(Mr. UDALL) was added as a cosponsor of amendment No. 1026 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1027

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 1027 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1057

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 1057 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1075

At the request of Mr. JOHNSON of Wisconsin, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of amendment No. 1075 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1077

At the request of Mr. HEINRICH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 1077 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1079

At the request of Mr. COONS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 1079 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1088

At the request of Mr. BROWN, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1088 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1092

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1092 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1104

At the request of Mr. CHAMBLISS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of amendment No. 1104 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1106

At the request of Mr. CHAMBLISS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1106 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

AMENDMENT NO. 1115

At the request of Mr. BEGICH, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of amendment No. 1115 intended to be proposed to S. 954, an original bill to reauthorize agricultural programs through 2018.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Ms. COLLINS, Mr. MERKLEY, and Mr. KING):

S. 1030. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am being joined by my colleagues Senators COLLINS, MERKLEY, and KING on the introduction of the Storage Technology for Renewable and Green Energy Act of 2013 or the STORAGE 2013 Act. The purpose of the bill is to promote the deployment of energy storage technologies to make the electric grid operate more efficiently and help manage intermittent renewable energy generation from wind, solar, and other sources that vary with the time of day and the weather.

Traditionally, peak demand has been met by building more generation and transmission facilities, many of which sit idle much of the time. The Electric Power Research Institute's White Paper on storage technology observed that 25 percent of the equipment and capacity of the U.S. electric distribution system and 10 percent of the generation and transmission system is needed less than 400 hours a year. Peak generation is also often met with the least efficient, most costly power plants. Energy storage systems offer an alternative to simply building more generation and transmission to meet peak demand because they allow the current system to meet peak demands by storing less expensive off-peak power, from the most cost-efficient plants, for use during peak demand.

The growth of renewable energy from wind and solar and other intermittent renewable sources, like wave and tidal energy, raises yet another challenge for the electric grid that storage can help address. These renewable sources deliver power at times of the day or night when they might not be needed or fluctuate with the weather. Energy storage technology allows these intermittent sources to store power as it is generated and allow it to be dispatched when it is most needed and in a predictable, steady of stream of electricity no longer at the vagaries of weather conditions. And equally important, it allows this intermittent generation to more closely match demand. Instead of trying to find a place to sell power at 3:00 am in the morning when demand is down, wind farms for example would be able to sell their power at 3:00 pm in the afternoon when demand is up.

The STORAGE 2013 Act is substantially similar to the STORAGE Act of 2011 I introduced last Congress. It offers investment tax credits for three categories of energy storage facilities that temporarily store energy for delivery or use at a later time. The bill is technology neutral and does not pick storage technology ''winners'' and ''losers'' either in terms of the storage technology that is used or in terms of the source of the energy that is stored. The electricity can come from a wind farm or it can come for a coal or nuclear plant. Pumped hydro, compressed air, batteries, flywheels, and thermal storage are all eligible technologies as are smart-grid enabled plug-in electric vehicles.

First, the STORAGE 2013 Act provides a 20 percent investment tax credit of up to $40 million per project for storage systems connected to the electric grid and distribution system. A total of $1.5 billion in these investment credits are available for these grid connected systems. Developers would have to apply to the Treasury Department and DOE for the credits, similar to the process used for the green energy manufacturing credits the ''48C'' program. This is a 20 percent credit so that means the actual cost of the project that would be eligible for the full credit would be $200 million.

The act also provides a 30 percent investment tax credit of up to $1 million per project to businesses for on-site storage, such as an ice-storage facility in on office building, where ice is made at night using low-cost, off-peak power and then used to help air-condition the building luring the day while reducing peak demand. This is a 30 percent credit so the cost of the actual projects that would get the full credit amount would be around $3.3 million.

One change from last year's version of the bill is that the minimum size for storage systems to be eligible for this credit is now 5 kWh, whereas it was 20 kWh before. 20 kWh is a reasonable size or industrial energy consumers and big-box stores, but a 5 kWh limit is a size that makes sense for small businesses. This change will allow small businesses to participate in pioneering storage on the grid, and will incentivize storage companies to create leasing models for residential users. Leasing models are proving very successful at increasing grid-connected residential solar, and this credit will open up a whole new market for storage to follow suit.

But if homeowners want to install storage on their own, they will be able to. The Act also provides for 30 percent tax credit for homeowners for on-site

storage projects to store off-peak electricity from solar panels or from the grid for later use during peak hours.

As the EPRI white paper noted ''(d)espite the large anticipated need for energy storage solutions within the electric enterprise, very few grid-integrated storage installations are in actual operation in the United States today.'' The purpose of the STORAGE 2013 Act is to help jump start the deployment of these storage solutions so that renewable energy technologies can increase their economic value to the electric grid while reducing their power integration costs as well as to improve the overall efficiency of the electrical system.

I urge my colleagues to take a closer look at what storage technologies can do to help reduce the cost of electricity and improve the performance of the electric grid and renewable energy technologies. If they do, I am confident my colleagues will join Senators COLLINS, MERKLEY, and KING in supporting this bipartisan 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. 1030

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 ''Storage Technology for Renewable and Green Energy Act of 2013'' or the ''STORAGE 2013 Act''.

SEC. 2. ENERGY INVESTMENT CREDIT FOR ENERGY STORAGE PROPERTY CONNECTED TO THE GRID.

(a) UP TO 20 PERCENT CREDIT ALLOWED.—Subparagraph (A) of section 48(a)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subclause (IV) of clause (i),

(2) by striking ''clause (i)'' in clause (ii) and inserting ''clause (i) or (ii)'',

(3) by redesignating clause (ii) as clause (iii), and

(4) by inserting after clause (i) the following new clause:

''(ii) as provided in subsection (c)(5)(D), up to 20 percent in the case of qualified energy storage property, and''.

(b) QUALIFIED ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) QUALIFIED ENERGY STORAGE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy storage property' means property—

''(i) which is directly connected to the electrical grid, and

''(ii) which is designed to receive electrical energy, to store such energy, and—

''(I) to convert such energy to electricity and deliver such electricity for sale, or

''(II) to use such energy to provide improved reliability or economic benefits to the grid.

Such term may include hydroelectric pumped storage and compressed air energy storage, regenerative fuel cells, batteries, superconducting magnetic energy storage, flywheels, thermal energy storage systems, and hydrogen storage, or combination thereof, or any other technologies as the Secretary, in consultation with the Secretary of Energy, shall determine.

''(B) MINIMUM CAPACITY.—The term 'qualified energy storage property' shall not include any property unless such property in aggregate has the ability to sustain a power rating of at least 1 megawatt for a minimum of 1 hour.

''(C) ELECTRICAL GRID.—The term 'electrical grid' means the system of generators, transmission lines, and distribution facilities which—

''(i) are under the jurisdiction of the Federal Energy Regulatory Commission or State public utility commissions, or

''(ii) are owned by—

''(I) the Federal government,

''(II) a State or any political subdivision of a State,

''(III) an electric cooperative that is eligible for financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), or

''(IV) any agency, authority, or instrumentality of any one or more of the entities described in subclause (I) or (II), or any corporation which is wholly owned, directly or indirectly, by any one or more of such entities.

''(D) ALLOCATION OF CREDITS.—

''(i) IN GENERAL.—In the case of qualified energy storage property placed in service during the taxable year, the credit otherwise determined under subsection (a) for such year with respect to such property shall not exceed the amount allocated to such project under clause (ii).

''(ii) NATIONAL LIMITATION AND ALLOCATION.—There is a qualified energy storage property investment credit limitation of $1,500,000,000. Such limitation shall be allocated by the Secretary among qualified energy storage property projects selected by the Secretary, in consultation with the Secretary of Energy, for taxable years beginning after the date of the enactment of the STORAGE 2013 Act, except that not more than $40,000,000 shall be allocated to any project for all such taxable years.

''(iii) SELECTION CRITERIA.—In making allocations under clause (ii), the Secretary, in consultation with the Secretary of Energy, shall select only those projects which have a reasonable expectation of commercial viability, select projects representing a variety of technologies, applications, and project sizes, and give priority to projects which—

''(I) provide the greatest increase in reliability or the greatest economic benefit,

''(II) enable the greatest improvement in integration of renewable resources into the grid, or

''(III) enable the greatest increase in efficiency in operation of the grid.

''(iv) DEADLINES.—

''(I) IN GENERAL.—If a project which receives an allocation under clause (ii) is not placed in service within 2 years after the date of such allocation, such allocation shall be invalid.

''(II) SPECIAL RULE FOR HYDROELECTRIC PUMPED STORAGE.—Notwithstanding subclause (I), in the case of a hydroelectric pumped storage project, if such project has not received such permits or licenses as are determined necessary by the Secretary, in consultation with the Secretary of Energy, within 3 years after the date of such allocation, begun construction within 5 years after the date of such allocation, and been placed in service within 8 years after the date of such allocation, such allocation shall be invalid.

''(III) SPECIAL RULE FOR COMPRESSED AIR ENERGY STORAGE.—Notwithstanding subclause (I), in the case of a compressed air energy storage project, if such project has not begun construction within 3 years after the date of the allocation and been placed in service within 5 years after the date of such allocation, such allocation shall be invalid.

''(IV) EXCEPTIONS.—The Secretary may extend the 2-year period in subclause (I) or the periods described in subclauses (II) and (III) on a project-by-project basis if the Secretary, in consultation with the Secretary of Energy, determines that there has been a good faith effort to begin construction or to place the project in service, whichever is applicable, and that any delay is caused by factors not in the taxpayer's control.

''(E) REVIEW AND REDISTRIBUTION.—

''(i) REVIEW.—Not later than 4 years after the date of the enactment of the STORAGE 2013 Act, the Secretary shall review the credits allocated under subparagraph (D) as of the date of such review.

''(ii) REDISTRIBUTION.—Upon the review described in clause (i), the Secretary may reallocate credits allocated under subparagraph (D) if the Secretary determines that—

''(I) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

''(II) any allocation made under subparagraph (D)(ii) has been revoked pursuant to subparagraph (D)(iv) because the project subject to such allocation has been delayed.

''(F) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making an allocation under subparagraph (D)(ii), publicly disclose the identity of the applicant, the location of the project, and the amount of the credit with respect to such applicant.

''(G) TERMINATION.—No credit shall be allocated under subparagraph (D) for any period ending after December 31, 2020.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 3. ENERGY STORAGE PROPERTY CONNECTED TO THE GRID ELIGIBLE FOR NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54C(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a facility which is—

''(A)(i) a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date), or

''(ii) a qualified energy storage property (as defined in section 48(c)(5)), and

''(B) owned by a public power provider, a governmental body, or a cooperative electric company.''.

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

SEC. 4. ENERGY INVESTMENT CREDIT FOR ONSITE ENERGY STORAGE.

(a) CREDIT ALLOWED.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(1) by striking ''and'' at the end of subclause (III),

(2) by inserting ''and'' at the end of subclause (IV), and

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

''(V) qualified onsite energy storage property,''.

(b) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

''(6) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified onsite energy storage property' means property which—

''(i) provides supplemental energy to reduce peak energy requirements primarily on the same site where the property is located, or

''(ii) is designed and used primarily to receive and store, firm, or shape variable renewable or off-peak energy and to deliver such energy primarily for onsite consumption.

Such term may include thermal energy storage systems and property used to charge plug-in and hybrid electric vehicles if such property or vehicles are equipped with smart grid equipment or services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.

''(B) MINIMUM CAPACITY.—The term 'qualified onsite energy storage property' shall not include any property unless such property in aggregate—

''(i) has the ability to store the energy equivalent of at least 5 kilowatt hours of energy, and

''(ii) has the ability to have an output of the energy equivalent of 1 kilowatts of electricity for a period of 5 hours.

''(C) LIMITATION.—In the case of qualified onsite energy storage property placed in service during the taxable year, the credit otherwise determined under subsection (a) for such year with respect to such property shall not exceed $1,000,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 5. CREDIT FOR RESIDENTIAL ENERGY STORAGE EQUIPMENT.

(a) CREDIT ALLOWED.—Subsection (a) of section 25D of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting '', and'', and

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

''(6) 30 percent of the qualified residential energy storage equipment expenditures made by the taxpayer during such taxable year.''.

(b) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT EXPENDITURES.—Section 25D(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT EXPENDITURES.—For purposes of this section, the term 'qualified residential energy storage equipment expenditure' means an expenditure for property—

''(A) which is installed in or on a dwelling unit located in the United States and owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121), or on property owned by the taxpayer on which such a dwelling unit is located,

''(B) which—

''(i) provides supplemental energy to reduce peak energy requirements primarily on the same site where the property is located, or

''(ii) is designed and used primarily to receive and store, firm, or shape variable renewable or off-peak energy and to deliver such energy primarily for onsite consumption, and

''(C) which—

''(i) has the ability to store the energy equivalent of at least 2 kilowatt hours of energy, and

''(ii) has the ability to have an output of the energy equivalent of 500 watts of electricity for a period of 4 hours.

