

amendment No. 2491 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2498

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 2498 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2501

At the request of Mr. CRAPO, his name was added as a cosponsor of amendment No. 2501 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2530

At the request of Ms. MURKOWSKI, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2530 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2534

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 2534 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2535

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 2535 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2543

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 2543 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. TESTER, Mr. INOUE, Mr. AKAKA, Mr. BAUCUS, Mr. UDALL of New Mexico, Mr. BINGAMAN, and Mr. FRANKEN):

S. 1703. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I rise today to introduce a technical amendment to the Act of June 18, 1934.

On February 24, 2009, the Supreme Court issued its decision in the *Carcieri v. Salazar* case. In that decision the Supreme Court held that the Secretary of the Interior exceeded his authority in taking land into trust for a tribe that was not under Federal jurisdiction, or recognized, at the time the Indian Reorganization Act was enacted in 1934.

The legislation I am introducing today is necessary to reaffirm the Secretary's authority to take lands into trust for Indian tribes, regardless of when they were recognized by the Federal government. The amendment ratifies the prior trust acquisitions of the Secretary, who for the past 75 years has been exercising his authority to take lands into trust, as intended by the Indian Reorganization Act.

On May 21, 2009, the Senate Committee on Indian Affairs held a hearing to examine the executive branch's authority to take land into trust for Indian tribes. At that hearing, it became clear that Congress needs to act to resolve the uncertainty created by the Supreme Court's decision. Therefore, this legislation was developed in consultation with interested parties to clarify the Secretary's authority.

Inaction by Congress could significantly impact planned development projects on Indian trust lands, including the building of homes and community centers; result in a loss of jobs in an already challenging economic environment; and create costly and unnecessary litigation.

Further, if the decision stands, it would have the effect of creating two classes of Indian tribes—those who were recognized as of 1934, for whom land may be taken into trust, and those recognized after 1934 that would be unable to have land taken into trust status. Creating two classes of tribes is unacceptable and is contrary to prior Acts of this Congress. In 1994, Congress passed the Federally Recognized Indian Tribe List Act to ensure that all tribes are treated equally, regardless of their date of recognition.

I want to thank Senators TESTER, INOUE, AKAKA, BAUCUS, UDALL, BINGAMAN, and FRANKEN for their support on this legislation. My cosponsors are well aware of the resulting impact this decision could have on our Native American communities. Affected tribes deserve our timely consideration of this bill. I urge my colleagues to join me in supporting the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1703

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

SECTION 1. MODIFICATION OF DEFINITION.

(a) IN GENERAL.—Section 19 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), is amended—

(1) in the first sentence—

(A) by striking “The term” and inserting “Effective beginning on June 18, 1934, the term”; and

(B) by striking “any recognized Indian tribe now under Federal jurisdiction” and inserting “any federally recognized Indian tribe”; and

(2) by striking the third sentence and inserting the following: “In this section, the term ‘Indian tribe’ means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), on the date of enactment of that Act.

By Mr. NELSON, of Florida (for himself, Ms. SNOWE, and Mr. CARDIN):

S. 1704. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the World War II War Crimes Accountability Act of 2009. The bill seeks to hold the surviving Nazi war criminals accountable for their crimes by encouraging foreign governments to prosecute and extradite wanted criminals. I would like to thank my colleagues, Senators SNOWE and CARDIN, for supporting this important legislation.

The atrocities committed by the Nazis and their allies during the Second World War were vast and have helped shape the modern concept of crimes against humanity. After the war, some of the perpetrators of these heinous crimes escaped justice and have been living out their days as free men.

In an effort to bring these fugitives to justice, the Simon Wiesenthal Center and the Targum Shlishi Foundation of Miami, Florida launched “Operation: Last Chance” to help identify and facilitate the prosecution of the remaining unprosecuted Nazi war criminals and to assist governments in bringing Nazi war criminals to justice.

Among the Center's many open cases there is Alois Brunner, a key operative of Adolf Eichmann, who was responsible for the deportation of 47,000 Jews from Austria, 44,000 Jews from Greece, 23,500 Jews from France, and 14,000 Jews from Slovakia to Nazi death camps. He lived in Syria for decades and the Syrian government refused to

cooperate with international prosecution efforts. He was convicted in absentia for his crimes by France. He was born in 1912 and last seen in 2001. While it is doubtful that he is still alive, there is no conclusive evidence of his death.

Another case is that of Milivoj Asner, who served as the police chief of the city of Slavonska Pozega. During 1941 and 1942, Mr. Asner orchestrated the robbery, persecution and destruction of the local Serb, Jewish, and Gypsy communities, which culminated in the deportation of hundreds of civilians to Ustasha concentration camps, where most of the deportees were murdered. After his exposure in Operation: Last Chance, the former police chief later escaped once again to Klagenfurt, Austria where he currently resides.

Within our own government, the Office of Special Investigations at the Justice Department is tasked with identifying, investigating and denying refuge in the United States to the Nazi persecutors. As a result, the U.S. is the only country in the world to have won an "A" rating from the Simon Wiesenthal Center for effectiveness in pursuing justice for Holocaust crimes.

Yet despite the best efforts of the U.S. Government and tireless work of organizations like the Wiesenthal Center, some countries continue to harbor wanted Nazis and refuse to accept the extradition of Nazi criminals from other countries, including the U.S. This inaction is shameful.

It is incumbent upon us as Americans to honor the memory of those killed in the Holocaust and to pay tribute to the sacrifices of the men and women who fought and died in World War II. The last surviving Nazi war criminals are dying off. We must do everything in our power, including equipping our own government with important tools, to bring these war criminals to justice before it is too late.

The World War II War Crimes Accountability Act seeks to strengthen U.S. efforts by directing the Attorney General to assess a country's cooperation in prosecuting and extraditing war criminals when considering prospective countries for admission into the Visa Waiver Program. It also requires the President to issue an annual report describing such cooperation for countries seeking entry into or renewal of the Visa Waiver Program.

I believe that giving the administration this added review process will help encourage foreign governments to prosecute and extradite wanted criminals. I hope that others will join me in co-sponsoring this legislation and voting it into law.

Time is of the essence. Surviving Nazi war criminals are becoming increasingly rare. We must do all that we can before it is too late.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1711. A bill to amend the Internal Revenue Code of 1986 to provide tax in-

centives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I rise today to introduce three pieces of legislation: the Water Efficiency and Conservation Investment Act, S. 1711, the Water Efficiency, Conservation and Adaptation Act, S. 1712, and the Water Efficiency via Carbon Harvesting and Restoration Act, S. 1713.

Water is our world's most precious and important limited natural resource—access to water is vital for every person and life form on this planet. Albert Szent-Gyorgyi, a Hungarian Nobel Prize winning doctor, once said that "water is life's mater and matrix, mother and medium. There is no life without water."

While Nevada is blessed with beautiful desert landscapes and tremendous clean energy resources, we are not blessed with abundant water supplies. That is why I am introducing legislation together with my friend Senator ENSIGN and others that will: encourage Americans to use water more efficiently; ensure that future generations have access to adequate supplies of clean water; and convert water stealing invasive weeds to sequestered carbon and clean-burning fuels.

A lengthy drought is taking its toll on the Colorado River Basin states, especially Nevada, Arizona, and California. More than 30 million people rely on water from the Colorado River, which supplies Southern Nevada with 90 percent of its water. Water levels at Lake Mead, where water used by 1.9 million Nevadans is stored, have dropped by roughly 100 feet. If the drought in the Southwest continues the lake could dry up in the next 12 years, according to a study by the Scripps Institution of Oceanography.

