Group (AMWG) is a the federal advisory committee that includes 26 representatives from multiple federal agencies, the Colorado River Basin States, tribes, recreation interests, power customers and environmental organizations. It was authorized in the Grand Canyon Protection Act of 1992 to provide the Secretary of the Interior advice and recommendations relative to the operation of Glen Canyon Dam. The States continue to support the AMWG collaborative stakeholder process and are also supportive of the Bureau of Reclamation's reporting on Glen Canyon Dam operations consistent with the Grand Canyon Protection Act and the Colorado River Basin Project Act of 1968.

However, the States strongly disagree with the assertion in the committee report that "federal responsibilities have been neglected and public transparency compromised" and strongly oppose giving the National Park Service an elevated role in the AMWG or a new role in determining the operations at or Operating Criteria for Glen Canyon Dam.

Under existing law, the Bureau of Reclamation is the lead agency in establishing and reviewing the Operating Criteria for Glen Canyon Dam and developing the Annual Operating Plan. The language contained in the committee report would create a grave imbalance among the stakeholders by requiring the "concurrence" of the National Park Service relative to Glen Canyon Dam operations and effectively give this single purpose federal agency veto authority over the operation of a facility that is critical to maintaining a stable and dependable water supply for over 30 million people in the western United States. The States are concerned that the Committee's recommendations may have been based on less than complete information and believe that significant changes in the responsibilities of federal agencies with regard to dam operations on the Colorado River, such as those proposed in the committee report, should not be made without a full discussion among stakeholders and affected agencies.

Finally, as you may not know, a number of issues relating to the Grand Canyon Protection Act and the operations of Glen Canyon Dam are currently the subject of litigation. For this additional reason, the States do not believe it is appropriate for Congress to make recommendations for changes in the process and roles of the federal agencies with respect to Colorado River water management at this time and through this mechanism.

We urge you to work to ensure that the recommendations in the committee report on H.R. 3183 do not become part of the final House/Senate report on the FY 2010 Energy and Water Development Appropriations Bill.

Sincerely,

HERBERT R. GUENTHER,
Director, Arizona Department of Water Resources.

DANA B. FISHER, JR.,
Chairman, Colorado River Board of California.

JENNIFER GIMBEL,
Director, Colorado Water Conservation Board.

PATRICIA MULROY,
General Manager, Southern Nevada Water Authority.

GEORGE CAAN,
Director, Colorado River Commission of Nevada.

JOHN D'ANTONIO,
Secretary, New Mexico Interstate Stream Commission.

DENNIS STRONG,
Director, Utah Division of Water Resources, Utah Interstate Stream Commissioner.

PATRICK TYRRELL,
State Engineer, State of Wyoming.

The following Colorado River contractors and utilities endorse the position of the Governor's Representatives on Colorado River Operations stated in this letter: City of Aurora; Central Arizona Water Conservation District; Coachella Valley Water District; Colorado River Water Conservation District; Colorado Springs Utilities; Denver Water; City of Grand Junction; Metropolitan Water District of Southern California; Northern Colorado Water Conservancy District; Board of Water Works of Pueblo, CO; Southeastern Colorado Water Conservancy District; Southwestern Water Conservation District; and Upper Colorado River Commission.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring of S. 1436, Energy and Water Development and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$33.8 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$19.8 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$43.2 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and for outlays.

The Senate-reported bill includes several provisions that make changes in mandatory programs that result in