Such term may include thermal energy storage systems and property used to charge plug-in and hybrid electric vehicles if such property or vehicles are equipped with smart grid equipment or services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. LEVIN (for himself and Mr. INHOFE) (by request):

S. 1034. A bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President, Senator INHOFE and I are introducing, by request, the administration's proposed National Defense Authorization Act for fiscal year 2014. As is the case with any bill that is introduced by request, we introduce this bill for the purpose of placing the administration's proposals before Congress and the public without expressing our own views on the substance of these proposals. As Chairman and Ranking Member of the Armed Services Committee, we look forward to giving the administration's requested legislation our most careful review and thoughtful consideration.

By Mr. CARDIN (for himself, Mr. DURBIN, Mr. BLUMENTHAL, Mr. COONS, Mr. HARKIN, Mr. MENENDEZ, Ms. STABENOW, Mr. LEVIN, Ms. MIKULSKI, Ms. WARREN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. LAUTENBERG, and Ms. HIRONO):

S. 1038. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, today I rise to introduce legislation in the Senate that would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. This legislation is entitled the End Racial Profiling Act, ERPA, 2013. I thank my colleagues who have joined me as original cosponsors of this legislation, including Senators DURBIN, BLUMENTHAL, COONS, HARKIN, MENENDEZ, STABENOW, LEVIN, MIKULSKI, WARREN, BOXER, GILLIBRAND, LAUTENBERG, and HIRONO.

Last year, the Nation's attention was riveted to the tragic, avoidable death of Trayvon Martin in Florida in February 2012. As we all know from the news, an unarmed Martin, 17, was shot in Sanford, FL, on his way home from a convenience store, while carrying a can of iced tea and a bag of skittles.

After the tragedy, I met with faith and civil rights groups at the Center for Urban Families in Baltimore to discuss the issue of racial profiling. Joining me were representatives from various faith and civil rights groups in Baltimore, as well as graduates from the center's program. I heard there first-hand accounts of typical American families that were victims of racial profiling. One young woman recounted going to a basketball game with her father, only to have her dad detained by police for no apparent reason other than the color of his skin.

That is why I was pleased that the Justice Department, under the supervision of Attorney General Eric Holder, announced a Civil Rights Division and FBI investigation into the shooting death of Trayvon Martin. I join all Americans in wanting a full and complete investigation into the shooting death of Trayvon Martin to ensure that justice is served. There are many questions that we need answered.

Was Trayvon targeted because he was black? The State of Florida has already charged the shooter with second-degree murder, and the defendant will be given a jury trial of his peers, which begins next month in State court.

Trayvon's tragic death leads to a discussion of the broader issue of racial profiling. The Senate Judiciary Committee held a hearing entitled ''Ending Racial Profiling in America'' in April 2012, which was chaired by Senator DURBIN.

At the hearing I was struck by the testimony of Ronald L. Davis, the Chief of Police of the City of East Palo Alto, CA. I want to quote part of Chief Davis' testimony, in which he stated that:

[T]here exists no national, standardized definition for racial profiling that prohibits all uses of race, national origin, and religion, except when describing a person. Consequently, many state and local policies define racial profiling as using race as the 'sole' basis for a stop or any police action. This definition is misleading in that it suggests using race as a factor for anything other than a description is justified, which it is not. Simply put, race is a descriptor not a predictor. To use race along with other salient descriptors when describing someone who just committed a crime is appropriate. However, when we deem a person to be suspicious or attach criminality to a person because of the color of his or her skin, the neighborhood they are walking in, or the clothing they are wearing, we are attempting to predict criminality. The problem with such predictions is that we are seldom right in our results and always wrong in our approach.

After the hearing I was joined at a press conference by Baltimore's Rev. Dr. Jamal Bryant, a leading youth activist and advisor to the Trayvon Martin family. He echoed the call to end racial profiling by law enforcement in America:

This piece of legislation being offered by my senator, Senator CARDIN, is the last missing piece for the civil rights bill from 1965 that says there ought to be equality regardless of one's gender or one's race. Racial

profiling is in fact an extension of racism in America that has been unaddressed and this brings closure to the divide in this country.

I have called for putting an end to racial profiling, a practice that singles out individuals based on race, ethnicity, national origin, or religion.

My legislation would protect minority communities by prohibiting the use of racial profiling by law enforcement officials.

First, the bill prohibits the use of racial profiling by all law enforcement agents, whether Federal, State, or local. Racial profiling is defined in a standard, consistent definition as the practice of a law enforcement agent relying on race, ethnicity, religion, or national origin as a factor in their investigations and activities. The legislation creates an exception for the use of these factors where there is trustworthy information, relevant to the locality and time frame, which links persons of a particular race, ethnicity, or national origin to an identified incident or scheme.

Law enforcement agencies would be prohibited from using racial profiling in criminal or routine law enforcement investigations, immigration enforcement, and national security cases.

Second, the bill would mandate training on racial profiling issues, and requires data collection by local and State law enforcement agencies.

Third, this bill would condition the receipt of Federal funds by state and local law enforcement on two grounds. First, under this bill, state and local law enforcement would have to ''maintain adequate policies and procedures designed to eliminate racial profiling.'' Second, they must ''eliminate any existing practices that permit or encourage racial profiling.''

Fourth, the bill would authorize the Justice Department to provide grants to State and local government to develop and implement best policing practices that would discourage racial profiling, such as early warning systems.

Finally, the bill would require the Attorney General to provide periodic reports to assess the nature of any ongoing discriminatory profiling practices.

The bill would also provide remedies for individuals who were harmed by racial profiling.

The legislation I introduce today is supported by the Leadership Conference on Civil and Human Rights, NAACP, Rights Working Group, ACLU, and numerous other national, state, and local organizations.

Racial profiling is bad policy, but given the state of our budgets, it also diverts scarce resources from real law enforcement. Law enforcement officials nationwide already have tight budgets. The more resources spent investigating individuals because of their race, religion, national origin, or ethnicity, the fewer resources directed at suspects who are actually demonstrating illegal behavior.

Using racial profiling makes it less likely that certain affected communities will voluntarily cooperate with law enforcement and community policing efforts, making it harder for our law enforcement community to combat crimes and fight terrorism.

Minorities living and working in these communities in which racial profiling is used may also feel discouraged from traveling freely, which corrodes the public trust in government. This ultimately demonizes entire communities and perpetuates negative stereotypes based on an individual's race, ethnicity, or religion.

Racial profiling has no place in modern law enforcement. The vast majority of our law enforcement officials who put their lives on the line every day handle their jobs with professionalism, diligence, and fidelity to the rule of law.

However, Congress and the Justice Department can and should still take steps to prohibit racial profiling and finally root out its use.

I agree with Attorney General Holder's remarks to the American-Arab Anti-Discrimination Committee where he stated:

> In this Nation, security and liberty are—at their best—partners, not enemies, in ensuring safety and opportunity for all . . . In this Nation, the document that sets forth the supreme law of the land—the Constitution—is meant to empower, not exclude . . . Racial profiling is wrong. It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing—whatever city, whatever state.

The Fourteenth Amendment to the U.S. Constitution guarantees the ''equal protection of the laws'' to all Americans. Racial profiling is abhorrent to that principle, and should be ended once and for all.

As the late Senator Ted Kennedy often said, ''civil rights is the great unfinished business of America.'' Let us continue the fight here to make sure that we truly have equal justice under law for all Americans. I urge my colleagues to support this legislation.

By Mr. BLUMENTHAL:

S. 1041. A bill to amend title 10, United States Code, to afford crime victims' rights to victims of offenses under the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

Mr. BLUMENTHAL. Mr. President, I rise today to introduce the Military Crime Victims Rights Act of 2013. There are 26,000 victims of sexual assault in the military every year; at least last year there were that number estimated. But only a fraction, some 3,000-plus, were reported.

This measure encourages more accurate and complete reporting of all kinds, by guaranteeing all victims of crimes in the military the basic rights that victims have in civilian courts under current law. These rights are not a matter of discretion, they are a legal right that victims of crimes in our Federal courts enjoy. My proposal is essentially to apply these same rights, guarantee them, in the Uniform Code of Military Justice.

The Uniform Code of Military Justice fails to afford these basic rights. They are rights of decency and fairness to crime victims. It requires many of these victims to endure humiliating and insulting obstacles in their quest for justice, so it naturally discourages them from coming forward and reporting these acts, most especially the act of sexual assault.

Those rights that I believe should be applied under the Uniform Code of Military Justice are, for example, the right to protection from the accused, notice and opportunity to speak at trial, the right against unreasonable delay in trial proceedings. Those are a few of the rights that would be guaranteed. They are standards of decency and fairness that are essential to effective prosecution and the goals of good order and discipline in the military.

These fundamental rights are well-established in the civilian courts and well-esteemed by prosecutors and defendants as well as the victims, because they enable the justice system to function more fairly and effectively. Few would imagine going into a civilian court in a criminal trial without the statutory right to be protected from the accused, protection against physical threats or intimidation. Few would imagine going into a civilian court and being denied the right to appear and to speak when one's history, one's personal and sexual history is an issue in the trial. Few would imagine the denial of a right to be heard in the course of sentencing. Few would imagine unreasonable delay and permission for the accused to actually leave the country and be unavailable for the trial and thereby have that unreasonable delay. Yet in the military court, these events are routine and expected. This bill would correct that failing.

There is no reason military sexual assault victims should be given less respect or fewer rights than civilian victims of the same offense. The key to deterring crime is prosecuting and punishing it effectively, which requires reporting by victims. More than reporting, it requires cooperation. We know for a fact that victims denied rights and respect will simply not report sexual assault in the military. They fear retaliation and discouragement of many kinds in reporting serious crimes of all kinds. If sexual assault is not reported, it cannot be prosecuted. If it is not prosecuted, it certainly cannot be punished or deterred.

I became involved in this issue of victims rights in the military because of a constituent who came forward to me. I became involved in her case because she was denied basic justice. Her case was delayed. She was a victim of sexual assault in the apartment of an officer stationed in Rhode Island. She never had the opportunity to speak in court in a timely way. Her credibility was directly put at issue. She had no opportunity to rebut, in effect, the charges

brought against her. So often the victim is the one on trial. So often she or he is forced to relive that brutal, vicious predatory act of criminal conduct simply to bring charges and seek justice.

She is seeking justice not only on her own behalf but on behalf of the Nation, because it is clearly the experience, as proven by solid evidence, that a sexual offender repeats that offense. The rate of recidivism is higher for sexual offenses than any other kind of crime.

Last year I requested that the Department of Defense investigate both their failures to afford victims the right to be heard during public proceedings and victims' rights to be free from unreasonable delay and the lack of remedies available to victims. The report I received as a result of that request explained, in February, that the Department of Defense does not include the full list of crime victims rights in its directive because it references a repealed statute, one from 1990, rather than the more recent one passed by Congress, the United States Justice for All Act of 2004.

That is why still today our military services, each of them, is operating on out-of-date and inadequate victim protection. The reason is not military necessity; it is simply ignoring the law that exists right now in spirit if not in letter. My bill would correct the letter of the law to guarantee these rights.

I appreciate the investigation conducted by the Department of Defense General Counsel Robert Taylor and the military's commitment to revising their out-of-date directives and instructions, but we need a statutory remedy now, so people whose rights are violated will have a remedy, so they will have a recourse and relief when their rights are violated.

This victims bill of rights has proved feasible and effective in the civilian justice proceedings involving the very same offenses.

The rights are not novel or untested, they are well established and esteemed.

I ask today for support from my colleagues in passing this measure. It is a basic, commonsense measure. It requires a military judge—just like their civilian counterparts—to take up and decide any motion asserting a victim's rights right away. It requires an ombudsman within the Department of Defense just like the ombudsman for crime victims' rights in the Department of Justice. It requires training for judge advocates and other appropriate members of the Armed Forces and personnel of the Department to assist them in responding more effectively to the needs of victims' rights. It requires trial counsel in a military case to advise the victim that he or she can seek the advice of their own attorney with respect to these rights.

We have an opportunity and an obligation to stand for those who stand for us and defend us, and I refuse to disappoint them. I look forward to working on enacting this proposal with my colleagues in the Senate Armed Services Committee, the Department of Defense, and the U.S. military. And I would welcome the views of the response systems panel established by Congress when they have views they wish to impart.

We have the best and strongest military force in the history of the world, in the history of our Nation. Our men and women in uniform deserve a military justice system worthy of their excellence.

By Mr. SCHATZ (for himself, Mr. BARRASSO, Mr. TESTER, and Ms. HIRONO):

S. 1046. A bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994; to the Committee on Indian Affairs.

Mr. SCHATZ. 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. 1046

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 ''Native American Veterans' Memorial Amendments Act of 2013''.

SEC. 2. NATIVE AMERICAN VETERANS' MEMORIAL.