Growing population, rising water demand, climate change induced disruptions to the water cycle, aging infrastructure, and water disputes all necessitate early action so the water resources we rely on today can be enjoyed by the next generation.

Even without considering the effects of climate change, the U.S. Global Change Research Program has identified many serious water supply conflicts in the Colorado River Basin states by 2025. Factoring in the USGCRP's projection that precipitation runoff will decrease in the Southwest by up to 40 percent in some areas over the next half century as a result of a changing climate, it is clear that immediate and constant attention is and will be necessary to address these water supply problems.

Legislation is urgently needed to promote greater water efficiency and create better financing options for improving our infrastructure to save, recycle and reuse water. Strong tax incentives to make our homes and yards more water efficient and to increase investments in extending the life of our

existing water supplies will help secure water scarce regions against the economic and health catastrophes that would occur if their water supplies were to run dry.

We need to invest meaningfully in planning for, adapting to and mitigating the effects of climate change on water supplies and water infrastructure with which Nevadans are becoming all too familiar. It is important that we start planning right away for a more secure water supply future.

Investing in water efficiency and adapting our water systems to a changing climate not only prepares us for the future, it also can save consumers hundreds of dollars on their water bills. Additionally, adequate funding for the legislation I am introducing today could create tens of thousands of jobs. A \$1 million direct investment in water efficiency is estimated to create between 15 and 22 jobs—more than double the jobs created by coal or oil investments.

Together, the Water Efficiency and Conservation Investment Act and the Water Efficiency, Conservation and Adaptation Act provide the right balance of tax incentives, financing and grant programs to begin formulating a national strategy to address these pressing needs and ensure that current and future Nevadans will have greater and more sustainable economic growth opportunities.

The Water Efficiency via Carbon Harvesting and Restoration Act also helps protect our water resources, and does much more. Invasive weeds and dangerous fuels buildup in Western landscapes have become recipes for disaster on a seemingly annual basis. The Bureau of Land Management has estimated that a single acre of salt cedar robs our watersheds of nearly a million gallons of water each year. The National Park Service has found that the infestation at Lake Mead National Recreation Area alone covers almost 7,000 acres. Removing the salt cedar from this one area would restore enough water to satisfy the needs of 72,000 Las Vegas residents.

At the same time, expansion of pinyon and juniper now covers up to 9 million acres of the public lands in the Great Basin, forming dense thickets impenetrable to most wildlife, and creating enormous wildland fire hazards.

Using biochar production technology, we can restore these impacted landscapes, while producing valuable products that can help address climate change through long term carbon sequestration, benefit agriculture and the environment by reducing the need for chemical fertilizers, and produce cleaner-burning fuels to help meet our Nation's energy needs. All of this can be achieved while saving billions of gallons of water, reducing the risks of hotter and more difficult to extinguish wildfires, and creating rural economic development opportunities.

Let me offer a brief description of how biochar technology works: the

woody material in invasive plants is heated in the absence of oxygen to produce biochar, as well as bio-oil and syngas which can then be used to power the production process. Biochar is nearly pure carbon, and when applied to landscapes and agricultural fields it has long-lasting benefits. It significantly improves soil quality, decreases fertilizer runoff, and increases plant health and crop yields. Studies have found that biochar is stable for hundreds if not thousands of years, keeping this carbon from being released into the atmosphere where it would contribute to climate change.

These bills will do much to extend the life of our water resources in the face of growing water demand and climate disruptions, while improving the health of ecosystems. Under these bills, Nevadans would have new options to save money on their water bills and new ways to make money by eliminating water-hungry invasive species. And, the low-cost financing options that will help communities adapt to drought and water scarcity due to global climate change will ensure sustainable economic growth and stimulate more green job creation.

As these bills move through the legislative process, I look forward to working with my colleagues to ensure that adequate attention is paid to the tremendous work our Nation must do so that future generations may enjoy a more secure and predictable clean water future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1711

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Efficiency and Conservation Investment Act of 2009”.

SEC. 2. RESIDENTIAL WATER EFFICIENCY CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code is amended by inserting after section 30D the following new section:

“SEC. 30E. RESIDENTIAL WATER EFFICIENCY CREDIT.

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified water efficiency property expenditures paid or incurred during such taxable year.

“(b) LIMITATION.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed \$750.

“(c) QUALIFIED WATER EFFICIENCY PROPERTY EXPENDITURES.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified water efficiency property expenditures’ means expenditures for qualified water efficiency property which is—

“(A) installed on or in connection with a dwelling unit located in the United States that is owned by the taxpayer (without re-

gard to whether any other person occupies such dwelling unit as a residence), and

“(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of such property.

“(2) QUALIFIED WATER EFFICIENCY PROPERTY.—The term ‘qualified water efficiency property’ means—

“(A) property which meets the national efficiency standards and specifications for residential water-using fixtures, appliances, and devices under the WaterSense program of the Environmental Protection Agency that are in effect on the date of purchase of such property, but only if such property improves water efficiency by no less than 20 percent over standard models of similar water-using fixtures and appliances as determined by the Administrator of such Agency, and

“(B) water efficient landscaping which is installed by a landscape irrigation professional certified by such WaterSense program and which reduces water use by no less than 50 percent, as certified by such professional.

“(3) STATE WATER EFFICIENCY STANDARDS.—In the case of a State that has mandatory water efficiency standards for any property that are more stringent than the standards and specifications described in paragraph (2), property installed on or in connection with a dwelling unit that is located in such State must meet such water efficiency standards of such State in order to be treated as qualified water efficiency property for purposes of this section.

“(d) SPECIAL RULES.—For purposes of this section—

“(1) JOINT OWNERSHIP OF WATER EFFICIENCY ITEMS.—

“(A) IN GENERAL.—An expenditure shall not fail to be treated as a qualified water efficiency property expenditure merely because such expenditure was made with respect to 2 or more dwelling units.

“(B) ALLOCATION OF EXPENDITURES.—In the case of an expenditure made with respect to 2 or more dwelling units, for purposes of determining the credit allowable under this section, such expenditure shall be allocated among such dwelling units in proportion to the amount of the expenditure made for each dwelling unit.

“(2) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of this section shall not be taken into account as income and shall not be taken into account as resources, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(3) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under subsection (a) for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(4) DENIAL OF DOUBLE BENEFIT.—

“(A) IN GENERAL.—No deduction or credit under any other provision of this chapter shall be allowed with respect to the amount of any qualified water efficiency property expenditure taken into account under this section.

“(B) REBATE PROGRAMS.—The amount of any qualified water efficiency property expenditure for which an individual is reimbursed under any Federal government pro-

gram shall not be taken into account for purposes of determining the credit under subsection (a) with respect such individual.

“(e) APPLICATION WITH OTHER CREDITS.—

“(1) BUSINESS CREDIT.—

“(A) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

“(B) DISALLOWANCE OF DEPRECIATION.—In the case of an expenditure for property described in subparagraph (A) with respect to which a credit is allowed under section 38(b) by reason of such subparagraph, the depreciation allowance for such property in all taxable years shall be zero and no deduction shall be available under section 167 with respect to such property.

“(2) PERSONAL CREDIT.—

“(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

“(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

“(i) the sum of the regular tax liability (as defined in section 26(b)), plus

“(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, 30, 30B, and 30D) and section 27 for the taxable year.

“(f) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2014.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking “and 30D” and inserting “, 30D, and 30E”.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting “30E,” after “30D.”

(3) Section 25B(g)(2) of such Code is amended by striking “and 30D” and inserting “30D, and 30E”.

(4) Section 904(i) of such Code is amended by striking “and 30D” and inserting “30D, and 30E”.

(5) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30E(d)(3).”.