(a) AUTHORITY TO ESTABLISH MEMORIAL.—Section 3 of the Native American Veterans' Memorial Establishment Act of 1994 (20 U.S.C. 80q–5 note; 108 Stat. 4067) is amended—

(1) in subsection (b), by striking ''within the interior structure of the facility'' and inserting ''on the property''; and

(2) in subsection (c)(1), by striking '', in consultation with the Museum, is'' and inserting ''and the National Museum of the American Indian are''.

(b) PAYMENT OF EXPENSES.—Section 4(a) of the Native American Veterans' Memorial Establishment Act of 1994 (20 U.S.C. 80q–5 note; 108 Stat. 4067) is amended—

(1) in the heading, by inserting ''AND NATIONAL MUSEUM OF THE AMERICAN INDIAN '' after ''AMERICAN INDIANS ''; and

(2) in the first sentence, by striking ''shall be solely'' and inserting ''and the National Museum of the American Indian shall be''.

By Ms. COLLINS (for herself and Mr. KING):

S. 1051. A bill to amend title 37, United States Code, to ensure that footwear furnished or obtained by allowance for enlisted members of the Armed Forces upon their initial entry into the Armed Forces complies with domestic source requirements; to the Committee on Armed Services.

Ms. COLLINS. Mr. President, I rise today to introduce a bipartisan bill cosponsored by Senator KING that would ensure the Department of Defense provides military recruits with athletic footwear made in the U.S.A.

The Berry Amendment, established by Congress in 1941, requires the Department to give preference to clothing and other items made in the United States for any contract valued at $150,000 or more.

For decades, the military issued American-made uniforms, including athletic footwear, for our troops. However since fiscal year 2002, the purpose and intent of the Berry Amendment have been undermined by a change in DOD policy. The Army, Air Force, and the Navy now provide a cash voucher that incoming servicemembers use to purchase athletic footwear, without providing any preference for domestically manufactured footwear.

DOD claims that a soldier's individual purchase of athletic footwear with a DOD-provided cash allowance is not subject to the Berry Amendment because such individual purchases fall below the simplified acquisition threshold of $150,000.

Yet, the cash allowances provided with Federal funds for athletic shoes are valued at about $15 million annually, an amount that is 100 times the minimum contract value at which the Berry Amendment applies.

Like all other clothing items issued directly by the military services, athletic footwear should be made in the U.S.A. by American companies. It is time for DoD to treat athletic footware like every other uniform item, including boots, and buy them from American manufacturers.

This bill would require DOD to comply with the Berry Amendment for footwear either issued directly to or through a cash allowance to servicemembers upon initial entry into the Armed Forces. In other words, athletic footwear would be treated like boots and all other uniform items.

In the past, opponents of ensuring compliance with the Berry amendment have argued there is an insufficient domestic market for athletic shoes, that Berry compliant shoes somehow would not provide adequate comfort or safety, and that athletic shoes are not uniform items. None of these objections withstands scrutiny.

After the Senate Armed Services Committee required DOD to conduct a market survey to determine vendor interest, DOD found that vendor interest and capacity do exist to support a Berry compliant shoe market. The report also found that at least two American companies can produce high-quality Berry compliant footwear right now in the quantity and at the price point needed. Today, a 100 percent Berry compliant shoe is on the market at a price of $68, $6 less than the current Army allowance of $74, and without requiring waivers.

The comfort argument is also based on the unfounded premise that recruits somehow would not enjoy the same degree of comfort or safety with a Berry compliant shoe. Yet the military makes no distinction for boots or other uniform shoes, to no adverse effect upon recruits. To address this concern, however, the amendment would exempt servicemembers requiring a waiver for medical reasons.

Finally, I dispute the characterization that athletic shoes are not uniform items. Federal funds are used to

purchase the shoes, and recruits are required to wear them. If this is not a uniform item, why are we allocating Federal funding at all? I would also suggest that any initial entry trainee who arrives at a physical training formation without athletic shoes would also dispute the characterization.

This bill is consistent with several Congressional interventions that have corrected a pattern of Federal agencies ignoring or narrowly interpreting domestic sourcing statutes contrary to Congress's intent.

During the Senate Armed Services Committee markup of the fiscal year 2013 NDAA, the Committee unanimously adopted an amendment offered by Senator GRAHAM to require the fabric of clothing provided to Afghanistan security forces comply with the Berry Amendment without exception or exemption.

In July 2012, 12 Senators introduced legislation to require the United States Olympic Committee adopt a policy that ceremonial athletic uniforms, including accessories such as shoes, be produced in the United States.

If American-made uniforms are appropriate for U.S. Olympic athletes and Afghan security personnel, surely our servicemembers deserve the same. Federal funds for clothing worn by new recruits should benefit American workers and American companies rather than workers overseas.

This is about supporting American manufacturing jobs and having American soldiers fight and train in American-made footwear. I urge my colleagues to support this bill to provide military recruits with athletic footwear made in the U.S.A.

By Mr. WYDEN (for himself and Mr. ROBERTS):

S. 1053. A bill to amend title XVIII of the Social Security Act to strengthen and protect Medicare hospice programs; to the Committee on Finance.

Mr. WYDEN. 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. 1053

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 ''Hospice Evaluation and Legitimate Payment Act of 2013''.

SEC. 2. ENSURING TIMELY ACCESS TO HOSPICE CARE.

(a) IN GENERAL.—Section 1814(a)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)) is amended to read as follows:

''(i) a hospice physician, nurse practitioner, clinical nurse specialist, or physician assistant (as those terms are defined in section 1861(aa)(5)), or other health professional (as designated by the Secretary), has a face-to-face encounter with the individual to determine continued eligibility of the individual for hospice care prior to the first 60-day period and each subsequent recertification under subparagraph (A)(ii) (or, in the case where a hospice program newly admits an individual who would be entering their first 60-day period or a subsequent hospice benefit period or where exceptional circumstances, as defined by the Secretary, may prevent a face-to-face encounter prior to the beginning of the hospice benefit period, not later than 7 calendar days after the individual's election under section 1812(d)(1) with respect to the hospice program) and attests that such visit took place (in accordance with procedures established by the Secretary); and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2014, and applies to hospice care furnished on or after such date.

SEC. 3. RESTORING AND PROTECTING THE MEDICARE HOSPICE BENEFIT.

(a) IN GENERAL.—Section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (D)—

(i) in clause (i)—

(I) in the first sentence, by striking ''not earlier than October 1, 2013, the Secretary shall, by regulation,'' and inserting ''subject to clause (iii), not earlier than the later of 2 years after the demonstration program under subparagraph (F) is completed or October 1, 2017, the Secretary shall, by regulation, preceded by a notice of the proposed regulation in the Federal Register and a period for public comment in accordance with section 1871(b)(1),''; and

(II) in the second sentence, by inserting '' and shall take into account the results of the evaluation conducted under subparagraph (F)(ii)'' before the period; and

(ii) by adding at the end the following new clause:

''(iii) The Secretary shall implement the revisions in payment pursuant to clause (i) unless the Secretary determines that the demonstration program under subparagraph (F) demonstrated that such revisions would adversely affect access to quality hospice care by beneficiaries under this title.''; and

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

''(F) HOSPICE PAYMENT REFORM DEMONSTRATION PROGRAM.—

''(i) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—

''(I) IN GENERAL.—Before implementing any revisions to the methodology for determining the payment rates for routine home care and other services included in hospice care under subparagraph (D), the Secretary shall establish a Medicare Hospice Payment Reform demonstration program (in this subparagraph referred to as the 'demonstration program') to test such proposed revisions.

''(II) DURATION.—The demonstration program shall be conducted for a 2-year period beginning on or after October 1, 2013.

''(III) SCOPE.—Any certified hospice program may apply to participate in the demonstration program and the Secretary shall select not more than 15 such hospice programs to participate in the demonstration program.

''(IV) REPRESENTATIVE PARTICIPATION.—Hospice programs selected under subclause (III) to participate in the demonstration program shall include a representative cross-section of hospice programs throughout the United States, including programs located in urban and rural areas.

''(ii) EVALUATION AND REPORT.—

''(I) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration program. Such evaluation shall include an analysis of whether the use of the revised payment methodology under the demonstration program has improved the quality of patient care and access to hospice care for beneficiaries under this title and the impact of such payment revisions on hospice care providers, including the impact, if any, on the ability of hospice programs to furnish quality care to beneficiaries under this title.

''(II) REPORT.—Not later than 2 years after the completion of the demonstration program, the Secretary shall submit to Congress a report containing the results of the evaluation conducted under subclause (I), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

''(iii) BUDGET NEUTRALITY.—With respect to the 2-year period of the demonstration program, the Secretary shall ensure that revisions in payment implemented as part of the demonstration program shall result in the same estimated amount of aggregate payments under this title for hospice care for the programs participating in the demonstration as would have been made if the hospice programs had not participated in the demonstration program.''.

SEC. 4. HOSPICE SURVEY REQUIREMENT.

Section 1861(dd)(4) of the Social Security Act (42 U.S.C. 1395x(dd)(4)) is amended by adding at the end the following new subparagraph:

''(C) Any entity that is certified as a hospice program shall be subject to a standard survey by an appropriate State or local survey agency, or an approved accreditation agency, as determined by the Secretary, not less frequently than once every 36 months beginning 6 months after the date of the enactment of this subparagraph.''.

By Mr. REID:

S. 1054. A bill to establish Golf Butte National Conservation Area in Clark County, Nevada in order to conserve, protect, and enhance the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, educational, and scenic resources of the area, to designate wilderness areas, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise to introduce the Gold Butte National Conservation Area Act of 2013. This legislation will designate the Gold Butte National Conservation Area in Southern Nevada and designate wilderness within Gold Butte.

I am proud to introduce this important bill, which has been in the making for at least a decade. The establishment of the Gold Butte National Conservation Area has been supported by Clark County, the City of Mesquite, Friends of Gold Butte, the Moapa Band of Paiutes, the Nevada Resort Association, and thousands of Nevadans.

By establishing the Gold Butte National Conservation Area as a unit of the National Landscape Conservation System, managed by the Bureau of Land Management, we will conserve, protect and enhance this unique part of Southern Nevada's landscape.

The proposed National Conservation Area is located in Clark County, south of the City of Mesquite and surrounded on three sides by the Lake Mead National Recreation Area and the Grand Canyon Parashant National Monument in Arizona. Gold Butte, deemed by locals as ''Nevada's piece of the Grand

Canyon'', is recognized for its amazing sandstone formations, critical habitat for desert tortoise, mining heritage and the ancient Native American rock art that is so prevalent throughout the area. The land is home to a number of rare plants and animals such as desert tortoise, desert bighorn sheep, golden eagles, and bear poppies. The legislation will also protect current uses which include camping, hunting, hiking and riding off-highway vehicles on previously designated routes.

Gold Butte is named for the mining town of the same name comprised of approximately 1,000 miners in the early 1900s. Long since abandoned, Gold Butte shows the remnants of an early pioneer history of ranching and mining. Even before the early settlers, however, Native Americans depended on this area. The evidence of ancient people can be found nearly everywhere in Gold Butte—petroglyphs, agave roasting pits, hunting blinds, rock shelters, stone tools, pottery shards and charcoal are found across the landscape.

For decades, the Gold Butte area has been a special place for those in the surrounding community. Over 10 years ago people started noticing the impacts of increased unmanaged visitation such as litter, fires, waste and degradation of cultural and natural resources. Unfortunately, these human impacts were becoming a common occurrence in Gold Butte. It was then that a group of conservationists, sportsmen, archaeologists, tribal members, ranchers and community members formed Friends of Gold Butte and started advocating for a higher level of protection for the area. Since 2000, Friends of Gold Butte has worked to create and shape a proposal for protection of these important resources.

The National Conservation Area will also benefit the local economy by bringing tourists and outdoor enthusiasts to explore the natural beauty of this desert landscape. Nevada already benefits from $14.9 billion annually in consumer spending directly related to the outdoor recreation industry, which directly supports 148,000 jobs. Designation of the Gold Butte National Conservation Area will draw more people to the area and bring in vital tourist dollars to the City of Mesquite and to Clark County.

The legislation also designates wilderness areas within the Gold Butte National Conservation Area. These wilderness areas provide key habitat for a number of critical species, protects the cultural resources and the many primitive places in Gold Butte.

The Gold Butte National Conservation Area Act is an ambitious piece of legislation, built on years of hard work by local advocates and stakeholder input. It protects vital natural and cultural resources and preserves an important area of recreation for future generations.

I understand that more work will need to be done on this bill and I anticipate feedback by stakeholders to improve the legislation.

I look forward to working with my colleagues to move this important legislation through the legislative process.