(6) Section 1400C(d)(2) of such Code is amended by striking “and 30D” and inserting “30D, and 30E”.

(c) CREDIT TO BE PART OF BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “, plus”, and by adding at the end the following new paragraph:

“(36) the portion of the residential water efficiency credit to which section 30E(e)(1) applies.”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 30D the following new item:

“Sec. 30E. Residential water efficiency credit.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 3. NEW WATER EFFICIENT HOME CREDIT.

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 45R. NEW WATER EFFICIENT HOME CREDIT.

“(a) **ALLOWANCE OF CREDIT.**—For purposes of section 38, in the case of an eligible contractor, the new water efficient home credit for the taxable year is an amount equal to \$1,500 for each qualified new water efficient home which is—

“(1) constructed by such eligible contractor, and

“(2) acquired by a person from such eligible contractor during the taxable year.

“(b) **DEFINITIONS.**—For purposes of this section—

“(1) **ELIGIBLE CONTRACTOR.**—The term ‘eligible contractor’ means a person who is certified as a builder partner under the WaterSense program of the Environmental Protection Agency and who is—

“(A) the person who constructed the qualified new water efficient home, or

“(B) in the case of a qualified new energy efficient home which is a manufactured home, the manufactured home producer of such home.

“(2) **QUALIFIED NEW WATER EFFICIENT HOME.**—The term ‘qualified new water efficient home’ means a dwelling unit—

“(A) located in the United States,

“(B) the construction of which is substantially completed after the date of the enactment of this section, and

“(C) which is certified by the Environmental Protection Agency as complying with the Final Water-Efficient Single-Family New Home Specification issued by such Agency.

“(3) **CONSTRUCTION.**—The term ‘construction’ includes substantial reconstruction and rehabilitation.

“(4) **ACQUIRE.**—The term ‘acquire’ includes purchase.

“(c) **CERTIFICATION.**—

“(1) **METHOD OF CERTIFICATION.**—A certification described in subsection (b)(2)(C) shall be made in accordance with guidance prescribed by the Secretary, after consultation with the Administrator of the Environmental Protection Agency. Such guidance shall specify procedures and methods for calculating water and cost savings.

“(2) **FORM.**—Any certification described in subsection (b)(2)(C) shall be made in writing in a manner which specifies in readily verifiable fashion the water efficient components (including toilets, faucets, other plumbing fixtures and appliances, hot water delivery, landscape design, and irrigation systems) installed and their respective rated water efficiency performance.

“(d) **BASIS ADJUSTMENT.**—For purposes of this subtitle, if a credit is allowed under this section in connection with any expenditure for any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

“(e) **COORDINATION WITH OTHER CREDITS.**—Expenditures taken into account under section 45L, 47, or 48(a) shall not be taken into account under this section.

“(f) **REBATE PROGRAMS.**—The amount of the credit allowed under subsection (a) to an eligible contractor with respect to any qualified new water efficient home shall be reduced, but not below zero, by the amount of any reimbursement which such contractor receives under any Federal government pro-

gram for the construction of such home or for expenditures relating to such construction.

“(g) **TERMINATION.**—This section shall not apply to any qualified new water efficient home acquired after December 31, 2014.”

(b) **CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.**—Section 38(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following new paragraph:

“(37) the new water efficient home credit determined under section 45R.”

(c) **CLERICAL AMENDMENT.**—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45R. New water efficient home credit.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to homes acquired after December 31, 2009.

SEC. 4. WATER CONSERVATION BONDS.

(a) **IN GENERAL.**—Section 54D of the Internal Revenue Code of 1986 is amended—

(1) by striking “energy conservation bond” each place it appears in subsections (a), (b), and (d), and inserting “energy and water conservation bond”,

(2) by inserting “**AND WATER**” after “**QUALIFIED ENERGY**” in the heading,

(3) by striking “State or local government” in subsection (a)(2) and inserting “State, local government, or water district”,

(4) by striking “\$3,200,000,000” in subsection (d) and inserting “\$4,000,000,000, of which not less than 20 percent shall be used for qualified conservation purposes described in subsection (f)(1)(F)”, and

(5) by adding at the end of subsection (f)(1) the following new subparagraph:

“(F) Expenditures incurred for purposes of—

“(i) reducing water consumption by a public building or facility by not less than 30 percent,

“(ii) advanced water metering infrastructure, including the purchase, installation, and commissioning of advanced water meters and related software and infrastructure,

“(iii) investigation, design, or construction of a qualified groundwater remediation, desalination, or recycled water facility or system,

“(iv) increasing energy efficiency or the generation and use of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater,

“(v) reducing water loss in a water distribution system, including training water system personnel, annual testing and calibration of meters, detecting and repairing leaks, and purchase and installation of related equipment, or

“(vi) establishing or improving a system for volumetric billing to enable utilities to base retail residential customer bills in whole or in part on the volume of metered water deliveries.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. ARBITRAGE RULES NOT TO APPLY TO PREPAYMENTS FOR ELECTRICITY.

(a) **IN GENERAL.**—Subsection (b) of section 148 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) **SAFE HARBOR FOR PREPAID ELECTRICITY SUPPLY CONTRACTS.**—

“(A) **IN GENERAL.**—The term ‘investment-type property’ does not include a prepayment under a qualified electricity supply contract.

“(B) **QUALIFIED ELECTRICITY SUPPLY CONTRACT.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term ‘qualified electricity supply contract’ means—

“(I) any contract entered into by a water or sewer utility to acquire electricity for the use of such utility in providing water or sewer services to its customers, if such contract provides that the provider of such electricity under the contract will use not less than 75 percent of the prepayment described in subparagraph (A) to acquire, construct, or improve a qualified renewable energy facility, and

“(II) any contract to acquire electricity which is not described in subclause (I) which the Secretary determines does not constitute property of the type intended to be described in paragraph (2)(D).

“(ii) **WATER OR SEWER UTILITY.**—The term ‘water or sewer utility’ means a utility which is a governmental unit or is owned by a governmental unit and which provides—

“(I) water for residential, commercial, irrigation, or industrial use, or

“(II) sewer services for residential, commercial, or industrial use, to retail or wholesale customers in the service territory of such utility.

“(iii) **QUALIFIED RENEWABLE ENERGY FACILITY.**—The term ‘qualified renewable energy facility’ means a qualified facility within the meaning of section 45(d) (without regard to paragraphs (8) and (10) thereof, to be placed in service date of such facility, and to the person who owns such facility) which is located in the United States.

“(iv) **USE OF WATER OR SEWER UTILITY.**—For purposes of clause (i)(I), a contract shall be treated as providing electricity for the use of a water or sewer utility if the sum of—

“(I) the total number of kilowatt hours of electricity purchased under such contract and any other contracts for the purchase of electricity by such utility in effect on the date of the execution of such contract, plus

“(II) the amount of electricity expected to be generated by any generating facilities owned and used by such utility,

does not exceed by more than 10 percent the total kilowatt hours of electricity expected to be used by such utility during the term of such contract for the purpose of providing water or sewer services to its customers or for resale to other water or sewer utilities for their use (and not for resale to any entity that is not a water or sewer utility).

“(C) **OTHER RULES.**—Rules similar to the rules of subparagraphs (D)(ii), (G), and (I) of paragraph (4) shall apply for purposes of this paragraph.”

(b) **PRIVATE LOAN FINANCING TEST NOT TO APPLY TO PREPAYMENTS FOR ELECTRICITY.**—Paragraph (2) of section 141(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking “or” at the end of subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting “, or”, and

(3) by adding at the end the following new subparagraph:

“(D) is a qualified electricity supply contract (as defined in section 148(b)(5)).”

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

By Mr. REID (for himself, Mrs. BOXER, and Mr. CARDIN):

S. 1712. A bill to promote water efficiency, conservation, and adaptation, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1712

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Efficiency, Conservation, and Adaptation Act of 2009”.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) human-induced climate change is affecting the natural water cycle, decreasing precipitation levels in the West, especially the Southwest, and making droughts and floods more frequent and more intense;

(B) declining precipitation levels will severely impact water supplies in Southwestern States; and

(C) a sharp increase in the number of days with very heavy precipitation throughout the Northeast and the Midwest will stress aging water infrastructure;

(2) changes in the water cycle caused by climate disruptions will adversely affect water infrastructure, energy production and use, human health, transportation, agriculture, and ecosystems, while also aggravating water disputes across the United States;

(3)(A) the Colorado River, which supplies water for over 30,000,000 people, is experiencing the worst drought in over 100 years of recordkeeping; and

(B) the primary reservoirs of the Colorado River Basin and Lakes Mead and Powell have lost nearly half of the storage waters of the reservoirs and Lakes, and clean hydropower generated from Hoover Dam risks reduction if the extended drought persists;

(4) States and local governments and water utilities can begin to address the challenges described in this section by providing incentives for water efficiency and conservation, while also planning and investing in infrastructure to adapt to the impacts of climate change, particularly those impacts already affecting the United States;

(5) residential water demand can be reduced by 25 to 40 percent using existing, cost-effective technologies that also can reduce the water bills of consumers by hundreds of dollars per year; and

(6) water and energy use are inseparable activities, and supplying and treating water consumes around 4 percent of the electricity of the United States, and electricity makes up 75 percent of the cost of processing and delivering municipal water.

SEC. 3. DEFINITION OF ADMINISTRATOR.

In this Act, the term “Administrator” means the Administrator of the Environmental Protection Agency.

SEC. 4. WATERSENSE.

(a) IN GENERAL.—There is established within the Environmental Protection Agency a WaterSense program to identify and promote water efficient products, buildings, landscapes, facilities, processes, and services so as—

(1) to reduce water use;

(2) to reduce the strain on water, wastewater, and stormwater infrastructure;

(3) to conserve energy used to pump, heat, transport, and treat water; and

(4) to preserve water resources for future generations, through voluntary labeling of, or other forms of communications about, products, buildings, landscapes, facilities, processes, and services that meet the highest water efficiency and performance criteria.

(b) DUTIES.—The Administrator shall—

(1) establish—

(A) a WaterSense label to be used for certain items; and

(B) the procedure by which an item may be certified to display the WaterSense label;

(2) promote WaterSense-labeled products, buildings, landscapes, facilities, processes, and services in the market place as the preferred technologies and services for—

(A) reducing water use; and

(B) ensuring product and service performance;

(3) work to enhance public awareness of the WaterSense label through public outreach, education, and other means;

(4) preserve the integrity of the WaterSense label by—

(A) establishing and maintaining performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

(B) overseeing WaterSense certifications made by third parties;

(C) conducting reviews of the use of the WaterSense label in the marketplace and taking corrective action in any case in which misuse of the label is identified; and

(D) carrying out such other measures as the Administrator determines to be appropriate;

(5) regularly review and, if appropriate, update WaterSense criteria for categories of products, buildings, landscapes, facilities, processes, and services, at least once every 4 years;

(6) to the maximum extent practicable, regularly estimate and make available to the public the production and relative market shares of, and the savings of water, energy, and capital costs of water, wastewater, and stormwater infrastructure attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services, at least annually;

(7) solicit comments from interested parties and the public prior to establishing or revising a WaterSense category, specification, installation criterion, or other criterion (or prior to effective dates for any such category, specification, installation criterion, or other criterion);

(8) provide reasonable notice to interested parties and the public of any changes (including effective dates), on the adoption of a new or revised category, specification, installation criterion, or other criterion, along with—

(A) an explanation of the changes; and

(B) as appropriate, responses to comments submitted by interested parties and the public;

(9) provide appropriate lead time (as determined by the Administrator) prior to the applicable effective date for a new or significant revision to a category, specification, installation criterion, or other criterion, taking into account the timing requirements of the manufacturing, marketing, training, and distribution process for the specific product, building and landscape, or service category addressed;

(10) identify and, if appropriate, implement other voluntary approaches in commercial, institutional, residential, industrial, and municipal sectors to encourage recycling and reuse technologies to improve water efficiency or lower water use; and

(11) if appropriate, apply the WaterSense label to water-using products that are labeled by the Energy Star program implemented by the Administrator and the Secretary of Energy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$7,500,000 for fiscal year 2010;

(2) \$10,000,000 for fiscal year 2011;

(3) \$20,000,000 for fiscal year 2012;

(4) \$50,000,000 for fiscal year 2013; and

(5) for each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

SEC. 5. STATE RESIDENTIAL WATER EFFICIENCY AND CONSERVATION INCENTIVES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means a State government, local or county government, tribal government, wastewater or sewerage utility, municipal water authority, energy utility, water utility, or nonprofit organization that meets the requirements of subsection (b).

(2) INCENTIVE PROGRAM.—The term “incentive program” means a program for administering financial incentives for consumer purchase and installation of water-efficient products, buildings (including new water-efficient homes), landscapes, processes, or services described in subsection (b)(1).

(3) RESIDENTIAL WATER-EFFICIENT PRODUCT, BUILDING, LANDSCAPE, PROCESS, OR SERVICE.—

(A) IN GENERAL.—The term “residential water-efficient product, building, landscape, process, or service” means a product, building, landscape, process, or service for a residence or its landscape that is rated for water efficiency and performance—

(i) by the WaterSense program; or

(ii) if a WaterSense specification does not exist, by the Energy Star program or an incentive program approved by the Administrator.

(B) INCLUSIONS.—The term “residential water-efficient product, building, landscape, process, or service” includes—

(i) faucets;

(ii) irrigation technologies and services;

(iii) point-of-use water treatment devices;

(iv) reuse and recycling technologies;

(v) toilets;

(vi) clothes washers;

(vii) dishwashers;

(viii) showerheads;

(ix) xeriscaping and other landscape conversions that replace irrigated turf; and

(x) new water efficient homes certified under the WaterSense program.

(4) WATERSENSE PROGRAM.—The term “WaterSense program” means the program established by section 4.

(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an allocation under subsection (c) if the entity—

(1) establishes (or has established) an incentive program to provide financial incentives to residential consumers for the purchase of residential water-efficient products, buildings, landscapes, processes, or services;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Administrator may require; and

(3) provides assurances satisfactory to the Administrator that the entity will use the allocation to supplement, but not supplant, funds made available to carry out the incentive program.

(c) AMOUNT OF ALLOCATIONS.—For each fiscal year, the Administrator shall determine the amount to allocate to each eligible entity to carry out subsection (d), taking into consideration—

(1) the population served by the eligible entity during the most recent calendar year for which data are available;

(2) the targeted population of the incentive program of the eligible entity, such as general households, low-income households, or first-time homeowners, and the probable effectiveness of the incentive program for that population;

(3) for existing programs, the effectiveness of the program in encouraging the adoption of water-efficient products, buildings, landscapes, facilities, processes, and services;

(4) any allocation to the eligible entity for a preceding fiscal year that remains unused and

(5) the per capita water demand of the population served by the eligible entity during the most recent calendar year for which data are available and the accessibility of water supplies to the eligible entity.

(d) **USE OF ALLOCATED FUNDS.**—Funds allocated to an eligible entity under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out an incentive program.