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. 1054

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Gold Butte National Conservation Area Act''.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) the public land in southeastern Nevada generally known as ''Gold Butte'' is recognized for outstanding—

(A) scenic values;

(B) natural resources, including critical habitat, sensitive species, wildlife, desert tortoise habitat, and geology;

(C) historic resources, including historic mining, ranching and other western cultures, and pioneer activities; and

(D) cultural resources, including evidence of prehistoric habitation and rock art;

(2) Gold Butte has become a destination for diverse recreation opportunities, including camping, hiking, hunting, motorized recreation, and sightseeing.

(3) Gold Butte draws visitors from throughout the United States;

(4) Gold Butte provides important economic benefits to Mesquite and other nearby communities;

(5) inclusion of the Gold Butte National Conservation Area in the National Landscape Conservation System would provide increased opportunities for—

(A) interpretation of the diverse values of the area for the visiting public; and

(B) education and community outreach in the region; and

(6) designation of Gold Butte as a National Conservation Area will permanently protect the scenic, biological, natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources within the area.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term ''Advisory Council'' means the Gold Butte National Conservation Area Advisory Council established under section 104(a).

(2) CONSERVATION AREA.—The term ''Conservation Area'' means the Gold Butte National Conservation Area established by section 101(a).

(3) COUNTY.—The term ''County'' means Clark County, Nevada.

(4) DESIGNATED ROUTE.—The term ''designated route'' means a road that is designated as open by the Route Designations for Selected Areas of Critical Environmental Concern Located in the Northeast Portion of the Las Vegas BLM District Environmental Assessment, NV–052–2006–0433.

(5) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Conservation Area developed under section 102(b).

(6) MAP.—The term ''Map'' means the map entitled ''Gold Butte National Conservation Area'' and dated May 23, 2013.

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

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

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

(10) WILDERNESS AREA.—The term ''wilderness area'' means a wilderness areas designated by section 202(a).

TITLE I—GOLD BUTTE NATIONAL CONSERVATION AREA

SEC. 101. ESTABLISHMENT OF GOLD BUTTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—There is established the Gold Butte National Conservation Area in the State.

(b) AREA INCLUDED.—The Conservation Area shall consist of approximately 348,515 acres of public land administered by the Bureau of Land Management in the County, as generally depicted on the Map.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Conservation Area with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY.—A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the National Park Service.

SEC. 102. MANAGEMENT OF CONSERVATION AREA.

(a) PURPOSES.—In accordance with this title, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws, the Secretary shall manage the Conservation Area in a manner

that conserves, protects, and enhances the scenic, biological, natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources of the Conservation Area.

(b) MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan for the long-term protection and management of the Conservation Area.

(2) CONSULTATION.—The Secretary shall prepare the management plan in consultation with the State, local and tribal government entities, the Advisory Council, and the public.

(3) REQUIREMENTS.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area; and

(B) include a recommendation on interpretive and educational materials regarding the cultural and biological resources of the region within which the Conservation Area is located.

(4) INCORPORATION OF ROUTE DESIGNATIONS.—The management plan shall incorporate the decisions in the Route Designations for Selected Areas of Critical Environmental Concern Located in the Northeast Portion of the Las Vegas BLM District Environmental Assessment, NV–052–2006–0433.

(c) USES.—The Secretary shall allow only such uses of the Conservation Area that the Secretary determines would further the purpose of the Conservation Area described in subsection (a).

(d) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interests in land located within the boundary of the Conservation Area that is acquired by the United States after the date of enactment of this Act shall become part of the Conservation Area and be managed as provided in subsection (a).

(e) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except in cases in which motorized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles shall be permitted only on designated routes.

(2) MONITORING AND EVALUATION.—The Secretary shall annually—

(A) assess the effects of the use of motorized vehicles on designated routes; and

(B) in consultation with the Nevada Department of Wildlife, assess the effects of designated routes on wildlife and wildlife habitat to minimize environmental impacts and prevent damage to cultural and historical resources from the use of designated routes.

(3) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall manage designated routes in a manner that—

(i) is consistent with motorized and mechanized use of the designated routes that is authorized on the date of the enactment of this Act;

(ii) ensures the safety of the people that use the designated routes;

(iii) does not damage sensitive habitat or cultural or historical resources; and

(iv) provides for adaptive management of resources and restoration of damaged habitat or resources.

(B) REROUTING.—

(i) IN GENERAL.—A designated route may be temporarily closed or rerouted if the Secretary, in consultation with the State, the County, and the Advisory Council, subject to subparagraph (C), determines that—

(I) the designated route is having an adverse impact on—

(aa) sensitive habitat;

(bb) natural resources;

(cc) cultural resources; or

(dd) historical resources;

(II) the designated route threatens public safety;

(III) temporary closure of the designated route is necessary to repair—

(aa) the designated route; or

(bb) resource damage; or

(IV) modification of the designated route would not significantly affect access within the Conservation Area.

(ii) PRIORITY.—If the Secretary determines that the rerouting of a designated route is necessary under clause (i), the Secretary may give priority to existing roads designated as closed.

(iii) DURATION.—A designated route that is temporarily closed under clause (i) shall remain closed only until the date on which the resource or public safety issue that led to the temporary closure has been resolved.

(C) NOTICE.—The Secretary shall provide information to the public regarding any designated routes that are open, have been rerouted, or are temporarily closed through—

(i) use of appropriate signage within the Conservation Area; and

(ii) the distribution of maps, safety education materials, law enforcement, and other information considered to be appropriate by the Secretary.

(4) NO EFFECT ON NON-FEDERAL LAND OR INTERESTS IN NON-FEDERAL LAND.—Nothing in this section affects ownership, management, or other rights relating to non-Federal land or interests in non-Federal land.

(5) MAP ON FILE.—The Secretary shall keep a current map on file at the appropriate offices of the Bureau of Land Management.

(6) ROAD CONSTRUCTION.—Except as necessary for administrative purposes or to respond to an emergency, the Secretary shall not construct any permanent or temporary road within the Conservation Area after the date of enactment of this Act.

(f) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Conservation Area shall be administered as a component of the National Landscape Conservation System.

(g) HUNTING, FISHING, AND TRAPPING.—Nothing in this title affects the jurisdiction of the State with respect to fish and wildlife, including hunting, fishing, and trapping in the Conservation Area.

SEC. 103. GENERAL PROVISIONS.

(a) NO BUFFER ZONES.—

(1) IN GENERAL.—The establishment of the Conservation Area shall not create an express or implied protective perimeter or buffer zone around the Conservation Area.

(2) PRIVATE LAND.—If the use of, or conduct of an activity on, private land that shares a boundary with the Conservation Area is consistent with applicable law, nothing in this title concerning the establishment of the Conservation Area prohibits or limits the use or conduct of the activity.

(b) WITHDRAWALS.—Subject to valid existing rights, all public land within the Conservation Area, including any land or interest in land that is acquired by the United States within the Conservation Area after the date of enactment of this Act, is withdrawn from—

(1) entry, appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

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

(c) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Conservation Area shall not affect the management status of any area within the boundary of the Conservation Area that is protected under the Clark County Multi-Species Habitat Conservation Plan.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to an area described in paragraph (1) and this title, the more restrictive provision shall control.

SEC. 104. GOLD BUTTE NATIONAL CONSERVATION AREA ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the ''Gold Butte National Conservation Area Advisory Council''.

(b) DUTIES.—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Advisory Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—

(1) IN GENERAL.—The Advisory Council shall include 13 members to be appointed by the Secretary, of whom, to the extent practicable—

(A) 4 members shall be appointed after considering the recommendations of the Mesquite, Nevada, City Council;

(B) 1 member shall be appointed after considering the recommendations of the Bunkerville, Nevada, Town Advisory Board;

(C) 1 member shall be appointed after considering the recommendations of the Moapa Valley, Nevada, Town Advisory Board;

(D) 1 member shall be appointed after considering the recommendations of the Moapa, Nevada, Town Advisory Board;

(E) 1 member shall be appointed after considering the recommendations of the Moapa Band of Paiutes Tribal Council; and

(F) 5 at-large members from the County shall be appointed after considering the recommendations of the County Commission.

(2) SPECIAL APPOINTMENT CONSIDERATIONS.—The at-large members appointed under paragraph (1)(F) shall have backgrounds that reflect—

(A) the purposes for which the Conservation Area was established; and

(B) the interests of persons affected by the planning and management of the Conservation Area.

(3) REPRESENTATION.—The Secretary shall ensure that the membership of the Advisory Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.

(4) INITIAL APPOINTMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the initial members of the Advisory Council in accordance with paragraph (1).

(e) DUTIES OF THE ADVISORY COUNCIL.—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of the management plan, including budgetary matters relating to the Conservation Area.

(f) COMPENSATION.—.Members of the Advisory Council shall receive no compensation for serving on the Advisory Council.

(g) CHAIRPERSON.—

(1) IN GENERAL.—The Advisory Council shall elect a Chairperson from among the members of the Advisory Council.

(2) TERM.—The term of the Chairperson shall be 3 years.

(h) TERM OF MEMBERS.—

(1) IN GENERAL.—The term of a member of the Advisory Council shall be 3 years.

(2) SUCCESSORS.—Notwithstanding the expiration of a 3-year term of a member of the Advisory Council, a member may continue to serve on the Advisory Council until a successor is appointed.

(i) VACANCIES.—

(1) IN GENERAL.—A vacancy on the Advisory Council shall be filled in the same manner in which the original appointment was made.

(2) APPOINTMENT FOR REMAINDER OF TERM.—A member appointed to fill a vacancy on the Advisory Council shall serve for the remainder of the term for which the predecessor was appointed.

(j) TERMINATION.—The Advisory Council shall terminate not later than 3 years after the date on which the final version of the management plan is published.

TITLE II—DESIGNATION OF WILDERNESS AREAS IN CLARK COUNTY, NEVADA

SEC. 201. FINDINGS.

Congress finds that—

(1) public land administered by the Bureau of Land Management, Bureau of Reclamation, and National Park Service in the County contains unique and spectacular natural, cultural, and historical resources, including—

(A) priceless habitat for numerous species of plants and wildlife;

(B) thousands of acres of land that remain in a natural state; and

(C) numerous sites containing significant cultural and historical artifacts; and

(2) continued preservation of the public land would benefit the County and all of the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality.

SEC. 202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—In furtherance of the Wilderness Act (16 U.S.C. 1131 et seq.), the following public land administered by the National Park Service or the Bureau of Land Management in the County is designated as wilderness and as components of the National Wilderness Preservation System:

(1) VIRGIN PEAK WILDERNESS.—Certain public land managed by the Bureau of Land Management, comprising approximately 18,296 acres, as generally depicted on the Map, which shall be known as the ''Virgin Peak Wilderness''.

(2) BLACK RIDGE WILDERNESS.—Certain public land managed by the Bureau of Land Management, comprising approximately 18,192 acres, as generally depicted on the Map, which shall be known as the ''Black Ridge Wilderness''.

(3) BITTER RIDGE NORTH WILDERNESS.—Certain public land managed by the Bureau of Land Management comprising approximately 15,114 acres, as generally depicted on the Map, which shall be known as the ''Bitter Ridge North Wilderness''.

(4) BITTER RIDGE SOUTH WILDERNESS.—Certain public land managed by the Bureau of Land Management, comprising approximately 12,646 acres, as generally depicted on the Map, which shall be known as the ''Bitter Ridge Wilderness''.

(5) BILLY GOAT PEAK WILDERNESS.—Certain public land managed by the Bureau of Land Management, comprising approximately 30,460 acres, as generally depicted on the Map, which shall be known as the ''Billy Goat Peak Wilderness''.

(6) MILLION HILLS WILDERNESS.—Certain public land managed by the Bureau of Land Management, comprising approximately 24,818 acres, as generally depicted on the Map, which shall be known as the ''Million Hills Wilderness''.

(7) OVERTON WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 23,227 acres, as generally depicted on the Map, which shall be known as the ''Overton Wilderness''.

(8) TWIN SPRINGS WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 9,684 acres, as generally depicted on the Map, which shall be known as the ''Twin Springs Wilderness''.

(9) SCANLON WASH WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 22,826 acres, as generally depicted on the Map, which shall be known as the ''Scanlon Wash Wilderness''.

(10) HILLER MOUNTAINS WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 14,832 acres, as generally depicted on the Map, which shall be known as the ''Hiller Mountains Wilderness''.

(11) HELL'S KITCHEN WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 12,439 acres, as generally depicted on the Map, which shall be known as the ''Hell's Kitchen Wilderness''.

(12) INDIAN HILLS WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 8,955 acres, as generally depicted on the Map, which shall be known as the ''Indian Hills Wilderness''.

(13) LIME CANYON WILDERNESS ADDITIONS.—Certain public land managed by the Bureau of Land Management, comprising approximately 10,069 acres, as generally depicted on the Map, which is incorporated in, and shall be managed as part of, the ''Lime Canyon Wilderness'' designated by section 202(a)(9) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (16 U.S.C. 1132 note; Public Law 107–282).