(e) **FIXTURE RECYCLING.**—Eligible entities are encouraged to promote or implement fixture recycling programs to manage the disposal of older fixtures replaced due to the incentive program under this section.

(f) **ISSUANCE OF INCENTIVES.**—

(1) **IN GENERAL.**—Financial incentives may be provided to residential consumers that meet the requirements of the applicable incentive program.

(2) **MANNER OF ISSUANCE.**—An eligible entity may—

(A) issue all financial incentives directly to residential consumers; or

(B) with approval of the Administrator, delegate all or part of financial incentive administration to other organizations, including local governments, municipal water authorities, water utilities, and nonprofit organizations.

(3) **AMOUNT.**—The amount of a financial incentive shall be determined by the eligible entity, taking into consideration—

(A) the amount of any Federal or State tax incentive available for the purchase of the residential water-efficient product or service;

(B) the amount necessary to change consumer behavior to purchase water-efficient products and services; and

(C) the consumer expenditures for onsite preparation, assembly, and original installation of the product.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$100,000,000 for fiscal year 2010;

(2) \$150,000,000 for fiscal year 2011;

(3) \$200,000,000 for fiscal year 2012;

(4) \$150,000,000 for fiscal year 2013;

(5) \$100,000,000 for fiscal year 2014; and

(6) for each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

SEC. 6. BLUE BANK FOR WATER SYSTEM MITIGATION AND ADAPTATION.

(a) **DEFINITIONS.**—In this section:

(1) **ABRUPT CLIMATE CHANGE.**—The term “abrupt climate change” means a large-scale change in the climate system that—

(A) takes place over a few decades or less;

(B) persists (or is anticipated to persist) for at least a few decades; and

(C) causes substantial disruptions in human and natural systems.

(2) **OWNER OR OPERATOR.**—

(A) **IN GENERAL.**—The term “owner or operator” means a person (including a regional, State, local, municipal, or private entity) that owns or operates a water system.

(B) **INCLUSION.**—The term “owner or operator” includes a non-Federal entity that has operational responsibilities for a federally owned water system.

(3) **WATER SYSTEM.**—The term “water system” means—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(B) a publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system;

(C) a decentralized wastewater treatment system for domestic sewage;

(D) a groundwater storage and replenishment system; or

(E) a system for transport and delivery of water for irrigation or conservation.

(b) **GRANTS.**—Beginning in fiscal year 2010, the Administrator shall make grants to owners or operators of water systems to address any ongoing or forecasted (based on the best available research and data) climate-related impact on the water quality or quantity of a region of the United States, for the purposes of mitigating or adapting to the impacts of climate change.

(c) **ELIGIBLE USES.**—In carrying out this section, the Administrator shall make grants to assist in the planning, design, construction, implementation, or maintenance of any program or project to increase the resiliency of a water system to climate change by—

(1) conserving water or enhancing water use efficiency, including through the use of water metering to measure the effectiveness of a water efficiency program;

(2) modifying or relocating existing water system infrastructure made or projected to be made inoperable by climate change impacts;

(3) preserving or improving water quality, including through measures to manage, reduce, treat, or reuse municipal stormwater, wastewater, or drinking water;

(4) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems;

(5) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the management, conveyance, or treatment of water, wastewater, or stormwater;

(6) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(7) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation), or water demand management technologies, projects, or processes (such as water reuse and recycling or adaptive conservation pricing) that maintain or increase water supply or improve water quality;

(8) modifying or replacing existing systems or constructing new systems for existing communities or land currently in agricultural production to improve water availability, storage, or conveyance in a manner that—

(A) promotes more efficient use of available water supplies; and

(B) does not further exacerbate stresses on ecosystems;

(9) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use, including on land currently in agricultural production;

(10) conducting and completing studies or assessments to project how climate change may impact the future operations and sustainability of water systems; or

(11) developing and implementing mitigation measures to rapidly address impacts on water systems most susceptible to abrupt climate change, including those in the Colorado River Basin and coastal regions at risk from rising sea levels.

(d) **APPLICATION.**—To be eligible to receive a grant from the Administrator under subsection (b), the owner or operator of a water system shall submit to the Administrator an application that—

(1) includes a proposal of the program, strategy, or infrastructure improvement to be planned, designed, constructed, implemented, or maintained by the water system;

(2) cites the best available research or data that demonstrates—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system brought about by factors arising from climate change, including rising sea levels and changes in precipitation levels; and

(B) how the proposed program, strategy, or infrastructure improvement would perform under the anticipated climate conditions;

(3) explains how the proposed program, strategy, or infrastructure improvement is expected to enhance the resiliency of the water system, including source water protection for community water systems, to these risks or reduce the direct or indirect greenhouse gas emissions of the water system; and

(4) demonstrates that the program, strategy, or infrastructure improvement is—

(A) consistent with any approved State and tribal climate adaptation plan; and

(B) not inconsistent with any approved natural resources plan.

(e) **COMPETITIVE PROCESS.**—

(1) **IN GENERAL.**—Each calendar year, the Administrator shall conduct a competitive process to select and fund applications under this section.

(2) **PRIORITY REQUIREMENTS AND WEIGHTING.**—In carrying out the process, the Administrator shall—

(A) prioritize funding of applications that are submitted by the owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant climate-related negative impacts on water quality or quantity;

(B) in selecting among the priority applications determined under subparagraph (A), ensure that the final list of applications funded for each year includes a substantial number that, to the maximum extent practicable, includes each eligible use described in subsection (c);

(C) solicit applications from water systems that are—

(i) located in all regions of the United States; and

(ii) facing varying risks as a result of climate change; and

(D) provide for solicitation and consideration of public input in the development of criteria used in evaluating applications.

(f) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to a water system under subsection (b) shall not exceed 50 percent of the cost of the program, strategy, and infrastructure improvement.

(2) **CALCULATION OF NON-FEDERAL SHARE.**—In calculating the non-Federal share of the cost of a program, strategy, or infrastructure improvement proposed by a water system through an application submitted by the

water system under subsection (d), the Administrator shall—

(A) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, as determined by the Administrator; and

(B) not include any other amount that the water system receives from a Federal agency.

(g) LABOR STANDARDS.—

(1) IN GENERAL.—All laborers and mechanics employed on infrastructure improvements funded directly by or assisted in whole or in part by this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(2) AUTHORITY AND FUNCTIONS.—With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(h) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate final regulations to carry out this section.

(2) SPECIAL RULE FOR THE CONSTRUCTION OF TREATMENT WORKS.—In carrying out this subsection, the Administrator shall incorporate all relevant and appropriate requirements of title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) applicable to the construction of treatment works that are carried out under this section.

(i) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall submit to the Congress a report on progress in implementing this section, including information on project applications received and funded annually.

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

By Mr. REID (for himself, Mr. BAUCUS, Mr. HATCH, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 1713. A bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1713

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Efficiency via Carbon Harvesting and Restoration (WECHAR) Act of 2009”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) numerous expert reports have brought attention to the negative impacts caused by invasive weed species, including the consumption of water in areas with diminishing supplies;

(2) salt cedar, or Tamarix species, a noxious and invasive plant commonly found on public land can consume 200 gallons of water per plant each day;

(3) salt cedar now covers as much as 1,000,000 acres of floodplains, riparian acres, wetland, and lake margins in the Western United States;

(4) minimizing the impact of and eradicating invasive species that wrest water from delicate watersheds is in the best interest of the United States;

(5) as drought conditions worsen and legal requirements relating to water supply accelerate water shortages, innovative approaches are needed to address the increasing demand for water;

(6) pine bark beetle has killed thousands of acres of standing forests in the Western United States, creating a hazardous buildup of dead tree biomass that is a serious fire threat to those and surrounding areas;

(7) biochar technology would result in a more cost-effective, environmentally beneficial, and successful approach to combating invasive weeds and removing excess biomass and plant waste from public land;

(8) invasive weeds and excess biomass on public land can serve as feedstock for biochar and alternative fuel production;

(9) it is in the best interest of the United States to conduct a comprehensive and thorough research, development, and demonstration program on biochar and related bioenergy so as to better understand how to use excess biomass available on public land; and

(10) biochar production and use systems have been shown to have many ancillary beneficial environmental impacts.