(b) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The wilderness areas administered by the Bureau of Land Management shall be administered as components of the National Landscape Conservation System.

(c) ROAD OFFSET.—The boundary of any portion of a wilderness area that is bordered by a road shall be at least 100 feet away from the centerline of the road so as not to interfere with public access.

(d) LAKE OFFSET.—The boundary of any portion of a wilderness area that is bordered by Lake Mead or the Colorado River shall be 300 feet inland from the high water line.

(e) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—Each map and legal description under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the National Park Service.

SEC. 203. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to, and administered as part of, the wilderness area within which the acquired land or interest is located.

(c) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as a wilderness area—

(i) is within the Mojave Desert;

(ii) is arid in nature; and

(iii) includes ephemeral streams;

(B) the hydrology of the land designated as a wilderness area is locally characterized by complex flow patterns and alluvial fans with impermanent channels;

(C) the subsurface hydrogeology of the region within which the land designated as a wilderness area is located is characterized by ground water subject to local and regional flow gradients and artesian aquifers;

(D) the land designated as a wilderness area is generally not suitable for use or development of new water resource facilities;

(E) there are no actual or proposed water resource facilities and no opportunities for diversion, storage, or other uses of water occurring outside the land designated as a wilderness area that would adversely affect the wilderness or other values of the land; and

(F) because of the unique nature and hydrology of the desert land designated as a wilderness area and the existence of the Clark County Multi-Species Habitat Conservation Plan, it is possible to provide for proper management and protection of the wilderness, perennial springs, and other values of the land in ways different than the methods used in other laws.

(2) STATUTORY CONSTRUCTION.—

(A) NO RESERVATION.—Nothing in this title constitutes an express or implied reservation by the United States of any water or water rights with respect to the land designated as a wilderness area.

(B) STATE RIGHTS.—Nothing in this title affects any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States.

(C) NO PRECEDENT.—Nothing in this subsection establishes a precedent with regard to any future wilderness designations.

(D) NO EFFECT ON COMPACTS.—Nothing in this title limits, alters, modifies, or amends any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(E) CLARK COUNTY MULTI-SPECIES HABITAT CONSERVATION PLAN.—Nothing in this title limits, alters, modifies, or amends the Clark County Multi-Species Habitat Conservation Plan with respect to the land designated as a wilderness area, including specific management actions for the conservation of perennial springs.

(3) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the land designated as a wilderness area.

(4) NEW PROJECTS.—

(A) DEFINITION.—

(i) IN GENERAL.—In this paragraph, the term ''water resource facility'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(ii) EXCLUSION.—In this paragraph, the term ''water resource facility'' does not include wildlife guzzlers.

(B) NO LICENSES OR PERMITS.—Except as otherwise provided in this title, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the land designated as a wilderness area.

(d) WITHDRAWAL.—Subject to valid existing rights, any Federal land within the wilderness areas, including any land or interest in land that is acquired by the United States within the Conservation Area after the date of enactment of this Act, is withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

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

SEC. 204. ADJACENT MANAGEMENT.

(a) NO BUFFER ZONES.—Congress does not intend for the designation of land as wilderness areas to lead to the creation of protective perimeters or buffer zones around the wilderness areas.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 205. MILITARY, LAW ENFORCEMENT, AND EMERGENCY OVERFLIGHTS.

Nothing in this Act restricts or precludes—

(1) low-level overflights of military, law enforcement, or emergency medical services aircraft over the area designated as wilderness by this Act, including military, law enforcement, or emergency medical services overflights that can be seen or heard within the wilderness area;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military, law enforcement, or emergency medical services flight training routes, over the wilderness area.

SEC. 206. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land in any portion of the wilderness study areas located within the Conservation Area not designated as a wilderness area has been adequately studied for wilderness designation.

(b) RELEASE.—Any Bureau of Land Management land described in subsection (a) that is not designated as a wilderness area—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(2) shall be managed in accordance with—

(A) the land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of enactment of this Act; and

(3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 207. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this title diminishes—

(1) the rights of any Indian tribe; or

(2) tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 208. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas.

(b) MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), management activities to maintain or restore fish and wildlife populations and the habitats to support the populations may be carried out within the wilderness areas, if the activities—

(A) are consistent with relevant wilderness management plans; and

(B) are carried out in accordance with appropriate policies, such as those set forth in Appendix B of House Report 101–405.

(2) USE OF MOTORIZED VEHICLES.—The management activities under paragraph (1) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would—

(A) promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values; and

(B) accomplish the purposes described in subparagraph (A) with the minimum impact necessary to reasonably accomplish the task.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the State may continue to use aircraft (including helicopters) to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, horses, and burros.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary may designate, by regulation, areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas.

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under paragraph (1).

(f) COOPERATIVE AGREEMENT.—The State, including a designee of the State, may conduct wildlife management activities in the wilderness areas—

(1) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled ''Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9'' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(2) subject to all applicable laws (including regulations).

SEC. 209. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each wilderness area as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(b) EFFECT.—Nothing in this Act precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)).

SEC. 210. CLIMATOLOGICAL DATA COLLECTION.

Subject to such terms and conditions as the Secretary may require, nothing in this title precludes the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas if the facilities and access to the facilities are essential to flood warning, flood control, and water reservoir operation activities.

SEC. 211. NATIONAL PARK SYSTEM LAND.

To the extent any of the provisions of this title are in conflict with laws (including regulations) or management policies applicable to Federal land within the Lake Mead National Recreation Area designated as a wilderness area, the laws (including regulations) or policies shall control.

TITLE III—GENERAL PROVISIONS

SEC. 301. RELATIONSHIP TO CLARK COUNTY MULTI-SPECIES HABITAT CONSERVATION PLAN.

(a) IN GENERAL.—Nothing in this Act limits, alters, modifies, or amends the Clark County Multi-Species Habitat Conservation Plan with respect to the Conservation Area and the wilderness areas, including the specific management actions contained in the Clark County Multi-Species Habitat Conservation Plan for the conservation of perennial springs.

(b) CONSERVATION MANAGEMENT AREAS.—The Secretary shall credit the Conservation Area and the wilderness areas as Conservation Management Areas, as may be required by the Clark County Multi-Species Habitat Conservation Plan (including amendments to the plan).

(c) MANAGEMENT PLAN.—In developing the management plan, to the extent consistent with this section, the Secretary may incorporate any provision of the Clark County Multi-Species Habitat Conservation Plan.

SEC. 302. VISITOR CENTER, RESEARCH, AND INTERPRETATION.

(a) IN GENERAL.—The Secretary, acting through the Director of the Bureau of Land Management, may establish, in cooperation with any other public or private entities that the Secretary may determine to be appropriate, a visitor center and field office in Mesquite, Nevada—

(1) to serve visitors; and

(2) to assist in fulfilling the purposes of—

(A) the Lake Mead National Recreation Area;

(B) the Grand Canyon-Parashant National Monument; and

(C) the Conservation Area.

(b) REQUIREMENTS.—The Secretary shall ensure that the visitor center authorized under subsection (a) is designed—

(1) to interpret the scenic, biological, natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources of each of the areas described in that subsection; and

(2) to serve as an interagency field office for each of the areas described in that subsection.

(c) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this Act, enter into cooperative agreements with the State, the State of Arizona, and any other appropriate institutions and organizations to carry out the purposes of this section.

SEC. 303. TERMINATION OF WITHDRAWAL OF BUREAU OF LAND MANAGEMENT LAND.

(a) TERMINATION OF WITHDRAWAL.—The withdrawal of the parcels of Bureau of Land Management land described in subsection (b) for use by the Bureau of Reclamation is terminated.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) consist of the Bureau of Land Management land identified on the Map as ''Transfer from BOR to BLM''.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the land reverting to the Bureau of Land Management under subsection (a).

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

(A) the Map; or

(B) the legal description.

(3) AVAILABILITY.—The Map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the Bureau of Reclamation.

By Mr. KIRK:

S. 1059. A bill to amend the Immigration and Nationality Act to deem any person who has received an award from the Armed Forces of the United States for engagement in active combat or active participation in combat to have satisfied certain requirements for naturalization; to the Committee on the Judiciary.

Mr. KIRK. Mr. President, I rise today to introduce a bill that waives the naturalization requirements for non-citizen recipients of our armed forces' combat service awards. When a soldier, sailor, airman, or marine puts their life on the line for the United States, it only makes sense that we reciprocate their commitment to this nation by awarding these heroes U.S. citizenship as expeditiously as possible.

These awards include the Combat Infantryman Badge, the Combat Medical Badge, the Combat Action Badge, the Combat Action Ribbon, the Air Force Combat Action Medal, or any equivalent award recipients. They recognize a servicemember's presence under hostile fire or engagement in combat missions.

According to the Center for Naval Analysis, roughly 70,000 non-citizens enlisted in the active duty military between 1999 and 2008. These men and women have served in Operations New Dawn and Iraqi Freedom, and continue to serve today in Operation Enduring Freedom and elsewhere around the world.

The contributions of these men and women to the character of our military are unquestionable, and they possess language and cultural skills that are critical to the Department of Defense's mission. This legislation honors their service, and I encourage my colleagues to support its passage.

By Mr. REED:

S. 1062. A bill to improve quality and accountability for educator preparation programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, we rely on our public schools to prepare the next generation for success as citizens, workers, and innovators. We have asked educators to raise the bar and educate all students to internationally competitive college and career-ready standards. To achieve these goals, we need to focus on the professionals who have the greatest impact on student learning at school—teachers and principals.

Today, I am pleased to be reintroducing the Educator Preparation Reform Act with Representative HONDA to improve how we prepare teachers, principals, and other educators so that they can be effective right from the start. We have also reintroduced the Effective Teaching and Leading Act to support teachers, librarians, and principals currently on the job through a comprehensive system of induction, professional development, and evaluation.

The Educator Preparation Reform Act builds on the success of the Teacher Quality Partnership Program, which I helped author in the 1998 reauthorization of the Higher Education Act. The legislation we are reintroducing today places specific attention and emphasis on principals with the addition of a residency program for new principals.

Improving instruction is a team effort, with principals at the helm. This bill better connects teacher preparation with principal preparation. The Educator Preparation Reform Act will also allow partnerships to develop preparation programs for other areas of instructional need, such as for school librarians, counselors, or other academic support professionals.

The bill also revamps the accountability and reporting requirements for teacher preparation programs to provide greater transparency on key quality measures such as admissions standards, requirements for clinical practice, placement of graduates, retention in the field of teaching, and teacher performance, including student learning outcomes. All programs—whether traditional or alternative routes to certification—will be asked to report on the same measures.

Under our legislation, states will be required to identify at-risk and low-performing programs and provide them with technical assistance and a timeline for improvement. States would be encouraged to close programs that do not improve.

The Educator Preparation Reform Act refocuses the state set-aside for higher education in Title II of the Elementary and Secondary Education Act on technical assistance for struggling teacher preparation programs and the development of systems for assessing the quality and effectiveness of professional development programs. At the same time, it allows for activities to support the development and implementation of performance assessments to measure new teachers' readiness for the classroom and enhance professional development in the core academic areas.

We have been fortunate to work with many stakeholders on this legislation. Organizations that have endorsed the Educator Preparation Reform Act include: The Alliance for Excellent Education, American Association of Colleges for Teacher Education, American Association of State Colleges and Universities, American Council on Education, American Psychological Association, Association of American Universities, Association of Jesuit Colleges and Universities, Association of Public and Land-grant Universities, Council for Christian Colleges and Universities, First Focus Campaign for Children, Higher Education Consortium for Special Education, Hispanic Association of Colleges and Universities, National Association of Elementary School Principals, National Association of Independent Colleges and Universities, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Council of Teachers of Mathematics, National Science Teachers Association, National School Boards Association Opportunity to Learn Action Fund, Public Education Network, Rural School and Community Trust, Silicon Valley Education Foundation, Teacher Education Division of the Council for Exceptional Children, American Association of Colleges of Teacher Education, The Higher Education Task Force, National Association of Elementary School Principals, and National Association of Secondary School Principals.

I look forward to working to incorporate this legislation into the upcoming reauthorizations of the Elementary and Secondary Education Act and the Higher Education Act. I urge my colleagues to join in this effort and support this legislation.

By Mr. REED:

S. 1063. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am reintroducing the Effective Teaching and Leading Act to foster the development of highly skilled and effective educators.

In the upcoming reauthorization of the Elementary and Secondary Education Act, ESEA, building the capacity of our Nation's schools to enhance the effectiveness of teachers, principals, school librarians, and other school leaders must be among our top priorities.

Decades of research have demonstrated that improving educator and principal quality as well as greater family involvement are the keys to raising student achievement and turning around struggling schools. To strengthen teaching and school leadership, the Effective Teaching and Leading Act would amend Title II of ESEA to provide targeted assistance to

schools to develop and support effective teachers, principals, school librarians, and school leaders through implementation of comprehensive induction, professional development, and evaluation systems.