(b) PURPOSES.—The purposes of this Act are—

(1) to restore the natural hydrology of Western landscapes by removing water-intensive invasive plant species;

(2) to reduce dangerous forest and rangeland fuel loads;

(3) to develop technologies to convert undesirable invasive plant species to useful materials;

(4) to develop markets for those materials; and

(5) to provide technologies to land managers to continue those processes into the future.

SEC. 3. DEFINITIONS.

In this Act:

(1) BIOCHAR.—The term “biochar” means charcoal or black carbon derived from organic matter through pyrolysis.

(2) BIOENERGY.—The term “bioenergy” means hydrocarbons derived from organic matter through pyrolysis, including bio-oil, syngas, or thermal energy.

(3) EXCESS BIOMASS.—

(A) IN GENERAL.—The term “excess biomass” means any plant matter targeted for removal from public land to promote ecosystem health.

(B) INCLUSIONS.—The term “excess biomass” includes—

(i) trees or tree waste on public land;

(ii) wood and wood wastes and residues; and

(iii) weedy plants and grasses (including aquatic, noxious, or invasive plants).

(4) FEEDSTOCK.—The term “feedstock” means excess biomass in the form of plant matter or materials that serves as the raw material for the production of biochar and bioenergy.

(5) INVASIVE PLANT SPECIES.—The term “invasive plant species” means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment;

(iii) water resources; or

(iv) human, animal, or plant health.

(6) SECRETARY CONCERNED.—The term “Secretary concerned” means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 4. RESOURCE ASSESSMENT.

(a) IN GENERAL.—The Director of the United States Geological Survey shall conduct resources assessments that collect and synthesize interagency and State data to quantify—

(1) invasive plant species and excess biomass in the form of dangerous fuel loads on public land that can be used for feedstock;

(2) estimated carbon content in that feedstock;

(3) estimated potential biochar and bioenergy producible from that feedstock; and

(4) potential water savings resulting from removal of invasive plant species and excess biomass on public land, by watershed.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act and biennially thereafter, the Director of United States Geological Survey shall submit to Congress a report that describes the results of each resource assessment conducted under subsection (a).

SEC. 5. TECHNOLOGY RESEARCH.

(a) DEVELOPMENT OF MOBILE BIOCHAR PRODUCTION UNITS.—Not later than 1 year after the date of enactment of this Act and in accordance with subsection (c), the Secretary of the Interior shall establish a program to provide guarantees of loans by private institutions—

(1) to develop and optimize commercially and technologically viable biochar production units that—

(A) are designed to use woody invasive plant species and excess biomass feedstock such as tamarisk, pinyon pine, and juniper;

(B) produce net negative carbon emissions relative to natural decomposition;

(C) are self-contained on a portable platform suitable for deployment to remote locations and on unpaved roads; and

(D) can capture biochar and bioenergy produced for immediate energy needs or transport to market; and

(2) to produce, not later than 2 years after the date of securing a guaranteed loan under this section for the purposes described in section 7(a)(2), 4 biochar production units for deployment to remote landscapes, of which—

(A) 2 shall be dedicated primarily to contract work with the Bureau of Land Management; and

(B) 2 shall be dedicated primarily to contract work with the National Park Service.

(b) DEVELOPMENT OF FIXED BIOCHAR PRODUCTION UNITS.—Not later than 1 year after the date of enactment of this Act and in accordance with subsection (c), the Secretary of Agriculture shall establish a program to provide guarantees of loans by private institutions—

(1) to develop and optimize commercially and technologically viable biochar production units that—

(A) while not necessarily self contained, can be disassembled, moved, and reassembled to be operational on a new site within 30 days, so as to support fuels reduction work;

(B) are designed to use excess biomass feedstock, such as trees killed by bark beetle infestations;

(C) produce net negative carbon emissions relative to natural decomposition;

(D) can capture biochar and bioenergy produced for immediate energy needs or transport to market; and

(2) to produce, not later than 2 years after the date of securing a guaranteed loan under

this section for the purposes described in section 7(a)(3), 2 biochar production units for deployment to remote landscapes.

(C) **GUARANTEED LOAN PROGRAM.**—

(1) **IN GENERAL.**—The Secretary concerned may provide loan guarantees under this section to an applicant if the biochar production units produced by the applicant will be dedicated primarily to contract restoration work with the Bureau of Land Management, National Park Service, or Forest Service, using—

(A) pinyon pine and juniper feedstock in the Great Basin;

(B) tamarisk feedstock in the Mojave Desert; or

(C) excess biomass feedstock, such as trees killed by bark beetle infestations in the Intermountain West.

(2) **CRITERIA.**—In selecting recipients of loan guarantees from among applicants, the Secretary concerned shall give preference to proposals that, as determined by the Secretary concerned—

(A) meet all applicable Federal and State permitting requirements;

(B) are most likely to be successful; and

(C) are located in local markets that have the greatest need for the biochar production units due to—

(i) identified high-priority landscape restoration needs;

(ii) availability of sufficient quantities of feedstocks described in subsection (b); or

(iii) a high level of demand for biochar or other commercial byproducts of the biochar production units.

(3) **MATURITY.**—A loan guaranteed under this section shall have a maturity of not more than 20 years.

(4) **TERMS AND CONDITIONS.**—The loan agreement for a loan guaranteed under this section shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(5) **GUARANTEE FEE.**—The recipient of a loan guarantee under this section shall pay to the Secretary concerned a guarantee fee in an amount determined by the Secretary concerned to be sufficient to cover the administrative costs of the Secretary concerned relating to the loan guarantee.

(6) **FULL FAITH AND CREDIT.**—

(A) **IN GENERAL.**—The full faith and credit of the United States is pledged to the payment of all guarantees made by the Secretary concerned under this section.

(B) **EVIDENCE.**—Any guarantee made by the Secretary concerned under this section shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(C) **VALIDITY.**—The validity of any guarantee made by the Secretary concerned under this section shall be incontestable in the hands of a holder of the guaranteed loan.

(7) **ANNUAL REPORTS.**—Until the date on which each guaranteed loan under this section has been repaid in full, each year the Secretary concerned shall submit to Congress a report on the activities of the Secretary concerned under this section during the preceding year.

SEC. 6. EXISTING TECHNOLOGY.

(a) **IN GENERAL.**—The Secretary of the Interior and the Secretary of Agriculture shall each establish a program to provide guarantees of loans by private institutions for the construction or acquisition of facilities for the production of biochar.

(b) **REQUIREMENT.**—The Secretary concerned may provide a loan guarantee under this section to an applicant if facilities constructed or acquired by the applicant will be dedicated primarily to contract restoration work with the Bureau of Land Management, National Park Service, or Forest Service, using—

(1) pinyon pine and juniper feedstock in the Great Basin;

(2) tamarisk feedstock in the Mojave Desert; or

(3) excess biomass feedstock, such as trees killed by bark beetle infestations in the Intermountain West.