Every year across the country thousands of teachers leave the profession—many within their first years of teaching. An estimate by the National Commission on Teaching and America's Future of the nationwide cost of replacing public school teachers who have dropped out of the profession is $7.3 billion annually.

There are proven and well-documented strategies to support teachers that will keep them in our schools. Evidence has shown that providing teachers with comprehensive mentoring and support during their first two years of teaching reduces attrition by as much as half and increases student learning gains. The Effective Teaching and Leading Act would help schools implement the key elements of effective multi-year mentoring and induction for beginning teachers.

The bill also significantly revises the definition of ''professional development'' in current law to foster an ongoing culture of teacher, principal, school librarian, and staff collaboration throughout schools. All too often the available professional development still consists of isolated, check-the-box activities instead of helping educators engage in sustained professional learning that is regularly evaluated for its impact on classroom practice and student achievement. Effective professional development is collaborative, job-embedded, and informed by data.

It is also clear that evaluation systems have an important role to play in educator development. Through Race to the Top, ESEA waivers, and other initiatives many states and school systems are focusing on reforming their evaluation systems. When evaluation is done right, it provides educators with individualized ongoing feedback on their strengths and weaknesses and offers a path to improvement. The Effective Teaching and Leading Act would require school districts to establish rigorous, fair, and transparent evaluation systems that use multiple measures, including growth in student achievement.

Principals and school leaders also play a leading role in school improvement efforts and managing a collaborative culture of ongoing professional learning and development. Research has shown that leadership is second only to classroom instruction among school-related factors that influence student outcomes. As such, this bill would provide ongoing high-quality professional development to principals and school leaders, including multi-year induction and mentoring for new administrators.

Recognizing the importance of creating career advancement and leadership opportunities for teachers, the Effective Teaching and Leading Act supports opportunities for teachers to serve as mentors, instructional coaches, or master teachers, or take on increased responsibility for professional development, curriculum, or school improvement activities. It also calls for significant and sustainable stipends for educators that take on these new roles and responsibilities.

The bill also requires school districts to conduct surveys of the working and learning conditions educators face so this data could be used to better target investments and professional development support.

Improving teaching and school leadership is not simply a matter of sorting the good teachers and principals from the bad. What is needed is a comprehensive and integrated approach that supports new teachers and leaders as they enter the profession; provides on-going professional development that helps them improve and their students achieve; and that fairly assesses performance and provides feedback for improvement. This is the approach taken by the Effective Teaching and Leading Act.

I worked with a range of education organizations in developing this bill, including the Alliance for Excellent Education, American Federation of School Administrators, American Federation of Teachers; American Association of Colleges for Teacher Education; Association for Supervision and Curriculum Development; National Association of Elementary School Principals; National Association of Secondary School Principals; National Board for Professional Teaching Standards; Learning Forward; the National Commission for Teaching and America's Future, and the New Teacher Center. I thank them for their input and support for the bill.

I thank Congressman MIKE HONDA of California for introducing the companion bill in the House. I encourage my colleagues to cosponsor the Effective Teaching and Leading Act and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

By Mr. KAINE (for himself and Mr. WARNER):

S. 1074. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Easter Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

Mr. KAINE. Mr. President, I am pleased to introduce the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2013.

This legislation is critically important, because it is a major step towards reconciling an historic wrong for Virginia and the Nation. While the Virginia Tribes have received official recognition from the Commonwealth of Virginia, acknowledgement and officially-recognized status from the federal government has been considerably more difficult due to their systematic mistreatment over the past century.

The identities of the tribal members of Virginia's Indian Tribes were stripped away by Virginia's Racial Integrity Act, a State law in effect from 1924 to 1967. Racial identifications of those without white ancestry were changed to ''colored'' on birth certificates during that period. In addition, 5 of the 6 courthouses that held the vast majority of the Virginia Indian Tribal records needed to document their history to the degree required by the Bureau of Indian Affairs Office of Federal Acknowledgement were destroyed in the Civil War.

Furthermore, Virginia Indians and England signed the Treaty of Middle Plantation in 1677. This predated the creation of the United States of America by just short of 100 years. This Treaty was never recognized by the founding fathers of the United States. Therefore, the Tribes were not granted Federal recognition upon signing treaties with the federal government like tribes in other states did.

I am proud of Virginia's recognized Indian Tribes and their contributions to our Commonwealth. The Virginia Tribes are a part of us. We go to school together, work together, and serve our Commonwealth and nation together every day. These contributions should be acknowledged, and this Federal recognition for Virginia's native peoples is long overdue.

It is my hope that the Senate will act upon my legislation this year, to give these 6 Virginia Native American Tribes the Federal recognition that is long overdue.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. CARPER, Mr. WARNER, Mr. COONS, and Mr. KAINE):

S. 1077. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, authorized under P.L. 105–312 in 1998 and reauthorized by P.L. 107–308 in 2002, the Chesapeake Bay Gateways and Watertrails Network helps several million visitors and residents discover, enjoy, and learn about the special places and stories of the Chesapeake Bay and its watershed. Today I am introducing legislation to reauthorize this successful program.

For visitors and residents, the Gateways are the ''Chesapeake connection.'' The Network members provide an experience of such high quality that their visitors will indeed connect to the Chesapeake emotionally as well as intellectually, and thus to its conservation.

The Chesapeake Bay is a national treasure. The Chesapeake ranks as the largest of America's 130 estuaries and

one of the nation's largest and longest fresh water and estuarine systems. The Atlantic Ocean delivers half the bay's 18 trillion gallons of water and the other half flows through over 150 major rivers and streams draining 64,000 square miles within six states and the District of Columbia. The Chesapeake watershed is among the most significant cultural, natural and historic assets of our nation.

The Chesapeake is enormous and vastly diverse—how could you possibly experience the whole story in any one place? Better to connect and use the scores of existing public places to collaborate on presenting the many chapters and tales of the bay's story. Visitors and residents go to more places for more experiences, all through a coordinated Gateways Network.

Beyond simply coordinating the Network, publishing a map and guides, and providing standard exhibits at all Gateways, the National Park Service has helped Gateways with matching grants and expertise for 200 projects with a total value of more than $12 million. This is a great deal for the Bay—it helps Network members tell the Chesapeake story better and inspires people to care for this National Treasure—and it's a good deal for the Park Service. In this legislation, we cap the Gateways authorization at just $2 million annually. It serves all 150+ Gateways and their 10 million visitors. No other National Park can provide such a dramatic ratio of public dollars spent to number of visitors served.

With the National Park Service's expertise and support, Gateways have made significant progress in their mission to tell the bay's stories to their millions of members and visitors, extend access to the bay and its watershed, and develop a conservation awareness and ethic. It is time to reauthorize the Chesapeake Gateways and Watertrails program. It is my hope that the Congress will act quickly to adopt 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 th bill was ordered to be printed in the RECORD, as follows:

S. 1077

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 ''Chesapeake Bay Gateways and Watertrails Network Reauthorization Act''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''fiscal years'' and all that follows through the period at the end and inserting ''fiscal years 2014 through 2018.''.

By Mr. DURBIN (for himself and Mr. KIRK):

S. 1083. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I am introducing legislation designed to improve educational opportunities for students. The All Students Achieving Through Reform Act, or All-STAR Act, would provide Federal resources to the most successful charter schools to help them grow and replicate their success. I thank Senator KIRK, for joining me in this effort.

Across the nation, public charter schools are achieving promising results in low-income communities. I have been particularly impressed by the Noble Street schools in Chicago. Since opening its first campus in 1999, Noble Street has expanded to 12 charter high schools educating over 7,600 students from more than seventy communities, including some of Chicago's most difficult neighborhoods.

Noble Street has achieved phenomenal results. Even though seventy-five percent of students enter school with below grade level skills, Noble juniors have the highest ACT scores among Chicago open-enrollment schools. Moreover, 99 percent of Noble Street's seniors graduate and 90 percent go on to college. I see this success in action when I visit Noble Street schools. As soon as you walk in the door, you can tell that everyone in the building is focused on academic success. The students are actively engaged in their learning. Their teachers and principals are demanding and inspiring. Noble Street would like to continue to grow and educate more students in Chicago.

Every day 2.3 million students attend approximately 6,000 public charter schools nationally. Let us be honest, not all charter schools are excellent. Poor-performing charter schools should be closed. But we also need to replicate and expand the ones that are beating the odds, and we need to learn from them. The 2013 U.S. News and World Report's Best High Schools list included three public charters in its top ten and twenty-eight charter schools in its top 100. We need more excellent charters, like these and the Noble Street schools, in Illinois and around the country.

The bipartisan bill I am introducing today would help make that possible. My bill would allow the existing charter school program to fund the expansion and replication of the most successful charter schools. Schools that have achieved positive results with their students will be able to apply for Federal grants to expand, allowing them to include additional grades or to replicate the model at a new school. Successful charters across the country will be able to grow, providing better educational opportunities to thousands of students.

The bill also incentivizes the adoption of strong charter school policies by states. We know that successful charter schools can thrive when they have autonomy, freedom to grow, and strong accountability based on meeting performance targets. The bill would give grant priority to States that provide that environment. The bill also requires new levels of charter school authorizer reporting and accountability to ensure that good charter schools are able to succeed while bad charter schools are improved or shut down.

This bill will improve educational opportunities for students across the nation. Charter schools represent some of the brightest spots in urban education today, and successful models have the full support of the President and Secretary Duncan. We need to help these schools grow and bring their best lessons into our regular public schools so that all students can benefit. Supporting the growth of successful charter schools should be a part of the conversation when we take up reauthorization of the Elementary and Secondary Education Act. I look forward to being a part of that discussion.

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

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

S. 1083

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 ''All Students Achieving through Reform Act of 2013'' or ''All-STAR Act of 2013''.

SEC. 2. CHARTER SCHOOL EXPANSION AND REPLICATION.

(a) IN GENERAL.—Subpart 1 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5211;

(2) by redesignating section 5210 as section 5211; and

(3) by inserting after section 5209 the following:

''SEC. 5210. CHARTER SCHOOL EXPANSION AND REPLICATION.

''(a) PURPOSE.—It is the purpose of this section to support State efforts to expand and replicate high-quality public charter schools to enable such schools to serve additional students, with a priority to serve those students who attend identified schools or schools with a low graduation rate.

''(b) SUPPORT FOR PROVEN CHARTER SCHOOLS AND INCREASING THE SUPPLY OF HIGH-QUALITY CHARTER SCHOOLS.—

''(1) GRANTS AUTHORIZED.—From the amounts appropriated under section 5200 for any fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to make subgrants to eligible public charter schools under subsection (e)(1) and carry out the other activities described in subsection (e), in order to allow the eligible public charter schools to serve additional students through the expansion and replication of such schools.

''(2) AMOUNT OF GRANTS.—In determining the grant amount to be awarded under this subsection to an eligible entity, the Secretary shall consider—

''(A) the number of eligible public charter schools under the jurisdiction or in the service area of the eligible entity that are operating;

''(B) the number of new openings for students that could be created in such schools with such grant;

''(C) the number of students attending identified schools or schools with a low graduation rate in the State or area where an eligible entity intends to replicate or expand eligible public charter schools; and

''(D) the success of the eligible entity in overseeing public charter schools and the likelihood of continued or increased success because of the grant under this section.

''(3) DURATION OF GRANTS.—

''(A) IN GENERAL.—A grant under this section shall be for a period of not more than 3 years, except that—

''(i) an eligible entity receiving such grant may, at the discretion of the Secretary, continue to expend grant funds after the end of the grant period; and

''(ii) the Secretary may renew such grant for 1 additional 2-year period, if the Secretary determines that the eligible entity is meeting the goals of the grant.

''(B) SUBSEQUENT GRANTS.—An eligible entity that has received a grant under this section may receive subsequent grants under this section.

''(c) APPLICATION REQUIREMENTS.—

''(1) APPLICATION REQUIREMENTS.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—The application described in paragraph (1) shall include, at a minimum, the following:

''(A) RECORD OF SUCCESS.—Documentation of the record of success of the eligible entity in overseeing or operating public charter schools, including—

''(i) the performance of the students of such public charter schools on the student academic assessments described in section 1111(b)(3) of the State where such school is located (including a measurement of the students' average academic longitudinal growth at each such school, if such measurement is required by a Federal or State law applicable to the entity), disaggregated by—

''(I) economic disadvantage;

''(II) race and ethnicity;

''(III) disability status; and

''(IV) status as a student with limited English proficiency;

''(ii)(I) the status of such schools in making adequate yearly progress, as defined in a State's plan in accordance with section 1111(b)(2)(C) or, in the case of schools for which the Secretary has waived the applicability of such section pursuant to the authority under section 9401, the status of such schools under the accountability standards authorized by such waiver; and

''(II) the status of such schools as identified schools;

''(iii) documentation of demonstrated success by such public charter schools in closing historic achievement gaps between groups of students; and

''(iv) in the case of such public charter schools that are secondary schools—

''(I) the number of students enrolled in dual enrollment, Advanced Placement, International Baccalaureate, or other college level courses;

''(II) the number of students earning a professional certificate or license through the school;

''(III) student graduation rates; and

''(IV) rates of student acceptance, enrollment, and persistence in institutions of higher education, where possible.