(c) **CRITERIA.**—In selecting recipients of loan guarantees from among applicants, the Secretary concerned shall give preference to proposals that, as determined by the Secretary concerned—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility due to—

(A) identified high-priority landscape restoration needs;

(B) availability of sufficient quantities of feedstocks described in subsection (b); or

(C) a high level of demand for biochar or other commercial byproducts of the facility.

(d) **MATURITY.**—A loan guaranteed under this section shall have a maturity of not more than 20 years.

(e) **TERMS AND CONDITIONS.**—The loan agreement for a loan guaranteed under this section shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary concerned.

(f) **GUARANTEE FEE.**—The recipient of a loan guarantee under this section shall pay the Secretary concerned a guarantee fee in an amount determined by the Secretary concerned to be sufficient to cover the administrative costs of the Secretary concerned relating to the loan guarantee.

(g) **FULL FAITH AND CREDIT.**—

(1) **IN GENERAL.**—The full faith and credit of the United States is pledged to the payment of all guarantees made by the Secretary concerned under this section.

(2) **EVIDENCE.**—Any guarantee made by the Secretary concerned under this section shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(3) **VALIDITY.**—The validity of any guarantee made by the Secretary concerned under this section shall be incontestable in the hands of a holder of the guaranteed loan.

(h) **ANNUAL REPORTS.**—Until the date on which each guaranteed loan under this section has been repaid in full, each year the Secretary concerned shall submit to Congress a report on the activities of the Secretary concerned under this section during the preceding year.

SEC. 7. DEPLOYMENT.

(a) **NEW TECHNOLOGY.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall initiate 3-year programs to employ the biochar production units provided under section 5 in pilot applications in various climates and ecosystems of the United States.

(2) **MOBILE UNITS.**—In the case of biochar production units developed or optimized under section 5(a)—

(A) the Director of the National Park Service shall carry out initial programs using invasive tamarisk in the Mojave Desert as feedstock; and

(B) the Director of the Bureau of Land Management shall carry out initial programs using excess pinyon pine and juniper biomass in the Great Basin as feedstock.

(3) **FIXED UNITS.**—In the case of biochar production units developed or optimized under section 5(b), the Chief of the Forest Service shall carry out the initial program using bark beetle-killed trees in the Intermountain West.

(b) **EXISTING TECHNOLOGY.**—

(1) **IN GENERAL.**—Not later than 180 days after enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall prepare plans for carrying out 3-year landscape restoration programs in various climates and ecosystems of the United States to employ facilities constructed or acquired under section 6.

(2) **REQUIREMENTS.**—In carrying out the landscape restoration programs described in paragraph (1), the Secretary of the Interior and the Secretary of Agriculture shall carry out programs using invasive tamarisk in the Mojave Desert, excess pinyon pine and juniper biomass in the Great Basin, and bark beetle-killed trees in the Intermountain West.

SEC. 8. APPLICATION AND MARKET RESEARCH.

(a) **ATTRIBUTES.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall provide competitive grants to conduct research and analysis that identifies—

(1) attributes and composition profiles of biochar produced from different feedstocks for use as soil amendments; and

(2) attributes and composition profiles of bioenergy produced from different feedstocks for use as fuel for transportation, heating, or other uses identified in subsection (b)(1).

(b) **MARKET DEVELOPMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, acting through the Director of the National Institute of Food and Agriculture, the Administrator of the Agricultural Research Service, and the Administrator of the Agricultural Marketing Service shall provide competitive grants to conduct research and analysis that—

(1) identifies potential uses and markets for biochar and bioenergy; and

(2) in the case of economic and life-cycle issues, analyzes—

(A) the full production costs versus the economic benefits of biochar production systems;

(B) the impact of the production and use of biochar, including the performance of biochar in carbon sequestration programs; and

(C) the availability of feedstocks and the efficiency of using those feedstock for biochar production as compared to other biofuel-production systems.

(c) **ENVIRONMENTAL REVIEW.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall provide competitive grants to conduct research and analysis relating to—

(1) the environmental benefits of biochar production and use, including—

(A) the water savings resulting from reducing populations of invasive or noxious plant species;

(B) the potential of biochar production systems—

(i) to reduce fertilizer use, nutrient leaching, and run-off; and

(ii) to reduce water pollution from feedlot runoff by capturing ammonia; and

(C) the reduction in greenhouse gas emissions resulting from the production and use of related bioenergy;

(2) the potential environmental impacts of biochar and bioenergy use, including—

(A) the potential toxicity and other adverse ecosystem effects resulting from biochar production or use of different biochars, as identified under subsection (a)(1);

(B) the characterization of combustion products of bioenergy, as identified under subsection (a)(2), and the effects of those combustion products on air and water quality; and

(C) impacts on human health and safety.

(d) DEVELOPMENT OF BIOCHAR IN LANDSCAPE RESTORATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, acting through the Director of the National Institute of Food and Agriculture and the Administrator of the Agricultural Research Service, shall provide competitive grants to research and analyze—

(1) the potential uses of biochar in landscape restoration in different ecosystems and soil types;

(2) the relative benefits and potential adverse effects of use of different biochars, as identified under subsection (a)(1) in different western ecosystems and soil types; and

(3) the safety and efficacy of different methods of application.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out sections 4 through 8, including for the cost of grants and loan guarantees under those sections, such sums as are necessary for each of fiscal years 2010 through 2016.

By Mr. DURBIN:

S. 1714. A bill to authorize grants for the creation, update, or adaptation of open textbooks, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, technology has transformed the way we work, the way we entertain ourselves, and the way we understand the world around us. But one area of our lives that has been more resistant to technological change has been the way we educate our children. And yet I see tremendous potential in technology to improve access to education and decrease its often high costs. One example of this is open educational resources. Today, I am introducing a bill that will provide a short-term federal investment in the development of one type of open educational resource—college textbooks. I believe this investment will improve learning in our college classrooms and help bring down the cost of college for students.

The growth of the Internet has enabled the creation and sharing of open content. A teacher or professor in Illinois can create a lecture, a lesson, a book, or an entire curriculum and share it online. A teacher across the country or even across the world can access that educational material, adapt it, and use it in his or her classroom. More and more often educators are utilizing technology in this way to improve student learning.

The President recognizes the potential of this new technology. He has proposed a significant new Federal investment in the creation of online open-source courses for community colleges. These courses will be made freely available online and widely distributed so that all colleges can make use of them. I believe this initiative will help make higher education more accessible for students, especially non-traditional students or students living in rural areas far away from brick-and-mortar institutions. Because the courses will be available for free, the initiative will also help bring down the high cost of a college education for students struggling to pay.

I think we can go even further. The high cost of textbooks continues to be a barrier for many students struggling to pay for college. The College Board reported that for the 2007 to 2008 school year, students spent an estimated \$805 to \$1,229 on books and supplies. A little over a year ago, the Higher Education Opportunity Act was signed into law. That law includes provisions that I authored to increase transparency in college textbook pricing for professors and students. I hope that new law will help decrease the high cost of textbooks when these provisions are enacted next year, but there is more that the Federal Government can do to provide cheap alternatives to professors and students.

The bill I am introducing today, the Open College Textbook Act, will create a grant program for the creation of freely-available, online open college textbooks. Making high-quality open textbooks freely available to the general public would significantly lower college textbook costs. Under my bill, the Secretary of Education would award grants to colleges, professors, nonprofit organizations or for-profit companies to create introductory-level college textbooks. Once produced, these books would be posted on an easily-accessible website and made available to students, professors, and the public for free. The result would be a set of high-quality college textbooks that could be adopted in any introductory course at any college in the country. This would be a limited investment of Federal grant funding over just a few years, not a permanent federal funding stream. The choice would ultimately still be the professor's. Each professor could choose whether to assign the open textbook to his class, but I hope that he would seriously consider this high-quality, free online option that would save his students \$150 or \$200 each at the college bookstore.