''(B) PLAN.—A plan for—

''(i) replicating and expanding eligible public charter schools operated or overseen by the eligible entity;

''(ii) identifying eligible public charter schools, or networks of eligible public charter schools, to receive subgrants under this section;

''(iii) increasing the number of openings in eligible public charter schools for students attending identified schools and schools with a low graduation rate;

''(iv) ensuring that eligible public charter schools receiving a subgrant under this section enroll students through a random lottery for admission, unless the charter school is using the subgrant to expand the school to serve additional grades, in which case such school may reserve seats in the additional grades for—

''(I) each student enrolled in the grade preceding each such additional grade;

''(II) siblings of students enrolled in the charter school, if such siblings desire to enroll in such grade; and

''(III) children of the charter school's founders, staff, or employees;

''(v)(I) in the case of an eligible entity described in subparagraph (A) or (C) of subsection (k)(4), the manner in which the eligible entity will work with identified schools and schools with a low graduation rate that are eligible to enroll students in a public charter school receiving a subgrant under this section and that are under the eligible entity's jurisdiction, and the local educational agencies serving such schools (as applicable), to—

''(aa) engage in community outreach, provide information in a language that the parents can understand, and communicate with parents of students at identified schools and schools with a low graduation rate who are eligible to attend a public charter school receiving a subgrant under this section about the opportunity to enroll in or transfer to such school, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

''(bb) ensure that a student can transfer to an eligible public charter school if the public charter school such student was attending in the previous school year is no longer an eligible public charter school; and

''(II) in the case of an eligible entity described in subparagraph (B) or (D) of subsection (k)(4), the manner in which the eligible entity will work with the local educational agency to carry out the activities described in items (aa) and (bb) of subclause (I);

''(vi) disseminating to public schools under the jurisdiction or in the service area of the eligible entity, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'), the best practices, programs, or strategies learned by awarding subgrants to eligible public charter schools under this section, with particular emphasis on the best practices with respect to—

''(I) focusing on closing achievement gaps; or

''(II) successfully addressing the education needs of low-income students; and

''(vii) in the case of an eligible entity described in subsection (k)(4)(D)—

''(I) supporting the short-term and long-term success of the proposed project, by—

''(aa) developing a multi-year financial and operating model for the eligible entity; and

''(bb) including, with the plan, evidence of the demonstrated commitment of current partners, as of the time of the application, for the proposed project and of broad support from stakeholders critical to the project's long-term success;

''(II) closing public charter schools that do not meet acceptable standards of performance; and

''(III) achieving the objectives of the proposed project on time and within budget, which shall include the use of clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

''(C) CHARTER SCHOOL INFORMATION.—The number of—

''(i) eligible public charter schools that are operating in the State in which the eligible entity intends to award subgrants under this section;

''(ii) public charter schools approved to open or likely to open during the grant period in such State;

''(iii) available openings in eligible public charter schools in such State that could be created through the replication or expansion of such schools if the grant is awarded to the eligible entity;

''(iv) students on public charter school waiting lists (if such lists are available) in—

''(I) the State in which the eligible entity intends to award subgrants under this section; and

''(II) each local educational agency serving an eligible public charter school that may receive a subgrant under this section from the eligible entity; and

''(v) students, and the percentage of students, in a local educational agency who are attending eligible public charter schools that may receive a subgrant under this section from the eligible entity.

''(D) TRADITIONAL PUBLIC SCHOOL INFORMATION.—In the case of an eligible entity described in subparagraph (A) or (C) of subsection (k)(4), a list of the following schools under the jurisdiction of the eligible entity, including the name and location of each such school, the number and percentage of students under the jurisdiction of the eligible entity who are attending such school, and such demographic and socioeconomic information as the Secretary may require:

''(i) Identified schools.

''(ii) Schools with a low graduation rate.

''(E) ASSURANCE.—In the case of an eligible entity described in subsection (k)(4)(A), an assurance that the eligible entity will include information (in a language that the parents can understand) about the eligible public charter schools receiving subgrants under this section—

''(i) in the notifications provided under section 1116(c)(6) to parents of each student enrolled in a school served by a local educational agency identified for school improvement or corrective action under paragraph (1) or (7) of section 1116(c); or

''(ii) in any case where the requirements under section 1116(c) have been waived in whole or in part by the Secretary under the authority of section 9401, to parents of each student enrolled in a school served by a local educational agency that has been identified as in need of additional assistance under any accountability system established under such section.

''(3) MODIFICATIONS.—The Secretary may modify or waive any information requirement under paragraph (2)(C) for an eligible entity that demonstrates that the eligible entity cannot reasonably obtain the information.

''(d) PRIORITIES FOR AWARDING GRANTS.—

''(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that—

''(A) serves or plans to serve a large percentage of low-income students from identified schools or public schools with a low graduation rate;

''(B) oversees or plans to oversee one or more eligible public charter schools;

''(C) provides evidence of effective monitoring of the academic success of students who attend public charter schools under the jurisdiction of the eligible entity;

''(D) has established goals, objectives, and outcomes for the proposed project that are clearly specified, measurable, and attainable;

''(E) in the case of an eligible entity that is a local educational agency under State law, has a cooperative agreement under section 1116(b)(11); and

''(F) is under the jurisdiction of, or plans to award subgrants under this section in, a State that—

''(i) ensures that all public charter schools (including such schools served by a local educational agency and such schools considered to be a local educational agency under State law) receive, in a timely manner, the Federal, State, and local funds to which such schools are entitled under applicable law;

''(ii) provides funding (such as capital aid distributed through a formula or access to revenue generated bonds, and including funding for school facilities) on a per-pupil basis to public charter schools commensurate with the amount of funding (including funding for school facilities) provided to traditional public schools;

''(iii) provides strong evidence of support for public charter schools and has in place innovative policies that support academically successful charter school growth;

''(iv) authorizes public charter schools to offer early childhood education programs, including prekindergarten, in accordance with State law;

''(v) authorizes or allows public charter schools to serve as school food authorities;

''(vi) ensures that each public charter school in the State—

''(I) has a high degree of autonomy over the public charter school's budget and expenditures;

''(II) has a written performance contract with an authorized public chartering agency that ensures that the school has an independent governing board with a high degree of autonomy; and

''(III) in the case of an eligible public charter school receiving a subgrant under this section, amends its charter to reflect the growth activities described in subsection (e);

''(vii) has an appeals process for the denial of an application for a public charter school;

''(viii) provides that an authorized public chartering agency that is not a local educational agency, such as a State chartering board, is available for each individual or entity seeking to operate a public charter school pursuant to such State law;

''(ix) allows any public charter school to be a local educational agency in accordance with State law;

''(x) ensures that each authorized public chartering agency in the State submits annual reports to the State educational agency, and makes such reports available to the public, on the performance of the schools authorized or approved by such public chartering agency, which reports shall include—

''(I) the authorized public chartering agency's strategic plan for authorizing or approving public charter schools and any progress toward achieving the objectives of the strategic plan;

''(II) the authorized public chartering agency's policies for authorizing or approving public charter schools, including how such policies examine a school's—

''(aa) financial plan and policies, including financial controls and audit requirements;

''(bb) plan for identifying and successfully (in compliance with all applicable laws and regulations) serving students with disabilities, students who are English language learners, students who are academically behind their peers, and gifted students; and

''(cc) capacity and capability to successfully launch and subsequently operate a public charter school, including the backgrounds of the individuals applying to the agency to operate such school and any record of such individuals operating a school;

''(III) the authorized public chartering agency's policies for renewing, not renewing, and revoking a public charter school's charter, including the role of student academic achievement in such decisions;

''(IV) the authorized public chartering agency's transparent, timely, and effective process for closing down academically unsuccessful public charter schools;

''(V) the academic performance of each operating public charter school authorized or approved by the authorized public chartering agency, including the information reported by the State in the State annual report card under section 1111(h)(1)(C) for such school (or any similar reporting requirement authorized by the Secretary through a waiver under section 9401);

''(VI) the status of the authorized public chartering agency's charter school portfolio, by identifying all charter schools served by the public chartering agency in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;

''(VII) the authorizing functions provided by the authorized public chartering agency to the public charter schools under its purview, including such agency's operating costs and expenses as detailed through annual auditing of financial statements that conform with general accepted accounting principles; and

''(VIII) the services purchased (such as accounting, transportation, and data management and analysis) from the authorized public chartering agency by the public charter schools authorized or approved by such agency, including an itemized accounting of the actual costs of such services; and

''(xi) has or will have (within 1 year after receiving a grant under this section) a State policy and process for overseeing and reviewing the effectiveness and quality of the State's authorized public chartering agencies, including—

''(I) a process for reviewing and evaluating the performance of the authorized public chartering agencies in authorizing or approving public charter schools, including a process that enables the authorized public chartering agencies to respond to any State concerns; and

''(II) any other necessary policies to ensure effective charter school authorizing in the State in accordance with the principles of quality charter school authorizing, as determined by the State in consultation with the charter school community and stakeholders.

''(2) SPECIAL RULE.—In awarding grants under this section, the Secretary may determine how the priorities described in paragraph (1) will apply to the different types of eligible entities defined in subsection (k)(4).

''(e) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant funds for the following:

''(1) SUBGRANTS.—

''(A) IN GENERAL.—An eligible entity shall award subgrants, in such amount as the eligible entity determines is appropriate, to eligible public charter schools to replicate or expand such schools.

''(B) APPLICATION.—An eligible public charter school desiring to receive a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner, and containing such information as the eligible entity may require.

''(C) USES OF FUNDS.—An eligible public charter school receiving a subgrant under this subsection shall use the subgrant funds to provide for an increase in the school's enrollment of students through the replication or expansion of the school, which may include use of funds to—

''(i) support the physical expansion of school buildings, including financing the development of new buildings and campuses to meet increased enrollment needs;

''(ii) pay costs associated with hiring additional teachers to serve additional students;

''(iii) provide transportation to additional students to and from the school (including providing transportation to students who transfer to the school under a cooperative agreement established under section 1116(b)(11)), as long as the eligible public charter school demonstrates to the eligible entity, in the application required under subparagraph (B), that the public charter school has the capability to continue providing such transportation after the expiration of the subgrant funds;

''(iv) purchase instructional materials, implement teacher and principal professional development programs, and hire additional non-teaching staff; and

''(v) support any necessary activities associated with the school carrying out the purposes of this section, including data collection and management.

''(D) PRIORITY.—In awarding subgrants under this subsection, an eligible entity shall give priority to an eligible public charter school that—

''(i)(I) has significantly closed any achievement gaps on the State academic assessments described in section 1111(b)(3) among the groups of students described in section 1111(b)(2)(C)(v) by improving scores; or

''(II) in the case of a school in a State for which the Secretary has granted a waiver under section 9401, has significantly closed any achievement gaps among groups of students, as determined by the Secretary in accordance with any accountability standards that the Secretary has authorized through such waiver; and

''(ii) has been in operation for not less than 3 consecutive years and has demonstrated overall success, including—

''(I) substantial progress in improving student achievement, as measured—

''(aa) for tested grades and subjects, by a student's score on State academic assessments required under this Act, and other rigorous measures of student learning that are comparable across classrooms, such as the measures described in item (bb); and

''(bb) for non-tested grades and subjects, alternative measures of student learning and performance, such as student scores on pretests and end-of-course tests, student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across classrooms; and

''(II) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

''(E) DURATION OF SUBGRANT.—A subgrant under this subsection shall be awarded for a period of not more than 3 years, except that an eligible public charter school receiving a subgrant under this subsection may, at the discretion of the eligible entity, continue to expend subgrant funds after the end of the subgrant period.

''(2) FACILITY FINANCING AND REVOLVING LOAN FUND.—An eligible entity may use not more than 25 percent of the amount of the grant funds received under this section to establish a reserve account described in subsection (f) to facilitate public charter school facility acquisition and development by—

''(A) conducting credit enhancement initiatives (as referred to in subpart 2) in support of the development of facilities for eligible public charter schools serving students;

''(B) establishing a revolving loan fund for use by an eligible public charter school receiving a subgrant under this subsection from the eligible entity under such terms as may be determined by the eligible entity to allow such school to expand to serve additional students;

''(C) facilitating, through direct expenditure or financing, the acquisition or development of public charter school buildings by the eligible entity or an eligible public charter school receiving a subgrant under this subsection from the eligible entity, which may be used as both permanent locations for eligible public charter schools or incubators for growing charter schools; or

''(D) establishing a partnership with 1 or more community development financial institutions (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)) or other mission-based financial institutions to carry out the activities described in subparagraphs (A), (B), and (C).

''(3) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, RESEARCH, AND DATA COLLECTION.—

''(A) IN GENERAL.—An eligible entity may use not more than 7.5 percent of the grant funds awarded under this section to cover administrative tasks, dissemination activities, and outreach, including data collection and management.

''(B) NONPROFIT ASSISTANCE.—In carrying out the administrative tasks, dissemination activities, and outreach described in subparagraph (A), an eligible entity may contract with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

''(f) RESERVE ACCOUNT.—

''(1) IN GENERAL.—To assist eligible entities in the development of new public charter school buildings or facilities for eligible public charter schools, an eligible entity receiving a grant under this section may, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the amount of funds described in subsection (e)(2) in a reserve account established and maintained by the eligible entity.

''(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under this subsection shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subsection shall be deposited in the reserve account established under this subsection and used in accordance with the purpose described in subsection (a).

''(4) RECOVERY OF FUNDS.—

''(A) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(i) all funds in a reserve account established by an eligible entity under this subsection if the Secretary determines, not earlier than 2 years after the date the eligible entity first received funds under this section, that the eligible entity has failed to make substantial progress carrying out the purpose described in paragraph (1); or

''(ii) all or a portion of the funds in a reserve account established by an eligible entity under this subsection if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of funds in such account to accomplish the purpose described in paragraph (1).

''(B) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided under subparagraph (A) to collect from any eligible entity any funds that are being properly used to achieve such purpose.

''(C) PROCEDURES.—Sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subparagraph (A).

''(D) CONSTRUCTION.—This paragraph shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

''(5) REALLOCATION.—Any funds collected by the Secretary under paragraph (4) shall be awarded to eligible entities receiving grants under this section in the next fiscal year.

''(g) FINANCIAL RESPONSIBILITY.—The financial records of each eligible entity and eligible public charter school receiving a grant or subgrant, respectively, under this section shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(h) NATIONAL EVALUATION.—

''(1) NATIONAL EVALUATION.—From the amounts appropriated under section 5200, the Secretary shall conduct an independent, comprehensive, and scientifically sound evaluation, by grant or contract and using the highest quality research design available, of the impact of the activities carried out under this section on—

''(A) student achievement, including State standardized assessment scores and, if available, student academic longitudinal growth (as described in subsection (c)(2)(A)(i)) based on such assessments; and

''(B) other areas, as determined by the Secretary.

''(2) REPORT.—Not later than 4 years after the date of the enactment of the All Students Achieving through Reform Act of 2013, and biannually thereafter, the Secretary shall submit to Congress a report on the results of the evaluation described in paragraph (1).

''(i) REPORTS.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary the following:

''(1) REPORT.—A report that contains such information as the Secretary may require concerning use of the grant funds by the eligible entity, including the academic achievement of the students attending eligible public charter schools as a result of the grant. Such report shall be submitted before the end of the 3-year period beginning on the date of enactment of the All Students Achieving through Reform Act of 2013 and every 2 years thereafter.

''(2) PERFORMANCE INFORMATION.—Such performance information as the Secretary may require for the national evaluation conducted under subsection (h)(1).

''(j) INAPPLICABILITY.—The provisions of sections 5201 through 5209 shall not apply to the program under this section.

''(k) DEFINITIONS.—In this section:

''(1) ADEQUATE YEARLY PROGRESS.—The term 'adequate yearly progress' has the meaning given such term in a State's plan in accordance with section 1111(b)(2)(C).

''(2) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—The term 'administrative tasks, dissemination activities, and outreach' includes costs and activities associated with—

''(A) recruiting and selecting students to attend eligible public charter schools;

''(B) outreach to parents of students enrolled in identified schools or schools with low graduation rates;

''(C) providing information to such parents and school officials at such schools regarding eligible public charter schools receiving subgrants under subsection (e);

''(D) necessary oversight of the grant program under this section; and

''(E) initiatives and activities to disseminate the best practices, programs, or strategies learned in eligible public charter schools to other public schools operating in the State where the eligible entity intends to award subgrants under this section.

''(3) CHARTER SCHOOL.—The term 'charter school' means—

''(A) a charter school, as defined in section 5211(1); or

''(B) a school that meets the requirements of such section, except for subparagraph (D) of the section, and provides prekindergarten or adult education services.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State educational agency;

''(B) an authorized public chartering agency;

''(C) a local educational agency that has authorized or is planning to authorize a public charter school;

''(D) an organization (including a nonprofit charter management organization) that has an organizational mission and record of success supporting the replication and expansion of high-quality charter schools and is—

''(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)); and

''(ii) exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)); or

''(E) a consortium of organizations described in subparagraph (D).

''(5) ELIGIBLE PUBLIC CHARTER SCHOOL.—The term 'eligible public charter school' means a charter school that has no significant compliance issue and shows evidence of strong academic results for the past three years (or over the life of the school if the school has been open for fewer than three years), based on—

''(A) increased student academic achievement and attainment for all students, including, as applicable, educationally disadvantaged students served by the charter school;

''(B)(i) demonstrated success in closing historic achievement gaps for the subgroups of students described in section 1111(b)(2)(C)(v)(II) at the charter school or, in the case of a school in a State for which the Secretary has granted a waiver under section 9401, demonstrated success in closing achievement gaps among groups of students, as determined by the Secretary in accordance with any accountability standards that the Secretary has authorized through such waiver; or

''(ii) no significant achievement gaps between any of the subgroups of students described in section 1111(b)(2)(C)(v)(II) (or as determined by the Secretary in accordance with any accountability standards authorized through a waiver under section 9401) and significant gains in student achievement with all populations of students served by the charter school; and

''(C) results (including, where applicable and available, performance on statewide tests, attendance and retention rates, secondary school graduation rates, and attendance and persistence rates at institutions of higher education) for low-income and other educationally disadvantaged students served by the charter school that are above the average achievement results for such students in the State.

''(6) GRADUATION RATE.—The term 'graduation rate' has the meaning given the term in

section 1111(b)(2)(C)(vi), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

''(7) IDENTIFIED SCHOOL.—The term 'identified school' means a school—

''(A) identified for school improvement, corrective action, or restructuring under paragraph (1), (7), or (8) of section 1116(b); or

''(B) in the case of a school for which the Secretary has waived the applicability of such paragraphs pursuant to section 9401, identified as a priority school, a focus school, or a school otherwise in need of significant assistance, as determined by the accountability standards authorized by such waiver

''(8) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes any charter school that is a local educational agency, as determined by State law.

''(9) LOW-INCOME STUDENT.—The term 'low-income student' means a student eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(10) SCHOOL FOOD AUTHORITY.—The term 'school food authority' has the meaning given the term in section 250.3 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling).

''(11) SCHOOL YEAR.—The term 'school year' has the meaning given such term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

''(12) TRADITIONAL PUBLIC SCHOOL.—The term 'traditional public school' does not include any charter school, as defined in section 5211.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5231; and

(2) by inserting before subpart 1 the following:

''SEC. 5200. AUTHORIZATION OF APPROPRIATIONS FOR SUBPARTS 1 AND 2.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2, $700,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) ALLOCATION.—In allocating funds appropriated under this section for any fiscal year, the Secretary shall consider—

''(1) the relative need among the programs carried out under sections 5202, 5205, 5210, and subpart 2; and

''(2) the quality of the applications submitted for such programs.''.

(c) CONFORMING AMENDMENTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 2102(2) (20 U.S.C. 6602(2)), by striking ''5210'' and inserting ''5211'';

(2) in section 5204(e) (20 U.S.C. 7221c(e)), by striking ''5210(1)'' and inserting ''5211(1)'';

(3) in section 5211(1) (as redesignated by subsection (a)(2)) (20 U.S.C. 7221i(1)), by striking ''The term'' and inserting ''Except as otherwise provided, the term'';

(4) in section 5230(1) (20 U.S.C. 7223i(1)), by striking ''5210'' and inserting ''5211''; and

(5) in section 5247(1) (20 U.S.C. 7225f(1)), by striking ''5210'' and inserting ''5211''.

(d) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended—

(1) by inserting before the item relating to subpart 1 of part B of title V the following:

''Sec. 5200. Authorization of appropriations for subparts 1 and 2.'';

(2) by striking the items relating to sections 5210 and 5211;

(3) by inserting after the item relating to section 5209 the following:

''Sec. 5210. Charter school expansion and replication.

''Sec. 5211. Definitions.'';

and

(4) by striking the item relating to section 5231.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 153—RECOGNIZING THE 200TH ANNIVERSARY OF THE BATTLE OF LAKE ERIE

Mr. TOOMEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES.153

Whereas the 9 vessels in the United States naval fleet on the Great Lake of Erie during the War of 1812 were assembled and stationed at Presque Isle Bay, Pennsylvania;

Whereas the American forces, under the command of 28-year-old Rhode Island native Oliver Hazard Perry, were tasked to subdue the enemy fleet on the lake and sever its vital supply lines to the northwestern front;

Whereas the United States fleet met its adversaries a short distance from Put-in-Bay, Ohio on September 10, 1813;

Whereas during the intense fight that ensued, the flagship of Commodore Perry, the U.S. Brig Lawrence, was disabled and its crew suffered over an 80 percent casualty rate;

Whereas Commodore Perry refused to surrender, courageously boarded a small rowboat, traversed a half-mile through hostile waters, and transferred his command to the U.S. Brig Niagara;

Whereas the U.S. Brig Niagara steered back into the heart of the battle, outmaneuvered its foes, and forced the subsequent surrender of the entire British fleet on Lake Erie;

Whereas 100 sharpshooters from the Kentucky militia stationed on board the flotilla provided devastating covering fire throughout the encounter;

Whereas to communicate the conclusion of the engagement to Major General William Henry Harrison, Commodore Perry provided the historic and succinct battle summary: ''We have met the enemy, and they are ours—two ships, two brigs one schooner & one sloop.'';

Whereas the victory solidified American control of Lake Erie for the duration of the conflict, enabling United States forces to retake Detroit and win further battles in the Old Northwest and the Niagara Valley;

Whereas the state of Pennsylvania to this day maintains the U.S. Brig Niagara as its State ship;

Whereas the battle flag of Commodore Perry, ''Dont Give Up the Ship'', is preserved in the United States Naval Academy Museum in Annapolis, Maryland; and

Whereas the battle is immortalized in the United States Senate by the masterpiece painted by William Henry Powell in 1873: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 200th anniversary the Battle of Lake Erie;

(2) remembers with great pride this significant victory in the ''Second War of Independence'' of the United States;

(3) commends the city of Erie, Pennsylvania and the Perry 200 Commemoration Commission for their efforts to ensure the appropriate recognition of this historic event; and

(4) expresses its deepest gratitude to all the sailors and marines who gave their lives in honorable service to the United States of America on the Great Lake of Erie 200 years ago.

Mr. TOOMEY. Mr. President, I am submitting a resolution to commemorate the 200th anniversary of the Battle of Lake Erie.

In the history of United States, the War of 1812 is often an overlooked chapter. However, for any visitor intrepid enough to forego the elevators in the Senate side of the Capitol, it is impossible not to notice one important day within those years of turmoil and war. Dominating the staircase is a massive rendition of the Battle of Lake Erie, painted by William Henry Powell in 1873.

The Battle of Lake Erie was one of the few unquestioned American triumphs in the war. In the center of Powell's painting is the young and courageous Oliver Hazard Perry. On September 10, 1813, after two hours of intense fighting, defeat stared Commodore Perry dead in the face, yet he refused to succumb. The painting depicts the famous point in the battle when Perry transfers his command from his disabled flagship to the U.S. Brig *Niagara* to begin the fight anew. His determination would pay off as the confused and battered enemy fleet would be unable to sustain the ongoing punishment from the *Niagara*'s cannonade. One by one each enemy vessel would strike their colors as they were forced to relinquish control of the Great Lake of Erie.

The dramatic encounter breathed new life into a damaged American war effort and captured the imagination of our young nation. Contributing in no small way to this victory was Pennsylvania's own city on the lake, Erie, that provided the safe locale, supplies, and muscle necessary to build the victorious fleet in limited time.

Just as the Battle of Lake Erie would test the resolve of the young commander Perry and his fleet, the overall war would test the resolve of our young nation. For those who think that partisan division is something unique to our country's current condition, I encourage you to look back to the bitter struggles between the Republicans and Federalists at the beginning of the 19th century. Those years would produce not only disagreement on the direction of our nascent union but also uncertainty of the ultimate success of this great experiment in representative government and the war very nearly tore us apart.

This upcoming bicentennial affords us the opportunity to reflect on the challenges overcome by our forefathers to shape and preserve this great nation that we have inherited. My friends in Erie and the Perry 200 Commemoration Commission will spend this summer paying tribute to this great battle and its participants, and I thank them for their hard work and dedication to ensure their appropriate recognition. I am hopeful this resolution can help bring attention to this remarkable event that so moved our Nation 200 years ago.