Along with the clear cost benefits, open textbooks can also improve teaching and learning. The content of an open textbook can be adapted, supplemented, and personalized by professors for their course. Instead of framing a course around a textbook, a professor can modify an open textbook to fit the needs of a particular course or group of students. When professors take advantage of the flexibility and adaptability of open textbooks, student learning improves.

The use of Federal funding for textbooks and curricula is not new. For years, the National Science Foundation has been awarding grants to professors for research into the improvement of learning in the classroom. Sometimes these grants have resulted in the creation of textbooks, which the author can then license for profit to a commercial publisher. I believe textbooks created with Federal funding should be made available for free so that all students and professors can benefit from our investment. This bill would also require that all future Fed-

eral grants that lead to the creation of a textbook or curriculum for use in the classroom be licensed openly and made freely available to all educators for their use.

Over the past decade, I have watched textbook publishers use technology to drive up the cost of textbooks through unnecessary online supplements and CD-ROMs. It is time that we use the potential of technology to improve college access, learning, and affordability for all students. I believe the Open College Textbook Act that I am introducing today will accomplish that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1714

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Open College Textbook Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The growth of the Internet has enabled the creation and sharing of open content, including open educational resources.

(2) The President has proposed a new, significant Federal investment in the creation of online open-source courses for community colleges that will make learning more accessible, adaptable, and affordable for students.

(3) The President has challenged the United States with a goal of having the highest college graduation rate in the world by 2020.

(4) More than 80 percent of the 23,000,000 jobs that will be created in the next 10 years will require postsecondary education, but only 36 percent of all 18- to 24-year olds are currently enrolled in postsecondary education.

(5) The high cost of college textbooks continues to be a barrier for many students in achieving higher education, and according to the Advisory Committee on Student Financial Assistance, 200,000 qualified students fail to enroll in college each year due to cost.

(6) The College Board reported that for the 2007–2008 academic year an average student spent an estimated \$805 to \$1,229 on college books and supplies.

(7) Making high quality open textbooks freely available to the general public could significantly lower college textbook costs and increase accessibility to such education materials.

(8) Open textbooks can improve learning and teaching by creating course materials that are more flexible, adaptable, and accessible through the use of technology.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) OPEN LICENSE.—The term "open license" means an irrevocable intellectual property license that grants the public the right to access, customize, and distribute a copyrighted material.

(4) OPEN TEXTBOOK.—The term "open textbook" means a textbook or set of course materials in electronic format designed for use

in a college course at an institution of higher education that is licensed under an open license.

(5) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 4. GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (i), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to carry out the activities described in this section, including creating, updating, or adapting open textbooks. The Secretary shall award grants in a manner that will result in the creation of a comprehensive slate of high quality course materials for introductory courses in a variety of subject areas.

(b) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

(1) an institution of higher education;

(2) a professor or group of professors at an institution of higher education; or

(3) a nonprofit or for-profit organization that produces open textbooks.

(c) DURATION.—Grants awarded under this section shall be 1 year in duration.

(d) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of the project to be completed with grant funds and—

(A) a plan for quality review and review of accuracy of content;

(B) a plan for access to ensure the widest possible availability of the digital version of the open textbook;

(C) a plan for distribution and adoption of the open textbook to ensure the widest possible adoption of the open textbook in postsecondary courses, including, where applicable, a marketing plan or a plan to partner with for-profit or nonprofit organizations to assist in marketing and distribution; and

(D) a plan for tracking and reporting formal adoptions of the open textbook within postsecondary institutions, including an estimate of the number of students impacted by the adoptions.

(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to produce—

(1) the highest quality and most marketable open textbooks;

(2) open textbooks that correspond to the highest enrollment courses at institutions of higher education;

(3) open textbooks that are easily utilized by faculty members at institutions of higher education; and

(4) open textbooks created in partnership with for-profit or nonprofit organizations to assist in marketing and distribution.

(f) USES OF GRANTS.—

(1) OPEN TEXTBOOKS.—An eligible entity that receives a grant under this section shall—

(A) create a new open textbook for use in postsecondary coursework;

(B) update an open textbook for use in postsecondary coursework; or

(C) adapt a textbook into an open format for use in postsecondary coursework.

(2) LICENSE.—An open textbook created, updated, or adapted under paragraph (1) shall be licensed through an open license.

(3) ACCESSIBILITY.—The full and complete digital content of each open textbook created, updated, or adapted under paragraph (1) shall be—

(A) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the eligible entity; and

(B) made available free of charge to, and may be downloaded, redistributed, changed, revised, or otherwise altered by, any member of the general public.

(g) REVIEW PROCESS.—The Secretary shall develop a peer review and evaluation process in consultation with the Director to ensure that open textbooks created, updated, or adapted under this section are of the highest quality, accurate in content, and meet or exceed market quality and accessibility standards.

(h) REPORT.—Upon an eligible entity’s completion of a project supported under this section, the eligible entity shall prepare and submit a report to the Secretary regarding all project costs, including the value of any volunteer labor and institutional capital used for the project.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$15,000,000 to carry out this section for fiscal year 2010 and such sums as are necessary for each of the 5 succeeding fiscal years.

SEC. 5. LICENSING MATERIALS WITH A FEDERAL CONNECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, educational materials such as curricula and textbooks created through grants distributed by Federal agencies, including the National Science Foundation, for use in elementary, secondary, or postsecondary courses shall be licensed under an open license.

(b) ACCESSIBILITY.—The full and complete digital content of each of the materials created as described in subsection (a) shall be—

(1) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the grant recipient; and

(2) made available free of charge to, and may be downloaded, redistributed, changed, revised, or otherwise altered by, any member of the general public.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that institutions of higher education should encourage the consideration of open textbooks by professors within the generally accepted principles of academic freedom that established the right and responsibility of faculty members, individually and collectively, to select course materials that are pedagogically most appropriate for their classes.

SEC. 7. REPORT TO CONGRESS.

Not later than September 30, 2015, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives detailing—

(1) the open textbooks created, updated, or adapted under this Act;

(2) the adoption of such open textbooks; and

(3) the savings generated for students, States, and the Federal Government through the use of open textbooks.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 285—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBERSECURITY AWARENESS MONTH AND RAISING AWARENESS AND ENHANCING THE STATE OF CYBERSECURITY IN THE UNITED STATES

Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mrs. GILLBRAND, Mr. CARPER, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. COLLINS, Mr. REID, Mr. LEVIN, Mr. BENNETT, Ms. SNOWE, Ms. LANDRIEU, Mr. HATCH, Mr. BAYH, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 285

Whereas the use of the Internet in the United States, to communicate, conduct business, or generate commerce that benefits the overall United States economy, is ubiquitous;

Whereas many people use the Internet in the United States to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas United States small businesses, which employ a significant fraction of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas nearly all public schools in the United States have Internet access to enhance children’s education, with a significant percentage of instructional rooms connected to the Internet to enhance children’s education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas the number of children who connect to the Internet continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of teenagers, providing access to a range of valuable services, making it all the more important to teach young users how to avoid potential threats like cyber bullies, predators, and identity thieves they may come across while using such services;

Whereas cybersecurity is a critical part of the United States national security and economic security;

Whereas the United States critical infrastructures and economy rely on the secure and reliable operation of information networks to support the United States military, civilian government, energy, telecommunications, financial services, transportation, health care, and emergency response systems;

Whereas Internet users and information infrastructure owners and operators face an increasing threat of malicious crime and fraud attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and may disable entire systems;

Whereas millions of records containing personally identifiable information have